



# Northern Ireland (Emergency Provisions) Act 1978 (Repealed 27.8.1991)

## 1978 CHAPTER 5

### PART II

#### POWERS OF ARREST, DETENTION, SEARCH AND SEIZURE, ETC.

#### [<sup>F1</sup>11 **Entry and search of premises for purpose of arresting terrorists.**

For the purposes of arresting a person under section 12(1)(b) of the <sup>M1</sup>Prevention of Terrorism (Temporary Provisions) act 1984 (arrest of persons suspected of being concerned in acts of terrorism) a constable may enter and search any premises or other place where that person is or where the constable has reasonable grounds for suspecting him to be.]

#### Textual Amendments

**F1** S. 11 substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 6

#### Marginal Citations

**M1** 1984 c. 8(39:2).

#### 12 **Detention of terrorists, etc.**

Schedule 1 to this Act shall have effect with respect to the detention of terrorists and persons suspected of being terrorists.

#### Modifications etc. (not altering text)

**C1** S. 12 expired with 24.7.1980 by virtue of s. 33(2) and S.I. 1979/1683: Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:2), s. 13(5)

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### 13 Constables' general power of arrest and seizure.

- (1) Any constable may arrest without warrant any person [<sup>F2</sup>who he has reasonable grounds to suspect is committing, has committed or is] about to commit a scheduled offence or an offence under this Act which is not a scheduled offence.
- (2) For the purposes of arresting a person under this section a constable may enter and search any premises or other place where that person is or where the constable [<sup>F3</sup>has reasonable grounds for suspecting him to be].
- (3) A constable may seize anything which he [<sup>F4</sup>has reasonable grounds to suspect] is being, has been or is intended to be used in the commission of a scheduled offence or an offence under this Act which is not a scheduled offence.

#### Textual Amendments

- F2** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 1(a)**
- F3** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 1(b)**
- F4** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 1(c)**

### 14 Powers of arrest of members of Her Majesty's forces.

- (1) A member of Her Majesty's forces on duty may arrest without warrant, and detain for not more than four hours, a person [<sup>F5</sup>who he has reasonable grounds to suspect is committing, has committed or is] about to commit any offence.
- (2) A person effecting an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is effecting the arrest as a member of Her Majesty's forces.
- (3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises or other place—
  - (a) where that person is, or
  - [<sup>F6</sup>(b) if there are reasonable grounds for suspecting that that person is a terrorist or has committed an offence involving the use or possession of an explosive substance or firearm, where there are reasonable grounds for suspecting him to be.]

#### Textual Amendments

- F5** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 2(a)**
- F6** S. 14(3)(b) substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 2(b)**

### 15 Power to search for munitions and radio transmitters.

- (1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place other than a dwelling-house for the purpose of ascertaining—

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- (a) whether there are any munitions unlawfully at that place; or
  - (b) whether there is a transmitter at that place;
- and may search the place for any munitions or transmitter with a view to exercising the powers conferred by subsection (4) below.
- (2) Any member of Her Majesty's forces on duty authorised by a commissioned officer of those forces or any constable authorised by an officer of the Royal Ulster Constabulary not below the rank of chief inspector may enter any dwelling-house in which [<sup>F7</sup> there are reasonable grounds for suspecting] that there are unlawfully any munitions or that there is a transmitter and may search it for any munitions or transmitter with a view to exercising the said powers.
- (3) Any member of Her Majesty's forces on duty or any constable may—
- (a) stop any person in any public place and, with a view to exercising the said powers, search him for the purpose of ascertaining whether he has any munitions unlawfully with him or any transmitter with him; and
  - (b) with a view to exercising the said powers, search any person not in a public place [<sup>F8</sup> who he has reasonable grounds to suspect has] any munitions unlawfully with him or any transmitter with him.
- [<sup>F9</sup>(4) Where a member of her Majesty's forces or a constable is empowered by virtue of any provision of this Act to search any premises or other place or any person—
- (a) he may seize any munitions found in the course of the search (unless it appears to him that the munitions are being, have been and will be used only lawfully) and may retain and, if necessary, destroy them; and
  - (b) he may seize any transmitter found in the course of the search (unless it appears to him that the transmitter has been, is being and is likely to be used only lawfully) and may retain it.]
- [<sup>F10</sup>(4A) The preceding provisions of this section shall have effect in relation to scanning receivers as they have effect in relation to transmitters.]
- (5) In this section—
- “munitions” means—
  - (a) explosives, explosive substances, firearms and ammunition; and
  - (b) anything used or capable of being used in the manufacture of any explosive, explosive substance, firearm or ammunition;
- [<sup>F11</sup>“scanning receiver” means—
- (a) any apparatus for wireless telegraphy designed or adapted for the purpose of automatically monitoring selected frequencies, or automatically scanning a selected range of frequencies, so as to enable transmissions on any of those frequencies to be detected or intercepted; or
  - (b) part of any such apparatus;]
- “transmitter” means any apparatus for wireless telegraphy designed or adapted for emission, as opposed to reception, [<sup>F12</sup>or] part of any such apparatus;
- “wireless telegraphy” has the same meaning as in section 19(1) of the <sup>M2</sup>Wireless Telegraphy Act 1949.

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#### Textual Amendments

- F7** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 3(a)**
- F8** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 3(b)**
- F9** S. 15(4) substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 3(c)**
- F10** S. 15(4A) inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 7(2)
- F11** Definition inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 7(3)
- F12** Word substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:2), s. 25(1), **Sch. 1 para. 3(d)**

#### Marginal Citations

- M2** 1949 c. 54.

## 16 Powers of explosives inspectors.

- (1) An inspector appointed under section 53 of the <sup>M3</sup>Explosives Act 1875 may, for the purpose of ascertaining whether there is unlawfully in any premises or other place other than a dwelling-house any explosive or explosive substance, enter that place and search it with a view to exercising the powers conferred by subsection (3) below.
- (2) Any such inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive or explosive substance unlawfully with him with a view to exercising the said powers.
- (3) Any such inspector may seize any explosive or explosive substance found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose and may retain and, if necessary, destroy it.

#### Marginal Citations

- M3** 1875 c. 17.

## 17 Entry to search for persons unlawfully detained.

- (1) Where any person is believed to be unlawfully detained in such circumstances that his life is in danger, any member of Her Majesty's forces on duty or any constable may, subject to subsection (2) below, enter any premises or other place for the purpose of ascertaining whether that person is so detained there.
- (2) A dwelling-house may be entered in pursuance of subsection (1) above—
  - (a) by a member of Her Majesty's forces, only when authorised to do so by a commissioned officer of those forces; and
  - (b) by a constable, only when authorised to do so by an officer of the Royal Ulster Constabulary not below the rank of chief inspector.

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## 18 Power to stop and question.

- (1) Any member of Her Majesty's forces on duty or any constable may stop and question any person for the purpose of ascertaining—
  - (a) that person's identity and movements;
  - (b) what he knows concerning any recent explosion or any other [<sup>F13</sup>recent] incident endangering life or concerning any person killed or injured in any such explosion or incident; or
  - (c) any one or more of the matters referred to in paragraphs (a) and (b) above.
- (2) Any person who—
  - (a) fails to stop when required to do so under this section, or
  - (b) refuses to answer, or fails to answer to the best of his knowledge and ability, any question addressed to him under this section,shall be liable on summary conviction to [<sup>F14</sup>a fine not exceeding level 5 on the standard scale.]

### Textual Amendments

**F13** Word inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 4(a)**

**F14** Words substituted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 25(1), **Sch. 1 para. 4(b)**

## 19 General powers of entry and interference with rights of property and with highways.

- (1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place—
  - (a) if he considers it necessary to do so in the course of operations for the preservation of the peace or the maintenance of order; or
  - (b) if authorised to do so by or on behalf of the Secretary of State.
- (2) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, if authorised to do so by or on behalf of the Secretary of State—
  - (a) take possession of any land or other property;
  - (b) take steps to place buildings or other structures in a state of defence;
  - (c) detain any property or cause it to be destroyed or moved;
  - (d) do any other act interfering with any public right or with any private rights of property, including carrying out any works on any land of which possession has been taken under this subsection.
- (3) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, so far as he considers it immediately necessary for the preservation of the peace or the maintenance of order—
  - (a) wholly or partly close a highway or divert or otherwise interfere with a highway or the use of a highway; or
  - (b) prohibit or restrict the exercise of any right of way or the use of any waterway.

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- (4) Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), interferes with works executed, or any apparatus, equipment or any other thing used, in or in connection with the exercise of powers conferred by this section, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding [<sup>F15</sup>level 5 on the standard scale], or both.
- (5) Any authorisation to exercise any powers under any provision of this section may authorise the exercise of all those powers, or powers of any class or a particular power specified, either by all persons by whom they are capable of being exercised or by persons of any class or a particular person specified.

#### Textual Amendments

**F15** Words substituted by virtue of S.I. 1984/703 (N.I. 3), arts. 5, 6

#### [<sup>F16</sup>19A Power of the secretary of State to direct the closure, etc. of roads.

- (1) The Secretary of State may by order direct—
- (a) that any highway specified in the order shall either be wholly closed or be closed to such extent, or diverted in such manner, as may be so specified;
  - (b) that any highway specified in the order, being a highway which has already been wholly or partly closed, or diverted, in the exercise or purported exercise of any power conferred by or under a relevant enactment, shall continue to be so closed or diverted by virtue of the order.
- (2) Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), interferes with—
- (a) works executed in connection with the closure or diversion of any highway specified in an order under this section (whether executed in pursuance of any such order or in pursuance of the exercise or purported exercise of any such power as is mentioned in subsection (1)(b) above), or
  - (b) apparatus, equipment or any other thing used in pursuance of any such order in connection with the closure or diversion of any such highway,
- shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or both.
- (3) In this section “relevant enactment” means section 19(2) or (3) above, section 17(2) or (3) of the <sup>M4</sup> Northern Ireland (Emergency Provisions) Act 1973, or the <sup>M5</sup> Civil Authorities (Special Powers) Act (Northern Ireland) 1922.
- (4) Nothing in this section shall prejudice the operation of section 19(2) or (3) above.]

#### Textual Amendments

**F16** S. 19A inserted by Northern Ireland (Emergency Provisions) Act 1987 (c. 30, SIF 39:1), s. 8

#### Marginal Citations

**M4** 1973 C. 53(39:1).

**M5** 1922 c. 5(N.I)

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## 20 Supplementary provisions.

- (1) Any power conferred by this Part of this Act—
  - (a) to enter any premises or other place includes power to enter any vessel, aircraft or vehicle;
  - (b) to search any premises or other place includes power to stop and search any vehicle or vessel or any aircraft which is not airborne and search any container;and in this Part of this Act references to any premises or place shall be construed accordingly.
- (2) In this Part of this Act references to a dwelling-house include references to a vessel or vehicle which is habitually stationary and used as a dwelling.
- (3) Any power conferred by this Part of this Act to enter any place, vessel, aircraft or vehicle shall be exercisable, if need be, by force.
- (4) Any power conferred by virtue of this section to search a vehicle or vessel shall, in the case of a vehicle or vessel which cannot be conveniently or thoroughly searched at the place where it is, include power to take it or cause it to be taken to any place for the purpose of carrying out the search.
- (5) Any power conferred by virtue of this section to search any vessel, aircraft, vehicle or container includes power to examine it.
- (6) Any power conferred by this Part of this Act to stop any person includes power to stop a vessel or vehicle or an aircraft which is not airborne.
- (7) Any person who, when required by virtue of this section to stop a vessel or vehicle or any aircraft which is not airborne, fails to do so shall be liable on summary conviction to imprisonment to a term not exceeding six months or to a fine not exceeding [<sup>F17</sup>level 5 on the standard scale], or both.
- (8) A member of Her Majesty's forces exercising any power conferred by this Part of this Act when he is not in uniform shall, if so requested by any person at or about the time of exercising that power, produce to that person documentary evidence that he is such a member.
- (9) The <sup>M6</sup>Documentary Evidence Act 1868 shall apply to any authorisation given in writing under this Part of this Act by or on behalf of the Secretary of State as it applies to any order made by him.

### Textual Amendments

**F17** Words substituted by virtue of S.I. 1984/703 (N.I. 3), arts. 5, 6

### Marginal Citations

**M6** 1868 c. 37.

**Status:**

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