

V. *General.*

The Ministry may from time to time rescind, amend or vary these Rules or any of them as occasion may require.

In witness whereof the Official Seal of the Ministry of Agriculture is hereunto affixed this twenty-third day of June, nineteen hundred and twenty-six.

J. V. Coyle,
Asst. Secretary.

EMERGENCY POWERS.
Possession of Food, Forage, &c.

MADE BY THE LORDS JUSTICES FOR THE GOVERNMENT OF
NORTHERN IRELAND IN COUNCIL UNDER THE EMERGENCY
POWERS ACT (NORTHERN IRELAND), 1926.

1926. No. 43.

16 Geo. 5,
c. 8.

Whereas by the Emergency Powers Act (Northern Ireland), 1926, it is provided, amongst other things, as follows:—

“ 1. If at any time it appears to the Governor of Northern Ireland that any action has been taken or is likely to be taken in the immediate future (whether in Northern Ireland or elsewhere) by any persons or body of persons, being action of such a nature and on so extensive a scale as to be calculated, by interfering with the supply and distribution of food, water, fuel, or light, or with the means of locomotion, to deprive the community in Northern Ireland, or any substantial portion of that community, of the essentials of life, the said Governor may, by proclamation (in this Act referred to as a proclamation of emergency), declare that a state of emergency exists.

“ A proclamation of emergency shall continue in force until revoked by the said Governor.

“ 2.—(1) Where a proclamation of emergency has been made, and so long as the proclamation is in force, it shall be lawful for the said Governor, by Order in the

Privy Council of Northern Ireland, to make regulations for securing the essentials of life to the community, and those regulations may confer or impose on any Minister or Ministry of Northern Ireland, officer of the Government of Northern Ireland (including any police officer or constable), local authority, or other person acting on behalf of the said Government, such powers and duties as the said Governor may deem necessary for the preservation of the peace, for securing and regulating the supply and distribution of food, water, fuel, light, and other necessities, for maintaining the means of transit or locomotion, and for any other purposes essential to the public safety and the life of the community, and may make such provisions incidental to the powers aforesaid as may appear to the said Governor to be required for making the exercise of those powers effective :

“ Provided that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.”

And whereas a Proclamation of Emergency under the said Act has been made by the Lords Justices for the Government of Northern Ireland, and is now in force :

And whereas in pursuance of the powers above recited it is expedient to make such provision as hereinafter appears :

Now, therefore, we, the said Lords Justices for the government of Northern Ireland, by and with the advice of the Privy Council of Northern Ireland, in pursuance of the powers above recited and of all other powers hereunto enabling us, do hereby order as follows :—

1.—(1) It shall be lawful for the Ministry of Commerce, and any officer of the Government of Northern Ireland (including any police officer or constable) or other person duly authorised by the said Ministry, to take possession of any food, forage, fuel, material or stores, and any articles essential for the life of the community, and any articles required for or in connection with the production thereof.

Power to take possession of food, forage, fuel, etc.

(2) For the purposes of this and the next succeeding regulation, “ article ” includes any animal alive or dead.

2.—(1) The Ministry of Commerce may by order—

(a) regulate or give directions with respect to the production, manufacture, treatment, use, consumption, transport, storage, distribution, supply, sale or purchase of, or other dealing in or measures to be taken

Supply and distribution of food, etc.

in relation to, any such articles as are mentioned in the last foregoing regulation, whether possession thereof has been taken under the said regulation or not ;

- (b) provide for the fixing of maximum prices of any such articles as aforesaid ;
- (c) in relation to any such articles, make such provision as to entry, inspection, or otherwise, as may appear to that Ministry necessary or expedient in the exercise of its duties.

(2) The Ministry of Commerce may by order require all or any persons owning or having power to sell or dispose of any article as aforesaid, or any stocks thereof, to place at the disposal of the Ministry the article, or the whole or any part of the stocks thereof, as may be directed by the Ministry, on such terms as it may direct, and to deliver to the Ministry, or to any person or persons named by it, the article or stocks in such quantities and at such times as the Ministry may require.

(3) The Ministry of Commerce may by order require persons engaged in the production, manufacture, purchase, sale, distribution, transport, storage, or shipment of any article with respect to which powers are conferred on the Ministry by this regulation, to make returns giving such particulars as to their businesses as may be specified by or on behalf of the Ministry, and may require the returns to be verified as the Ministry may direct.

(4) For the purpose of testing the accuracy of any return made to the Ministry of Commerce under this regulation, or of obtaining information in case of a failure to make a return or to give any prescribed notice, any person authorised in that behalf by the Ministry of Commerce may enter any premises belonging to or in the occupation of the person who has made or has failed to make the return, or on which the person so authorised has reason to believe that any articles with respect to which a return has been required under this regulation are kept, stored, manufactured or produced, and may carry out such inspections and examinations (including the inspection and examination of books) as he may consider necessary for testing the accuracy of the return or for obtaining any such information.

(5) No individual return or part of a return made, and no information obtained under this regulation, shall, without lawful authority, be published or disclosed by any person except for the purposes of a prosecution under this regulation.

(6) If in any case the Ministry of Commerce is of opinion that it is necessary or expedient to obtain information from any person in connection with any article as to all or any of the matters with respect to which returns may be required by this regulation,

the Ministry may, without making an order for the purpose, require or authorise any person on its behalf to require that person to furnish it or any person so authorised with that information ; and in such a case, all the provisions of this regulation shall apply to information so furnished, and the furnishing of such information, as they apply to returns made and the making of returns.

(7) The Ministry of Commerce may provide for the exercise and performance by any person, or body of persons, approved by the Ministry for the purpose, of any powers conferred upon the Ministry by this regulation.

(8) Any order which may be made or given by the Ministry or other authority under this regulation may be made either so as to apply generally or so as to apply to any special locality, or so as to apply to any special supplies of any article or to any special producer, manufacturer, dealer or person, or to any class or description of factories, workshops, premises or plant ; and any such order may direct that all contracts, or any class of contracts, affected by the order shall be abrogated, or shall remain in force notwithstanding anything in the order, but subject to any exceptions or modifications for which provision may be made by the order.

3.—(1) The Ministry of Commerce may take possession and may from time to time, as may be deemed expedient, relinquish and resume possession of :—

Coal and
coal
products.

- (a) All or any buildings and property for the time being used, or intended to be or usually used or which may be deemed requisite for the purposes of the storage, distribution, supply or disposal of coal ;
- (b) All or any railway wagons for the time being used, or intended to be or usually used for the purposes of transport of coal ;
- (c) Any coal, wheresoever situate and by whomsoever held ;
- (d) Any plant, machinery, vehicles or articles which may be deemed requisite for the purposes of maintaining the supply or distribution of coal.

(2) The Ministry of Commerce may give directions :—

- (a) As to the management and user of any property of which possession may be taken as aforesaid ;
- (b) As to the production, manufacture, treatment, transport, storage, distribution, supply, shipment, disposal or use of any coal ;
- (c) As to fixing of prices of coal ;
- (d) As to the making and supplying of records, returns and information, and the verification thereof.

(3) Every owner and person for the time being in possession of any such property as aforesaid, and every person engaged or employed in the production, manufacture, treatment, transport, storage, distribution, supply, shipment or disposal of coal (including the owner, agent and manager of every coal mine and every officer thereof), and every person using coal, and where any such owner or person is a company every director of the company, shall comply with the directions given under this regulation.

(4) The Ministry of Commerce may cause inquiries to be held by any person or persons with respect to any matters to which any of the powers hereby conferred relate.

(5) The Ministry of Commerce may provide for the exercise, either conditionally or unconditionally, by any person or body of persons approved by it of any powers conferred upon the Ministry by this regulation.

(6) The taking or retaining under this regulation of any factory, workshop, premises or plant shall not affect the liability of the actual owner or occupier of such factory, workshop, premises or plant under the Factory and Workshop Acts, 1901 to 1920, or any other enactment regulating the same.

(7) For the purposes of this regulation the expression "coal" shall include coke and any manufactured fuel of which coal or coke is a constituent, and gas and electricity made from or by means of coal or coke whether for lighting, heating or any other purpose.

Gas, water
and electrici-
ty.

4.—(1) It shall be lawful for the appropriate Ministry, by order, to require the owners of any undertakings for the supply of gas, water and electricity to comply with any directions given by such Ministry as to the supply thereof.

(2) Where any such order has been issued, it shall be the duty of the owners of the undertaking and of every officer and servant of the owners, and where the owners are a company of every director of the company, to comply with any directions which may be given by the appropriate Ministry, and any person failing so to comply shall be guilty of an offence against these regulations.

(3) For the purposes of this regulation the expression "appropriate Ministry" means, in relation to water undertakings and in relation to any gas undertaking owned by a local authority, the Ministry of Home Affairs, and in relation to any other undertaking the Ministry of Commerce.

Injury to
property.

5.—(1) If any person injures, or does any act calculated to injure, or to prevent the proper use or working of, any public building, railway, canal, bridge, road, tramway, vehicle, telegraph or telephone line, cable or plant, mine, shop, factory, waterworks, gasworks, electric generating station, or any works or plant used or adapted for use for the production, supply,

storage, or transport of food, fuel, water, light, heat, or power, he shall be guilty of an offence against these regulations.

(2) If any person approaches or is in the neighbourhood of or enters any such place as aforesaid with intent to do injury thereto he shall be guilty of an offence against these regulations; and notwithstanding that no such act or injury is committed by him, he shall be deemed to be guilty of such an offence if by reason of his being in possession of any explosive or incendiary substance or lethal weapon or dangerous missile, or otherwise from the circumstances of the case or his conduct or his known character as proved, it appears that his purpose was to do such injury.

6. If any person obstructs, knowingly misleads, or otherwise interferes with or impedes, or withholds any information in his possession which he may reasonably be required to furnish from, any officer or other person who is carrying out the orders of any government department or who is otherwise acting in accordance with his duty under these regulations, he shall be guilty of an offence against these regulations.

Obstruction of officers.

7. Where any department, or any person authorised by a department, has, in pursuance of powers conferred by any of these regulations, issued a notice that that department or person has taken or intends to take possession of any movable property, any person having control of any such property who, without the consent of that department or person, sells or removes or secretes the same or any part thereof, or parts therewith in any way contrary to any conditions imposed in any licence, permit, or order that may have been granted in respect thereof, shall be guilty of an offence against these regulations.

Effect of notice of intention to take possession of movable property.

8. The compensation payable in respect of any property which is requisitioned or of which possession is taken under these regulations shall be such as may be determined in default of agreement by a single arbitrator appointed by the Lord Chief Justice of Northern Ireland, and in assessing the amount of compensation payable in any particular case regard shall not be had to any increase in the value of the property which is due to the emergency nor to any consequential loss.

Compensation.

9.—(1) If any person contravenes or otherwise fails to comply with any of the provisions of these regulations or any order or direction made or given thereunder, or is guilty of an offence against these regulations, or obstructs any police or other officer or any other person in the execution of his duties under these regulations, he shall be liable on summary conviction to imprisonment with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to

Penalties.

both such imprisonment and fine, and shall be liable to forfeit any goods or money in respect of which the offence was committed.

(2) Where the person guilty of any such offence is a corporation, company or society, any director, officer, or trustee, or other person concerned with the management thereof, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.

(3) For the purpose of the trial of a person for an offence against these regulations, such offence shall be deemed to have been committed either at the place in which the same actually was committed or at any place in which the offender may be.

Arrest
without
warrant, etc.

10.—(1) Any police constable may arrest without warrant any person who is guilty, or is suspected of being guilty, of an offence against these regulations.

(2) Any police constable may, if authorised by order of a District Inspector, or other officer of higher rank, of the Royal Ulster Constabulary, enter, if need be by force, any place or premises suspected of being used for the purpose of any offence against these regulations, and may search any part of such place or premises and may seize and detain anything found therein which is suspected of being used for such purpose as aforesaid, or the keeping of which in such place or premises involves the commission of any offence against these regulations, and may deal with the things so seized in such manner as the Minister of Home Affairs may determine.

(3) Any police constable may search any person whom he believes to be in possession of, or to be using or carrying, any article, the possession, use or carrying of which by such person is an offence against these regulations, and may seize and detain any such article found on such person.

(4) Any police constable may stop and search any vehicle which he has reason to suspect to be used for any purpose contrary to these regulations, or to be carrying any article, the possession, use or carrying of which is an offence against these regulations, and may seize and detain any such vehicle or any such article found therein.

Attempts to
commit
offences.

11. Any person who attempts to commit, or solicits or incites or endeavours to persuade another person to commit, or procures, aids, or abets, or does any act preparatory to the commission of, any act prohibited by these regulations or any order, directions, rules, or other instrument made thereunder, shall be guilty of an offence against these regulations.

Effect of
regulations
on contracts

12. If the fulfilment by any person of any contract is interfered with by the necessity on the part of himself or any other person of complying with these regulations or any order or direction thereunder, that necessity shall be a good defence to any action

or proceedings taken against that person in respect of the non-fulfilment of the contract so far as it is due to that interference.

13. The Interpretation Act, 1921, shall apply to these regulations as though they were an Act of Parliament.

Interpretation.
12 Geo. 5,
c. 4 (Northern Ireland).
Supplemental provisions.

14.—(1) Any powers conferred on any department or person by any of these regulations shall be in addition to and not in derogation of any other powers of that department or person whether conferred by statute, regulation or otherwise.

(2) Any order, direction or instrument which may be made or given by any government department or other authority under these regulations may be added to, revoked or varied from time to time by such department or authority while these regulations continue in force.

(3) References in these regulations to a person authorised to act on behalf of any department shall include the holder for the time being of any office designated for the purpose by the department.

15. These regulations may be cited as the Emergency Regulations (Northern Ireland), 1926.

Short title.

Given at the Council Chambers, Stormont Castle,
Belfast, this sixth day of May, 1926.

(Signed) *James Craig.*
R. Dawson Bates.
John M. Andrews.
E. M. Archdale.
J. Milne Barbour.

(L.S.)

FACTORY AND WORKSHOP*. Welfare.

MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND, UNDER THE POLICE, FACTORIES, ETC. (MISCELLANEOUS PROVISIONS) ACT, 1916, REVOKING IN SO FAR AS THEY RELATE TO NORTHERN IRELAND, THE PROVISIONS CONCERNING FIRST AID IN THE WELFARE ORDERS NOS. 1067 AND 1489, IN REGARD TO BLAST FURNACES, COPPER MILLS, IRON MILLS, FOUNDRIES AND METAL WORKS AND IN REGARD TO SAW MILLS AND FACTORIES IN WHICH ARTICLES OF WOOD ARE MANUFACTURED, RESPECTIVELY.

1926. No. 2.

In pursuance of the powers conferred by Section 7 (7) of the Police, Factories, etc., (Miscellaneous Provisions) Act, 1916, the

*The particular classes of premises to which this revoking Order applies are now subject to the general requirements of the Workmen's Compensation Act (Northern Ireland), 1923, in regard to the provision of First Aid Equipment.