

1970. No. 317

[NC]

EMERGENCY POWERS

ORDER IN COUNCIL, DATED THE 7TH DAY OF DECEMBER 1970, MAKING REGULATIONS UNDER SECTION 2 OF THE EMERGENCY POWERS ACT (NORTHERN IRELAND) 1926(a) AS AMENDED BY THE EMERGENCY POWERS (AMENDMENT) ACT (NORTHERN IRELAND) 1964(b).

ARRANGEMENT OF REGULATIONS**FUNCTIONS OF THE MINISTRY OF HOME AFFAIRS**

Regulation
No.

1. Functions of the Ministry of Home Affairs.

REGULATION OF SUPPLY AND CONSUMPTION

2. Supply, etc., of electricity.

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BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

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

NOW THEREFORE I, Ralph Francis Alnwick, Baron Grey of Naunton, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Commander of the Royal Victorian Order, Officer of the Order of the British Empire, Governor of Northern Ireland, in pursuance of section 2 of the said Act of 1926 and of all other powers me thereunto enabling do, by and with the advice of the Privy Council of Northern Ireland, hereby order as follows:—

FUNCTIONS OF THE MINISTRY OF HOME AFFAIRS

Functions of the Ministry of Home Affairs

1.—(1) Without prejudice to any other provision of these Regulations it shall be the general duty of the Ministry of Home Affairs (in these Regulations referred to as “the Ministry”) to take such steps as may be necessary to carry these Regulations into effect or as may otherwise be necessary for the purposes of maintaining essential services.

(2) Any Ministry of Northern Ireland 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 63 of the Government of Ireland Act 1920(c)) officers of a department of the Government of the United Kingdom.

(3) Any Ministry of Northern Ireland 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 Ministry in relation thereto.

REGULATION OF SUPPLY AND CONSUMPTION

Supply, etc., of electricity

2. The Ministry of Commerce may by order provide for regulating or prohibiting the supply, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of electricity.

OFFENCES

Sabotage

3.—(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) The foregoing provisions of this Regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

Trespassing and loitering

4.—(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 expression "the appropriate person" means—

(a) any person acting in the service of the Crown whether in right of Her Majesty's Government in the United Kingdom or 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.

Interference with public servants and other persons performing essential services

5.—(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 whether in right of Her Majesty's Government in the United Kingdom or 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

6. No person shall—

(a) do any act calculated to induce any person acting on behalf of the Crown whether in right of Her Majesty's Government in the United Kingdom or 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 whether in right of Her Majesty's Government in the United Kingdom or in right of Her Majesty's Government in Northern Ireland or constables would constitute such a contravention.

SUPPLEMENTAL

Power to arrest without warrant

7. 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.

Attempts to commit offences and assisting offenders

8.—(1) Without prejudice to the operation of section 8 of the Accessories and Abettors Act 1861(d) or sections 68 or 69 of the Magistrates' Courts Act (Northern Ireland) 1964(e), 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 the said offence shall be guilty of an offence against that Regulation.

Penalties and place of trial

9.—(1) If any person contravenes or fails to comply with 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:

Provided 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 strike.

(2) Proceedings in respect of an offence alleged to have been committed by a person against any of these Regulations may (without prejudice to the provisions of any enactment respecting 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.

Interpretation

10.—(1) In these Regulations—

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

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

“the Ministry” has the meaning assigned to it by Regulation 1(1).

(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.

Short title and commencement

11.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1970.

(2) These Regulations shall come into operation forthwith.

(d) 24 & 25 Vict. c. 94.

(e) 1964. c. 21 (N.I.).

Given at Government House, Hillsborough, this 7th day of December 1970.

W. K. Fitzsimmons

R. Bradford

John D. Taylor

EXPLANATORY NOTE

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

This Order makes Regulations conferring on the Ministries of Home Affairs and Commerce such emergency powers as are considered necessary for the purposes of maintaining such essential services as may be threatened by the industrial dispute affecting the electricity supply industry.

1970. No. 318

The Electricity (Restriction on Advertisement) Order (Northern Ireland) 1970

This Order, being of a temporary character, is not printed at length in this volume.

1970. No. 319

The Electricity (Restricted Hours) Order (Northern Ireland) 1970

This Order, being of a temporary character, is not printed at length in this volume.

1970. No. 320

The Electricity (Industrial Purposes) (Restriction) Order (Northern Ireland) 1970

This Order, being of a temporary character, is not printed at length in this volume.