

1973. No. 457

[NC]

EMERGENCY POWERS

ORDER, DATED THE 16TH DAY OF NOVEMBER 1973, MADE BY THE SECRETARY OF STATE, 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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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, I, THE RIGHT HONOURABLE WILLIAM WHITELOW, M.C., M.P., one of Her Majesty's Principal Secretaries of State, 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 by section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(c) and of all other powers enabling me in that behalf, by this Order, hereby make the following Regulations:—

PRELIMINARY

Title and commencement

1.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1973.

(2) The Regulations shall come into operation forthwith.

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 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;

“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.

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

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

(c) 1972. c. 22.

(d) 1954. c. 33.

(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.

FUNCTIONS OF MINISTRIES

Functions of the Ministry of Home Affairs

3. 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

4.—(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(e)) 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 HARBOURS

Regulation and operation of harbours

5.—(1) The Ministry of Commerce may, in the case of any harbour, give such directions to the harbour authority or any other person as appear to that Ministry 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 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, fuelling 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 Ministry of Commerce may give directions under the foregoing paragraph 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 Ministry 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 Ministry such reasonable charges in respect of the removal and storage thereof by or on the authority of that Ministry 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 a radius of three miles of any harbour shall, if so required by directions given by the Ministry of Commerce, furnish to that Ministry 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 Ministry under the last foregoing paragraph:

Provided that the Ministry of Commerce 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 Ministry 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 Ministry.

Default powers relating to harbour traffic

6.—(1) Where any directions have been given under paragraph (1) of the foregoing Regulation, 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 Ministry of Commerce may take, or may authorise any other person to take, such steps as that Ministry 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 the foregoing paragraph, 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 Ministry 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 Ministry of Commerce or other person taking those steps such reasonable charges in respect of expenses incurred by that Ministry 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 the foregoing Regulation; 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, or failure to comply with, the directions.

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

PUBLIC SERVICES AND FACILITIES

Electricity supply

7.—(1) Any electricity undertaking may, to such extent as appears to them 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 enactment, 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 enactment 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 Regulation by or on behalf of the Ministry of Commerce.

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

(a) that Ministry 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 Ministry may take, or authorise any person acting on their 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) above 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 Ministry of Commerce, reconnects a supply cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(5) The Ministry of Commerce may authorise any person acting on their 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 11 below (regulation of consumption and supply of electricity and other products).

(7) The powers of the Ministry of Commerce under paragraph (2) of this Regulation shall also be exercisable by such persons, being either servants of the Crown or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the Ministry of Commerce.

Gas supply

8.—(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 enactment, 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 enactment 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 Ministry of Commerce.

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

(a) that Ministry 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 Ministry may take, or authorise any person acting on their 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 Ministry 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 Ministry of Commerce may authorise any person acting on their 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 11 below (regulation of consumption and supply of gas and other products).

(6) The powers of the Ministry of Commerce under this Regulation, other than their powers under paragraph (1), shall also be exercisable by such persons, being either servants of the Crown or persons acting on behalf of Her Majesty, as may be authorised in that behalf by the Ministry of Commerce.

Water supply

9.—(1) The Ministry of Development 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.

(2) The Ministry of Development 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).

Sewerage and sewage disposal

10. The Ministry of Development, 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.

CONSUMPTION AND SUPPLY

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

11. 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

12.—(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.

Maximum prices of food and animal feeding stuffs

13. The Ministry 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

14.—(1) The Ministry 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.

REGULATION OF TRANSPORT SERVICES

Road transport

15.—(1) The Ministry of Development 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) Where any goods are carried for any person in pursuance of directions under this Regulation, that person shall pay such charge in respect of the carriage as may be reasonable.

(3) The powers of the Ministry of Development 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 other persons as may be authorised in that behalf by that Ministry.

(4) 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 goods 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.

REQUISITIONING OF CHATTELS AND TAKING POSSESSION OF LAND

Requisitioning of chattels.

16.—(1) A competent authority, if it appears to that authority 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) in Northern Ireland and may give such directions as appear to the competent authority to be necessary or expedient in connection with the requisition.

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

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

(4) Where a chattel is requisitioned under this Regulation, the competent authority shall pay to the owner of the chattel and to any other person interested in the chattel who suffers 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.

(5) Any Ministry of Northern Ireland shall be a competent authority for the purposes of this Regulation.

Power to enter upon or take possession of land

17.—(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 this Regulation may be given generally or in relation to any specified land.

OFFENCES

Sabotage

18. 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.

19.—(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; or

(c) the occupier of the premises or any person authorised by the occupier.

Interference with public servants and other persons performing essential services

20.—(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.

21. 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

22. 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

23.—(1) Without prejudice to the operations of section 8 of the Accessories and Abettors Act 1861(f) or sections 68 or 69 of the Magistrates' Courts Act (Northern Ireland) 1964(g), 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

24.—(1) If any person contravenes any of these Regulations or any order made, direction given or requirement imposed under any of these Regulations,

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

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

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.

25. The Emergency Regulations (Northern Ireland) 1972(h) (which have ceased to have effect) are hereby revoked.

Given this 16th day of November 1973.

W. S. I. Whitelaw,
One of Her Majesty's Principal
Secretaries of State.

EXPLANATORY NOTE

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

This Order makes Regulations conferring on Ministries such emergency powers as are considered necessary for the purposes of maintaining such essential services as may be threatened by any interference with the supply and distribution of food, water, fuel or light, or with the means of locomotion.

(h) S.R. & O. (N.I.) 1972, No. 26.

1973. No. 458

Electricity (Advertising, Display etc.) (Restriction) Order (Northern Ireland) 1973

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

1973. No. 459

Electricity (Heating) (Restriction) Order (Northern Ireland) 1973

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