

1972. No. 26

[NC]

EMERGENCY POWERS

ORDER IN COUNCIL, DATED 10TH FEBRUARY 1972, MAKING REGULATIONS UNDER SECTION 2 OF THE EMERGENCY POWERS ACT (NORTHERN IRELAND) 1926 AS AMENDED BY THE EMERGENCY POWERS (AMENDMENT) ACT (NORTHERN IRELAND) 1964.

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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(a), as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964(b), and is now in force:

NOW THEREFORE I, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint 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 orders as follows:—

(a) 16 & 17 Geo. 5. c. 8 (N.I.).

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

FUNCTIONS OF MINISTRIES

Functions of the Ministry of Home Affairs

1. Without prejudice to any other provision of these Regulations it shall be the general duty of the Ministry of Home Affairs 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.

Functions of other Ministries

2.—(1) 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.

(2) 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 CONSUMPTION AND DISTRIBUTION

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

3. The Ministry 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.

Distribution of fuel

4.—(1) The Ministry 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:

Provided 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.

Water supply

5.—(1) Any water authority may, for the purpose of maintaining supplies of water in any locality, disregard any restriction imposed by or under any enactment 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, so long as, in either case, 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 Ministry of Development.

(2) Any water authority may, to such extent as appears to them to be necessary or expedient for conserving and making the best use of supplies of water in any locality, disregard or fall short in discharging any obligation imposed by or under any enactment with respect to the provision by them 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) 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 Ministry of Development.

Sewerage and sewage disposal

6. Any sewerage authority may, for the purpose of effectively draining their district and dealing with the contents of their sewers, disregard any prohibition or restriction imposed by or under any enactment 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, 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 Regulation by or on behalf of the Ministry of Development.

OFFENCES

Sabotage

7. 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.

Trespassing and loitering

8.—(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

9.—(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

10. 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 enter upon or take possession of land

11.—(1) Any Ministry of Northern Ireland or any person authorised in writing by it (in this Regulation referred to as "an authorised person") may if it appears to the Ministry 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 Ministry 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 Ministry or authorised person by virtue of this Regulation the land may, notwithstanding any restriction imposed on the use thereof (whether by any Act or other deed or instrument or otherwise), be used by the Ministry or the authorised person for such purpose and in such manner as the Ministry or authorised person thinks expedient for or in pursuance of any of the purposes mentioned in the said sub-section (1).

(3) Where any land has been entered upon or where possession of any land has been taken under this Regulation, the Ministry 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 Ministry 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 Ministry under the Regulation may be given generally or in relation to any specified land.

Power to arrest without warrant

12. 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

13.—(1) Without prejudice to the operations 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

14.—(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:

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.

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

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

(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

15.—(1) In these Regulations—

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

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

“water authority” means the Fermanagh County Council; the council of any county or other borough, urban district or rural district; the joint board of any united district within the meaning of section 12 of the Public Health (Ireland) Act 1878(f) or section 7 of the Water Supplies and Sewerage Act (Northern Ireland) 1945(g); the Belfast City and District Water Commissioners or any new town commission exercising municipal functions as defined in section 7 of the New Towns Act (Northern Ireland) 1965(h);

“sewerage authority” means the Fermanagh County Council; the council of any county or other borough, urban district or rural district; the joint board of any united district within the meaning of section 12 of the Public Health (Ireland) Act 1878(f) or section 7 of the Water Supplies and Sewerage Act (Northern Ireland) 1945(g) or any new town commission exercising municipal functions as defined in section 7 of the New Towns Act (Northern Ireland) 1965(h).

(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

16.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1972.

(2) These Regulations shall come into operation forthwith.

Given at Government House, Hillsborough, this 10th day of February 1972.

H. V. Kirk
Robin J. Ballie
John D. Taylor

(f) 41 & 42 Vict. c. 92.

(g) 1945. c. 17.

(h) 1969. c. 13 (N.I.).

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, Commerce and Development such emergency powers as are considered necessary for the purposes of maintaining such essential services as may be threatened by any disruption in essential fuel or power supplies.