

STATUTORY RULES OF A GENERAL CHARACTER
ISSUED IN 1979

1979 No. 1

EMERGENCY POWERS

The Emergency Regulations (Northern Ireland) 1979

Made - - - - - 11th January 1979

Coming into Operation 11th January 1979

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WHEREAS a proclamation of emergency has this day been made under section 1 of the Emergency Powers Act (Northern Ireland) 1926(a), as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964(b), and is now in force:

Now, therefore, in exercise of the powers conferred upon me by section 2 of the Emergency Powers Act (Northern Ireland) 1926 as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964 and adapted by section 40 of and paragraph 4 of Schedule 5 to the Northern Ireland Constitution Act 1973(c) and of all other powers enabling me in that behalf, I, by this Order, hereby make the following Regulations:—

(a) 1926 c. 8 (N.I.).

(b) 1964 c. 34 (N.I.).

(c) 1973 c. 36.

PRELIMINARY

Title, commencement and expiry

1.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1979.

(2) The Regulations shall come into operation forthwith and shall, unless earlier revoked, expire on the date on which the proclamation referred to above ceases to be in force.

Interpretation

2.—(1) In these Regulations—

“animal feeding stuffs” includes any substance used in the composition or preparation of animal feeding stuffs;

“essential goods” means food, water, fuel, animal feeding stuffs and other necessities;

“essential services” means services essential to the life of the community;

“food” includes any substance used in the composition or preparation of food;

“harbour” includes any dock, port, pier, quay, wharf, mooring, anchorage or other similar place;

“harbour authority” means the authority or person having the control or management of a harbour;

“Her Majesty’s Government in Northern Ireland” means Her Majesty’s Government of the United Kingdom and Her Majesty’s Government of Northern Ireland;

“land” includes (without prejudice to any of the provisions of section 45 of the Interpretation Act (Northern Ireland) 1954(d)) parts of houses or buildings;

“liquid fuel” means any liquid used as fuel, whether for the propulsion of vehicles or for industrial, domestic or any other purposes;

“requisition” means, in relation to any chattel, taking possession of the chattel or requiring the chattel to be placed at the disposal of the requisitioning authority;

“solid fuel” includes coal, anthracite and coke and other manufactured fuel of which coal or anthracite is the principal constituent (being fuel produced by a process involving carbonisation), turf and processed turf;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(2) Any reference in these Regulations to the doing of any act shall, unless the context otherwise requires, be construed as including a reference to the making of any statement.

(3) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as amended by any subsequent Regulations made under the Emergency Powers Act (Northern Ireland) 1926.

Exercise of functions

3. Any Northern Ireland government department may make arrangements whereby any of its functions are performed on its behalf by any other government department or by officers of any such department, including (without prejudice to section 11 of the Northern Ireland Constitution Act 1973) officers of a department of the Government of the United Kingdom.

Delegation of functions

4. Any Northern Ireland government department may by order delegate to any public body or class of public bodies, or to any officer or class of officers employed by any public body or to any other person any of its functions, and it shall be the duty of any public body or officer or person to whom any such functions are so delegated to perform those functions and to comply with any directions given by that department in relation thereto.

REGULATION OF HARBOURS

Regulation and operation of harbours

5.—(1) The Department of Commerce may, in the case of any harbour, give such directions to the harbour authority or any other person as appear to that Department to be necessary or expedient for securing that the most advantageous use is made in the public interest of the facilities provided at the harbour, and such directions may, in particular, make provision for excluding or removing from the harbour ships of any class or a specified ship and for all or any of the following matters, that is to say:—

- (a) the anchoring, berthing and movement of ships in the harbour;
- (b) the use of tugs, lighters and barges in the harbour;
- (c) the loading, unloading, fueling and provisioning of ships in the harbour and the use in the harbour of appliances therefor;
- (d) the movement and use of vehicles;
- (e) the prevention of entry by unauthorised persons; and
- (f) in connection with the loading and unloading of ships or the storage and warehousing of goods, the priority that should be given to particular cargoes or ships or to particular operations;

and such directions shall have effect notwithstanding any lease or licence or appropriation of berths and storage or warehouse accommodation.

(2) The Department of Commerce may give directions under paragraph (1) requiring goods lying at a harbour to be removed within such period as may be specified in the directions, and, in default of compliance with those directions and without prejudice to the taking of proceedings in respect of the default, that Department may remove, or authorise the removal of, the goods to such place, and by such means, as it thinks fit, and the owner or consignee of the goods shall pay to that Department such reasonable charges in respect of the removal and storage thereof by or on the authority of that Department as may be agreed or as may, in default of agreement, be determined by the county court.

(3) All occupiers of warehouses at or within three miles of any point on the perimeter of any harbour shall, if so required by directions given by the Department of Commerce, furnish to that Department from time to time

information of vacant accommodation at their warehouses, and shall to the extent of the accommodation available, accept for storage any goods removed by or on the authority of that Department under paragraph (2) so, however, that the Department shall, in exercising its power to require the storage of goods removed as aforesaid, have regard to the suitability of the accommodation for storing those goods.

(4) The Department of Commerce may appoint for any harbour or group of harbours a body of persons, to be known as the Harbour Emergency Committee for the harbour or, as the case may be, the group and may authorise that Committee and persons designated by them for the purpose to exercise on its behalf in relation to the harbour or, as the case may be, each harbour comprised in the group all or any of its functions under this Regulation, subject however to any general or special instructions of that Department.

Default powers relating to harbour traffic

6.—(1) Where any directions have been given under paragraph (1) of Regulation 5, other than any such directions as are mentioned in paragraph (2) of that Regulation, and those directions are not complied with within the time specified in the directions or, if no time is so specified, are not complied with within a reasonable time, the Department of Commerce may take, or may authorise any other person to take, such steps as that Department may consider appropriate in the circumstances for effecting anything which would have been effected if the directions had been complied with.

(2) Without prejudice to the generality of paragraph (1), the steps which may be taken by virtue of this Regulation in respect of any directions shall include entering upon, taking possession of, moving or using any ship, or other vessel, apparatus, vehicle, premises or other property to which the directions related by such means as the Department or other person taking those steps may determine to be appropriate.

(3) Where any steps are taken by virtue of this Regulation in respect of any directions, the person to whom the directions were given shall pay to the Department of Commerce or other person taking those steps such reasonable charges in respect of expenses incurred by that Department or person in taking those steps, or in consequence of having taken them, as may be agreed or as may, in default of agreement, be determined by the county court.

(4) The provisions of this Regulation shall have effect without prejudice to any power exercisable by virtue of paragraph (2) or paragraph (3) of Regulation 5, and the exercise of any power by virtue of this Regulation in respect of any directions shall be without prejudice to the taking of proceedings in respect of any contravention of the directions.

(5) Paragraph (4) of Regulation 5 shall have effect in relation to functions under this Regulation as it has effect in relation to functions under that Regulation.

RELAXATION OF RESTRICTIONS AS TO USE OF ROAD VEHICLES

Road freight vehicle licences

7. Notwithstanding anything in Part III of the Transport Act (Northern Ireland) 1967(e) a motor vehicle as defined in that Act may be used on a

road for the carriage of goods for reward otherwise than under a road freight vehicle licence so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purpose of this paragraph by or on behalf of the Department of the Environment.

Public service vehicle licences and road service licences

8.—(1) Notwithstanding anything in section 54 of the Road Traffic Act (Northern Ireland) 1970(f), no public service vehicle licence shall be necessary for the use of a motor vehicle in standing or plying for hire or used to carry passengers for hire so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Notwithstanding anything in Part II of the Transport Act (Northern Ireland) 1967, a motor vehicle may be used to carry passengers for reward otherwise than under a road service licence so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

Other provisions as to road passenger vehicles

9.—(1) Nothing in section 65 of the Road Traffic Act (Northern Ireland) 1970 shall apply so as to prevent any person from driving or acting as conductor of a vehicle although he is not licensed for the purpose so long as he is doing so under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Notwithstanding anything in Regulations 19 and 32 of the Public Service Vehicles Regulations (Northern Ireland) 1965(g) or in any condition of any road service licence—

- (a) passengers may be carried (whether standing or otherwise) on any public service vehicle without limit of number, and
- (b) any public service vehicle may be operated without carrying a conductor,

so long as the carriage of the passengers or, as the case may be, the operation of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

Construction and use regulations

10. Notwithstanding anything in sections 26 and 27 of the Road Traffic Act (Northern Ireland) 1970 a person may use on a road, or cause or permit to be so used, a motor vehicle or trailer which does not comply with regulations made or having effect as if made under those sections so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Department of the Environment.

Test certificates

11.—(1) Notwithstanding anything in section 29B of the Road Traffic Act (Northern Ireland) 1970, a person may use on a road or other public place, or cause or permit to be so used, a motor vehicle to which that section

(f) 1970 c. 2 (N.I.).

(g) S.R. & O. (N.I.) 1965 No. 161.

applies, and in respect of which no vehicle test certificate has been issued as therein mentioned, so long as the use of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Nothing in regulations made or having effect as if made under section 29B(6) of the Road Traffic Act (Northern Ireland) 1970 (which requires the production of an effective vehicle test certificate or the making of a prescribed declaration on application for a vehicle excise licence for a vehicle) shall apply where the Department of the Environment is satisfied that the vehicle is being used, or is to be used, under and in accordance with any general or special authority granted for the purposes of paragraph (1).

(3) Notwithstanding anything in section 46 of the Road Traffic Act (Northern Ireland) 1970, a person may use on a road, or cause or permit to be so used, a goods vehicle in respect of which no goods vehicle certificate is for the time being in force, so long as the use of that vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(4) Section 156 of the Road Traffic Act (Northern Ireland) 1970 (which imposes requirements with respect to the production of certain documents) shall not, so far as it relates to the production of a vehicle test certificate, apply in the case of a motor vehicle used under, and in accordance with, any general or special authority granted under this Regulation.

(5) In this Regulation "vehicle test certificate" has the meaning assigned to it by section 29A(2) of the Road Traffic Act (Northern Ireland) 1970 and "goods vehicle certificate" has the meaning assigned to it by section 46(1) of that Act.

Drivers' hours

12.—(1) Nothing in regulations made under section 49 of the Road Traffic Act (Northern Ireland) 1970 (which relates to a driver's permitted hours and periods of duty and rest) shall apply to a driver so long as he is acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Nothing in regulations made under section 49 of the said Act—

(a) which concerns the entering of a current record in a driver's record book, or

(b) which requires a driver to have such a book in his possession, or

(c) which concerns the operation and use of recording equipment designed for recording information as to the use of a vehicle,

shall apply to a driver so long as he is acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(3) An authority under paragraph (1) or paragraph (2) may, instead of conferring all of the exemptions specified in the paragraph, confer only such exemptions as are specified in the authority.

Drivers' licences

13.—(1) Notwithstanding anything in Part I or sections 66 to 74C of the Road Traffic Act (Northern Ireland) 1970 a person who holds a valid licence

granted under Part I of that Act authorising him to drive a small passenger vehicle may drive on a road, and may be caused or permitted by another person so to drive, a small goods vehicle, a medium sized goods vehicle or a heavy goods vehicle, so long as he drives it under, and in accordance with, a general or special authority granted for the purposes of this Regulation by or on behalf of the Department of the Environment.

(2) So much of any regulations for the time being in force and having effect as if made under section 71 of the Road Traffic Act (Northern Ireland) 1970 as requires any person, or enables any person to be required, to produce a heavy goods vehicle driver's licence shall not apply in the case of a vehicle driven under, and in accordance with, any general or special authority granted for the purposes of this Regulation.

(3) In this Regulation "heavy goods vehicle driver's licence" means a licence under section 67 of the Road Traffic Act (Northern Ireland) 1970, and any expression which is defined in section 15A or 74 of that Act has the meaning assigned to it by that section.

Excise licences

14.—(1) Notwithstanding anything in the Vehicles (Excise) Act (Northern Ireland) 1972(h) a person may use or keep on a public road a mechanically propelled vehicle without there being in force and fixed to and exhibited on that vehicle a licence issued under that Act for or in respect of the use of that vehicle, so long as the use or keeping of the vehicle is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Where an excise licence issued or having effect under the Vehicles (Excise) Act (Northern Ireland) 1972 is in force with respect to any mechanically propelled vehicle, the uses of that vehicle which are authorised by the licence shall be deemed to extend to any use made of the vehicle under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment and the provisions of section 18 of that Act shall not apply to any use of any vehicle in respect of which such a licence is in force so long as that use of that vehicle is under, and in accordance with, any such general or special authority.

Third-party insurance

15.—(1) Notwithstanding anything in section 75(1) of the Road Traffic Act (Northern Ireland) 1970, a person may use, or cause or permit another person to use, a motor vehicle on a road without there being in force in relation to the use thereof by that person or that other person, as the case may be, a policy of insurance or security in respect of third-party risks issued or given for the purposes of Part V of that Act so long as—

- (a) there is in force in relation to some other use of the vehicle a policy of insurance or security issued or given for those purposes and the use of the vehicle by that person or that other person, as the case may be—

(h) 1972 c. 10 (N.I.).

- (i) is one to which, as respects the period of the emergency, the policy or security is, by arrangement between the Department of the Environment and the issuer or giver of the policy or security or some person acting on his behalf, treated as also relating, and
 - (ii) is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment; or
- (b) the use of the vehicle by that person or that other person, as the case may be, is under, and in accordance with, any such general or special authority and there is in force in relation to the use of the vehicle such an agreement to insure or make good failures to discharge liability in respect of third-party risks as may be specified in the authority;

and sections 151 and 156 of the said Act of 1970 (which impose requirements with respect to the furnishing of the names and addresses of the driver and the owner of a motor vehicle and to the production of certificates of insurance or security) shall not so far as they relate to the production of such certificates, apply in the case of a motor vehicle driven under, and in accordance with, any such general or special authority.

(2) So much of any regulations made or having effect as if made by virtue of section 10 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1930(i) and the Vehicles (Excise) Act (Northern Ireland) 1972 as, on an application for a vehicle excise licence requires the production of a certificate of insurance, or evidence that the necessary security has been given or that the vehicle is exempt from the provisions of section 75 of the said Act of 1970, shall not apply where the Department of the Environment is satisfied that the vehicle is being used, or is to be used, under, and in accordance with, any general or special authority granted for the purposes of paragraph (1).

Transport of petroleum-spirit and other substances

16.—(1) Regulations made under section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 (j) shall not have effect in relation to the conveyance of petroleum-spirit by road so long as such conveyance is under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of the Environment.

(2) Without prejudice to paragraph (1), regulations in so far as they are made for any of the purposes specified in section 6(1)(d) of the said Act of 1929 and Regulations 6, 7 and 8 of the Petroleum-Spirit (Motor Vehicles etc.) Regulations (Northern Ireland) 1930(k) shall not have effect in relation to the loading, unloading or keeping of petroleum-spirit at any place, so long as that place is used under, and in accordance with, any general or special authority granted for the purposes of that paragraph by or on behalf of the Department of the Environment.

(3) In this Regulation any reference to section 6 of the Petroleum (Consolidation) Act (Northern Ireland) 1929 shall be construed as including a reference to that section as read with section 19 of that Act (which confers power to apply the Act to substances other than petroleum-spirit) and any Order in Council made thereunder which is for the time being in force, and any reference in this Regulation to regulations under section 6 of that Act shall be construed accordingly.

(i) 1930 c. 24 (N.I.).

(j) 1929 c. 13 (N.I.).

(k) S.R. & O. (N.I.) 1930 No. 11.

PUBLIC SERVICES AND FACILITIES

Rail transport services and facilities

17. The Northern Ireland Railways Company Limited may, to such extent, as appears to it to be necessary or expedient for providing or maintaining railway services and facilities in a manner best calculated to promote the public interest, disregard any obligation imposed by or under any statutory provision—

- (a) to carry goods or passengers or to provide transport services or facilities; or
- (b) to employ or provide a person for any particular purpose or to perform any particular duty;

so long as, in doing so, it is acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Department of the Environment.

Electricity supply

18.—(1) The Northern Ireland Electricity Service may, to such extent as appears to it to be necessary or expedient for maintaining or making the best use of supplies of electricity available for distribution or for conserving and making the best use of supplies of fuel or power available for the generation of electricity, disregard or fall short in discharging any obligation imposed by or under any statutory provision, or any contractual obligation—

- (a) to give or continue to give supplies of electricity; or
- (b) to supply electricity in accordance with standards prescribed by or under the statutory provision or contract in question;

so long as, in so doing, it is acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Department of Commerce.

(2) If and so far as it appears to the Department of Commerce necessary or expedient for maintaining or making the best use of supplies of electricity available for distribution—

- (a) that Department may give to the person carrying on business at, or appearing to be in charge of, or occupying, any premises, directions for regulating or prohibiting consumption of electricity on the premises; and
- (b) that Department may take, or authorise any person acting on its behalf to take, such steps as appear appropriate to cut off any supply of electricity.

(3) The power of giving directions conferred by paragraph (2)(a) may be exercised by means of an order—

- (a) applicable to premises of any class or description specified in the order, or premises used for purposes of any class or description specified in the order; or
- (b) where previous directions have been given otherwise than by order, applicable to the persons or premises as respects which the previous directions had effect, or such of them as may be specified in the order.

(4) If any person, without authority duly given by or on behalf of the Department of Commerce, reconnects a supply cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(5) The Department of Commerce may authorise any person acting on its behalf to enter any premises, if necessary by force, for the purpose—

- (a) of ascertaining whether there has been any contravention of a direction under this Regulation; or
- (b) of cutting off any supply of electricity in pursuance of this Regulation, or of ascertaining whether it remains duly cut off.

(6) The provisions of this Regulation are without prejudice to the generality of Regulation 22.

(7) The powers of the Department of Commerce under paragraph (2) shall also be exercisable by such persons, being either servants of the Crown in right of Her Majesty's Government in Northern Ireland or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the Department of Commerce.

Gas supply

19.—(1) Any gas undertakers may, to such extent as appears to them to be necessary or expedient—

- (a) for maintaining or making the best use of supplies of gas available for distribution; or
- (b) for conserving and making the best use of supplies of fuel or other material available for the manufacture of gas; or
- (c) for preserving public safety;

disregard or fall short in discharging any obligation imposed by or under any statutory provision, or any contractual obligation—

- (i) to give or continue to give supplies of gas; or
- (ii) to supply gas in accordance with standards prescribed by or under the statutory provision or contract in question;

so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Department of Commerce.

(2) If and so far as it appears to the Department of Commerce necessary or expedient for any of the purposes set out in sub-paragraphs (a), (b) and (c) of paragraph (1)—

- (a) that Department may give to the person carrying on business at, or appearing to be in charge of, or occupying, any premises, directions for regulating or prohibiting the consumption of gas on the premises, and
- (b) that Department may take, or authorise any person acting on its behalf to take, such steps as appear appropriate to cut off any supply, or means of supply, of gas by disconnecting any service pipe or by any other means.

(3) If any person, without authority duly given by or on behalf of the Department of Commerce, reconnects a supply, or means of supply, cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(4) The Department of Commerce may authorise any person acting on its behalf to enter any premises, if necessary by force, for the purpose—

- (a) of ascertaining whether there has been any contravention of a direction under this Regulation,

- (b) of cutting off any supply, or means of supply, of gas in pursuance of this Regulation, or of ascertaining whether it remains duly cut off, or
- (c) of inspecting, examining or testing any plant or equipment for the supply or consumption of gas with a view to ensuring the preservation of public safety.

(5) The provisions of this Regulation are without prejudice to the generality of Regulation 22.

(6) The powers of the Department of Commerce under this Regulation, other than its powers under paragraph (1), shall also be exercisable by such persons, being either servants of the Crown in right of Her Majesty's Government in Northern Ireland or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the Department of Commerce.

Water supply

20.—(1) The Department of the Environment may, for the purpose of maintaining supplies of water in any locality, disregard any restriction imposed by or under any statutory provision with respect to the taking of water from any specified source or any obligation so imposed with respect to the discharge of compensation water, and may for that purpose take water from any source.

(2) The Department of the Environment may, to such extent as appears to it to be necessary or expedient for any purpose related to the supply of water in any locality, disregard or fall short in discharging any obligation imposed by or under any statutory provision with respect to the provision by it of supplies of water (including, in particular, but without prejudice to the generality of the foregoing words, any obligation with respect to the filtration or other treatment of water or the pressure at which water is to be supplied).

(3) The Department of the Environment may by order provide for regulating or prohibiting the supply, acquisition, abstraction, impounding or consumption of water for any purposes whatsoever, whether domestic, industrial or other.

Sewerage and sewage disposal

21. The Department of the Environment may, for the purpose of effectively draining any area and dealing with the contents of sewers, disregard any prohibition or restriction imposed by or under any statutory provision or rule of law with respect to the discharge of foul or surface water into any natural or artificial stream, watercourse, canal, pond, lake or sea.

CONSUMPTION AND SUPPLY

Supply, etc., of solid and liquid fuel, electricity and gas

22.—(1) The Department of Commerce may by order provide for regulating or prohibiting the supply or acquisition or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of solid or liquid fuel or the supply, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of electricity or gas.

(2) Without prejudice to paragraph (1), the Department of Commerce may give to the Northern Ireland Electricity Service or any gas undertaking such directions of a general or specific nature as that Department considers necessary or expedient for the purposes of securing or regulating the supply or distribution of electricity or gas.

Distribution of fuel

23.—(1) The Department of Commerce may give to any person carrying on business as a refiner or supplier of liquid fuel or as a supplier of solid fuel directions as to the persons to whom he is to supply any such fuel as may be specified in the directions; and any such directions may in particular require any liquid or solid fuel to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit or restrict the supply of liquid or solid fuel to persons so specified.

(2) Where any fuel is supplied to any person in pursuance of a direction under this Regulation, that person shall pay such price in respect thereof as may be reasonable.

(3) The foregoing provisions of this Regulation shall apply in relation to any person carrying on a trade or business (otherwise than as a supplier of fuel) for the purposes of which he is in possession of a stock of solid or liquid fuel, as if, in respect of that fuel, he were carrying on business as such a supplier, and any directions to such a person under this Regulation may include directions prohibiting or restricting the consumption of such fuel by him, so, however, that in relation to any such person any reference in this Regulation to supply shall be construed as a reference to delivery at the place where the fuel is kept.

Maximum prices of food and animal feeding stuffs

24. The Department of Agriculture may by order provide for regulating, to such an extent and in such manner as may be specified in the order, the maximum prices which may be charged for such foods and animal feeding stuffs as may be so specified.

Distribution of food and animal feeding stuffs

25.—(1) The Department of Agriculture may give to any person carrying on business as a supplier of food or animal feeding stuffs directions as to the persons to whom he is to supply any such food or animal feeding stuffs as may be specified in the directions; and any such directions may in particular require any food or animal feeding stuffs to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be specified or may, to such extent as may be specified in the directions, prohibit or restrict the supply of food or animal feeding stuffs to persons so specified.

(2) Where anything is supplied to any person in pursuance of directions under this Regulation, that person shall pay such price in respect thereof as may be reasonable.

(3) The Department of Agriculture may authorise any person acting on its behalf to enter any premises, if necessary by force, for the purpose of ascertaining whether there has been any contravention of a direction under this Regulation.

REGULATION OF TRANSPORT SERVICES

Transport of goods by road or rail

26.—(1) The Department of the Environment may give to any person carrying on business as a carrier of goods by road for hire or reward directions as to the goods which are to be carried by him; and any such

directions may in particular require any essential goods to be carried for such persons, from and to such places, and in accordance with such requirements as may be specified in the directions or may, to such extent as may be so specified, prohibit the carriage of goods for persons, or from or to places, so specified.

(2) The Department of the Environment may give to Northern Ireland Railways Company Limited directions as to the goods to be carried by it and any such directions may in particular require any essential goods to be carried for such persons, from and to such places, and in accordance with such requirements as may be specified in the directions or may, to such extent as may be so specified, prohibit the carriage of goods for persons, or from or to places so specified.

(3) Where in pursuance of directions given under this Regulation any goods are carried for the benefit of any person, that person shall pay such charge in respect of the carriage as may be reasonable.

(4) The powers of the Department of the Environment under this Regulation shall also be exercisable by such persons, being either servants of the Crown in right of Her Majesty's Government in Northern Ireland or persons acting on behalf of Her Majesty as may be authorised in that behalf by that Department.

(5) The foregoing provisions of this Regulation shall apply in relation to any person carrying on a trade or business (otherwise than as a carrier of goods by road for hire or reward) for or in connection with which he uses any motor vehicles, as if, in respect of those vehicles, he were carrying on business as such a carrier of goods, and any directions to such a person under this Regulation may include directions prohibiting or restricting the carriage of goods in the course of his own trade or business.

Transport of passengers by road or rail

27.—(1) The Department of the Environment may give to any person carrying on business as a carrier of passengers by road for reward directions as to the passengers who are to be carried or the road services which are to be provided by him; and any such directions may in particular require persons to be carried from and to places specified in the directions or may to such extent as may be so specified prohibit the carriage of persons from or to places so specified and may also specify requirements in accordance with which passengers are to be carried or, as the case may be, road services are to be provided.

(2) The Department of the Environment may give to Northern Ireland Railways Company Limited, directions as to the passengers to be carried by it and any such directions may in particular require persons to be carried from and to places specified in the directions or may, to such extent as may be so specified, prohibit the carriage of persons from or to places so specified.

(3) Where in pursuance of directions given under this Regulation any passengers are carried for the benefit of any other person, that person shall pay such charge in respect of the carriage as may be reasonable.

(4) The powers of the Department of the Environment under this Regulation shall be exercisable by such persons, being either servants of the Crown in right of Her Majesty's Government in Northern Ireland or persons acting on behalf of Her Majesty as may be authorised in that behalf by the Department.

Air transport services

28. The Department of the Environment may give to Northern Ireland Airports Limited such directions as may appear to it to be necessary for the operation of the airport including directions requiring that facilities be made available at such times as may be specified in the directions.

REQUISITIONING OF CHATTELS AND TAKING POSSESSION OF LAND

Requisitioning of chattels

29.—(1) Any Northern Ireland government department, if it appears to that department to be necessary or expedient so to do for any of the purposes specified in section 2(1) of the Emergency Powers Act (Northern Ireland) 1926, may requisition any chattel (including any vehicle or part of a chattel or vehicle) and may give such directions as appear to the department to be necessary or expedient in connection with the requisition.

(2) Where a department requisitions any chattel under this Regulation, the department may use or deal with, or authorise the use of, or dealing with, the chattel for such purpose and in such manner as the department thinks expedient for any of the purposes specified in the said section 2(1) and may hold, or sell or otherwise dispose of, the chattel as if the department were the owner thereof and as if the chattel were free from any mortgage, pledge, lien or other similar obligation.

(3) The powers of a department under this Regulation shall also be exercisable by such persons, being either servants of the Crown in right of Her Majesty's Government in Northern Ireland or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the department.

(4) Where a chattel is requisitioned under this Regulation, the department shall pay to the owner of the chattel and to any other person interested in the chattel who suffers loss or damage owing to the requisition such compensation as may be agreed or as may, in default of agreement, be determined by the county court to be just having regard to all the circumstances of the particular case, so, however, that in assessing the compensation no account shall be taken of any appreciation of the value of the chattel due to the emergency.

Power to enter upon or take possession of land

30.—(1) Any Northern Ireland government department or any person authorised in writing by it (in this Regulation referred to as an "authorised person") may if it appears to the department or the authorised person to be necessary or expedient so to do for any of the purposes mentioned in section 2(1) of the Emergency Powers Act (Northern Ireland) 1926 enter upon or take possession of any land in Northern Ireland and the department may give such directions as appear to it to be necessary or expedient in connection with the entry upon or taking possession of that land.

(2) Where any land has been entered upon by, or while any land is in possession of, any department or authorised person by virtue of this Regulation the land may, notwithstanding any restriction imposed on the use thereof (whether by any enactment or by deed or instrument or otherwise), be used by the department or the authorised person for such purpose and in such manner as the department or authorised person thinks expedient for or in pursuance of any of the purposes mentioned in the said section 2(1).

(3) Where any land has been entered upon or where possession of any land has been taken under this Regulation, the department entering upon or taking possession of such land or by whose authority the land has been entered upon or taken possession of shall pay to the person entitled or who would otherwise be entitled to possession of the land and to any other person having an estate or interest in the land and to any other person who is the owner of goods or other property on the land who suffers loss or damage by reason of the entry upon or taking possession of the land or of anything done in relation to the land consequent upon such entry by or while in the possession of such department or an authorised person such compensation as may be agreed or, in default of agreement, be determined by the Lands Tribunal to be just having regard to all the circumstances of the particular case.

(4) Any authorisation given to any person by a department under this Regulation may be given generally or in relation to any specified land.

OFFENCES

Sabotage

31.—(1) No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid.

(2) Without prejudice to the definition of “act” in section 46(2) of the Interpretation Act (Northern Ireland) 1954(1), paragraph (1) shall apply in relation to a person’s failure to do a specific act which he is under a relevant duty to do as it applies in relation to the doing of an act by a person.

(3) In paragraph (2) “relevant duty” means a duty imposed by or by virtue of any statutory provision, by any rule of law or by or by virtue of any contract, not being a duty to work periods of duty (however described) determined by or in accordance with a contract.

Trespassing and loitering

32.—(1) No person shall trespass on, or on premises in the vicinity of, any premises used or appropriated for the purposes of essential services; and if any person is found trespassing on any premises in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises.

(2) No person shall, for any purpose prejudicial to the public safety, be in, or in the vicinity of, any premises used or appropriated for the purposes of essential services; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety.

(3) No person loitering in the vicinity of any premises used or appropriated for the purposes of essential services shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) In this Regulation “the appropriate person” means—

- (a) any person acting in the service of the Crown in right of Her Majesty’s Government in Northern Ireland;
- (b) any constable;
- (c) the occupier of the premises or any person authorised by the occupier.

False statements

33. A person who for the purpose of obtaining any essential goods or the provision for his benefit of essential services knowingly makes a statement which is false in a material particular shall (without prejudice to section 5 of the Perjury Act (Northern Ireland) 1964(m) and to his liability under any other statutory provision) be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or to both.

Interference with public servants and other persons performing essential services

34.—(1) No person shall do any act having reasonable cause to believe that it would be likely to endanger the safety of any person acting on behalf of the Crown in right of Her Majesty’s Government in Northern Ireland or of any constable or of any person who is charged with the exercise or performance of any power or duty under any of these Regulations or is performing essential services.

(2) No person shall—

- (a) wilfully obstruct any person acting in the course of his duty as a constable, or exercising or performing any power or duty under any of these Regulations, or performing essential services; or
- (b) do any act having reasonable cause to believe that it would be likely to prevent any person from, or mislead or interfere with any person in, performing his duty as a constable, or exercising or performing any power or duty under any of these Regulations, or performing essential services.

Inducing persons to withhold services

35. No person shall—

- (a) do any act calculated to induce any person acting on behalf of the Crown in right of Her Majesty’s Government in Northern Ireland or constable to withhold his services or commit breaches of discipline; or
- (b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, paragraph (a), have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any persons acting on behalf of the Crown in right of Her Majesty’s Government in Northern Ireland or constables would constitute such a contravention.

SUPPLEMENTAL

Power to arrest without warrant

36. Any constable may arrest without warrant any person whom he has reasonable ground for suspecting to have committed an offence against any of these Regulations.

(m) 1946 c. 13 (N.I.)

Attempts to commit offences and assisting offenders

37.—(1) Without prejudice to the operation of section 8 of the Accessories and Abettors Act 1861⁽ⁿ⁾ or section 68 or 69 of the Magistrates' Courts Act (Northern Ireland) 1964^(o), any person who attempts to commit, conspires with any other person to commit, or does any act preparatory to the commission of, an offence against any of these Regulations shall be guilty of an offence against that Regulation.

(2) Any person who, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these Regulations, gives that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for that offence shall be guilty of an offence against that Regulation.

Penalties and place of trial

38.—(1) If any person contravenes any of these Regulations or any order made, direction given or requirement imposed under any of these Regulations, he shall be guilty of an offence against that Regulation; and a person guilty of an offence against any of these Regulations shall, on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding £100, or both such imprisonment and fine, together with the forfeiture of any goods in respect of which the offence has been committed so, however, that a person shall not be guilty of an offence against any of these Regulations by reason only of his taking part in, or peacefully persuading any other person or persons to take part in, a trade dispute as defined in Article 3 of the Industrial Relations (Northern Ireland) Order 1976^(p)

(2) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may (without prejudice to any statutory provision relating to courts of summary jurisdiction) be taken before a court of summary jurisdiction having jurisdiction in the place where that person is for the time being.

Roy Mason
One of Her Majesty's Principal
Secretaries of State

11th January 1979.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

This Order makes Regulations for securing the essentials of life to the community during such period as the proclamation of emergency made on 11th January 1979 remains in force.

1979 No. 2

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.