



# Northern Ireland (Emergency Provisions) Act 1987

## 1987 CHAPTER 30

### PART I

#### AMENDMENTS OF THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978

#### **1 Limitation of power to grant bail in case of scheduled offences.**

The following section shall be substituted for section 2 of the Northern Ireland (Emergency Provisions) Act 1978 (in this Act referred to as “the 1978 Act”)—

#### **“2 Limitation of power to grant bail in case of scheduled offences.**

- (1) Subject to subsection (7) below, a person to whom this section applies shall not be admitted to bail except—
  - (a) by a judge of the High Court or the Court of Appeal; or
  - (b) by the judge of the court of trial, on adjourning the trial of a person charged with a scheduled offence.
- (2) A judge may, in his discretion, admit to bail in pursuance of subsection (1) above a person to whom this section applies except where he is satisfied that there are substantial grounds for believing that that person, if released on bail (whether subject to conditions or not), would—
  - (a) fail to surrender to custody, or
  - (b) commit an offence while on bail, or
  - (c) interfere with any witness, or
  - (d) otherwise obstruct or attempt to obstruct the course of justice, whether in relation to himself or in relation to any other person,or, if released subject to conditions, would fail to comply with all or any of those conditions.

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- (3) In exercising his discretion in accordance with subsection (2) above in relation to a person, a judge shall have regard to such of the following considerations as appear to him to be relevant, namely—
- (a) the nature and seriousness of the offence with which the person is charged,
  - (b) the character, antecedents, associations and community ties of the person,
  - (c) the time which the person has already spent in custody and the time which he is likely to spend in custody if he is not admitted to bail, and
  - (d) the strength of the evidence of his having committed the offence,
- as well as to any others which appear to be relevant.
- (4) Without prejudice to any other power to impose conditions on admission to bail, a judge may impose such conditions on admitting a person to bail under this section as appear to him to be likely to result in that person's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime.
- (5) This section applies, subject to subsection (6) below, to any person—
- (a) who is charged with a scheduled offence; and
  - (b) who has attained the age of fourteen.
- (6) This section does not apply to a person charged with a scheduled offence—
- (a) which is being tried summarily, or
  - (b) which the Director of Public Prosecutions for Northern Ireland certifies is in his opinion suitable to be tried summarily.
- (7) Subsection (1) above shall not preclude a resident magistrate from admitting to bail a person to whom this section applies if—
- (a) the person is a serving member of any of Her Majesty's forces or a serving member of the Royal Ulster Constabulary or of the Royal Ulster Constabulary Reserve, and
  - (b) the resident magistrate is satisfied that suitable arrangements have been made for the person to be held in military or (as the case may be) police custody, and imposes a condition on admitting him to bail that he is to be held in such custody."

## 2 **Maximum period of remand in custody in case of scheduled offences.**

The following section shall be inserted after section 3 of the 1978 Act—

### **“3A Maximum period of remand in custody in case of scheduled offences.**

Notwithstanding Article 47(2) and (3) of the Magistrates' Courts (Northern Ireland) Order 1981, the period for which a person charged with a scheduled offence may be remanded in custody by a magistrates' court shall be a period of not more than 28 days beginning with the day following that on which he is so remanded.”

### **3 Power of Secretary of State to set time limits in relation to preliminary proceedings for scheduled offences.**

The following section shall be inserted after section 5 of the 1978 Act—

#### *“Time limits on preliminary proceedings*

#### **5A Power of Secretary of State to set time limits in relation to preliminary proceedings for scheduled offences.**

- (1) The Secretary of State may by regulations make provision, with respect to any specified preliminary stage of proceedings for a scheduled offence, as to the maximum period—
  - (a) to be allowed to the prosecution to complete that stage;
  - (b) during which the accused may, while awaiting completion of that stage, be—
    - (i) in the custody of a magistrates' court; or
    - (ii) in the custody of the Crown Court,in relation to that offence.
- (2) The regulations may, in particular—
  - (a) provide for—
    - (i) the Magistrates' Courts (Northern Ireland) Order 1981,
    - (ii) section 2 above, or
    - (iii) any other enactment, or any rule of law, relating to bail, to apply in relation to cases to which custody or overall time limits apply subject to such modifications as may be specified (being modifications which the Secretary of State considers necessary in consequence of any provision made by the regulations);
  - (b) provide for time limits imposed by the regulations to cease to have effect in cases where, after the institution of proceedings for a scheduled offence, the Attorney General for Northern Ireland has certified that the offence in question is not to be treated as a scheduled offence;
  - (c) make such provision with respect to the procedure to be followed in criminal proceedings as the Secretary of State considers appropriate in consequence of any other provision of the regulations; and
  - (d) make such transitional provision in relation to proceedings instituted before the commencement of any provision of the regulations as the Secretary of State considers appropriate.
- (3) Where separate counts of an indictment allege a scheduled offence and an offence which is not a scheduled offence, then (subject to, and in accordance with, the provisions of the regulations) the regulations shall have effect in relation to the latter offence as if it were a scheduled offence.
- (4) The Crown Court may, at any time before the expiry of a time limit imposed by the regulations, extend, or further extend, that limit if it is satisfied—
  - (a) that there is good and sufficient cause for doing so; and
  - (b) that the prosecution has acted with all due expedition.

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- (5) Where, in relation to any proceedings for a relevant offence, an overall time limit has expired before the completion of the stage of the proceedings to which the limit applies, the accused shall be treated, for all purposes, as having been acquitted of that offence.
- (6) Where—
- (a) a person escapes from the custody of a magistrates' court or of the Crown Court before the expiry of a custody time limit which applies in his case; or
  - (b) a person who has been released on bail in consequence of the expiry of a custody time limit—
    - (i) fails to surrender himself into the custody of the court at the appointed time; or
    - (ii) is arrested by a constable in connection with any breach, or apprehended breach, of any condition of his bail,
 the regulations shall, so far as they provide for any custody time limit in relation to the preliminary stage in question, be disregarded.
- (7) Where—
- (a) a person escapes from the custody of a magistrates' court or of the Crown Court; or
  - (b) a person who has been released on bail fails to surrender himself into the custody of the court at the appointed time,
- the overall time limit which applies in his case in relation to the stage which the proceedings have reached at the time of the escape or, as the case may be, at the appointed time shall, so far as the relevant offence in question is concerned, cease to have effect.
- (8) Where a person is convicted of a relevant offence in any proceedings, the exercise, in relation to any preliminary stage of those proceedings, of the power conferred by subsection (4) above shall not be called into question on any appeal against that conviction.
- (9) In this section—
- “custody of the Crown Court” includes custody to which a person is committed in pursuance of—
- (a) Article 37 or 40(4) of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' court committing accused for trial); or
  - (b) section 51(8) of the Judicature (Northern Ireland) Act 1978 (magistrates' court dealing with a person brought before it following his arrest in pursuance of a warrant issued by the Crown Court);
- “custody of a magistrates' court” means custody to which a person is committed in pursuance of Article 47 or 49 of the Magistrates' Courts (Northern Ireland) Order 1981 (remand);
- “custody time limit” means a time limit imposed by the regulations in pursuance of subsection (1)(b) above or, where any such limit has been extended by the Crown Court under subsection (4) above, the limit as so extended;
- “preliminary stage”, in relation to any proceedings, does not include any stage of the proceedings after the accused has been arraigned in the

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Crown Court or, in the case of a summary trial, the magistrates' court has begun to hear evidence for the prosecution at the trial;

“overall time limit” means a time limit imposed by the regulations in pursuance of subsection (1)(a) above or, where any such limit has been extended by the Crown Court under subsection (4) above, the limit as so extended;

“relevant offence” means—

- (a) a scheduled offence, or
- (b) an offence in relation to which the regulations have effect in accordance with subsection (3) above; and

“specified” means specified in the regulations.

- (10) For the purposes of the application of any custody time limit in relation to a person who is in the custody of a magistrates' court or of the Crown Court—
  - (a) all periods during which he is in the custody of a magistrates' court in respect of the same offence shall be aggregated and treated as a single continuous period; and
  - (b) all periods during which he is in the custody of the Crown Court in respect of the same offence shall be aggregated and treated similarly.”

#### **4 Court for trial of scheduled offences.**

The following section shall be substituted for section 6 of the 1978 Act—

##### **“6 Court for trial of scheduled offences.**

- (1) A trial on indictment of a scheduled offence shall be held only at the Crown Court sitting in Belfast, unless the Lord Chancellor after consultation with the Lord Chief Justice of Northern Ireland directs in any particular case that such a trial shall be held at the Crown Court sitting elsewhere.
- (2) A person committed for trial for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, shall be committed—
  - (a) to the Crown Court sitting in Belfast, or
  - (b) where the Lord Chancellor has given a direction under subsection (1) above with respect to the trial, to the Crown Court sitting at the place specified in the direction;and section 48 of the Judicature (Northern Ireland) Act 1978 (committal for trial on indictment) shall have effect accordingly.
- (3) Where—
  - (a) in accordance with subsection (2) above any person is committed for trial to the Crown Court sitting in Belfast, and
  - (b) a direction is subsequently given by the Lord Chancellor under subsection (1) above altering the place of trial,that person shall be treated as having been committed for trial to the Crown Court sitting at the place specified in the direction.”

#### **5 Admissions by persons charged with scheduled offences.**

The following section shall be substituted for section 8 of the 1978 Act—

**“8 Admissions by persons charged with scheduled offences.**

- (1) In any criminal proceedings for a scheduled offence, or for two or more offences at least one of which is a scheduled offence, a statement made by the accused may be given in evidence by the prosecution in so far as—
- (a) it is relevant to any matter in issue in the proceedings, and
  - (b) it is not excluded by the court in pursuance of subsection (2) below or in the exercise of its discretion referred to in subsection (3) below (and has not been rendered inadmissible by virtue of such a direction as is mentioned in subsection (2)(iii) below).
- (2) Where in any such proceedings—
- (a) the prosecution proposes to give, or (as the case may be) has given, in evidence a statement made by the accused, and
  - (b) prima facie evidence is adduced that the accused was subjected to torture, to inhuman or degrading treatment, or to any violence or threat of violence (whether or not amounting to torture), in order to induce him to make the statement,
- then, unless the prosecution satisfies the court that the statement was not obtained by so subjecting the accused in the manner indicated by that evidence, the court shall do one of the following things, namely—
- (i) in the case of a statement proposed to be given in evidence, exclude the statement;
  - (ii) in the case of a statement already received in evidence, continue the trial disregarding the statement; or
  - (iii) in either case, direct that the trial shall be restarted before a differently constituted court (before which the statement in question shall be inadmissible).
- (3) It is hereby declared that, in the case of any statement made by the accused and not obtained by so subjecting him as mentioned in subsection (2)(b) above, the court in any such proceedings as are mentioned in subsection (1) above has a discretion to do one of the things mentioned in subsection (2)(i) to (iii) above if it appears to the court that it is appropriate to do so in order to avoid unfairness to the accused or otherwise in the interests of justice.
- (4) This section does not apply to a summary trial.”

**6 Entry and search of premises for purpose of arresting terrorists.**

The following section shall be substituted for section 11 of the 1978 Act—

**“11 Entry and search of premises for purpose of arresting terrorists.**

For the purpose of arresting a person under section 12(1)(b) of the 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.”

## **7 Power to search for scanning receivers.**

- (1) Section 15 of the 1978 Act (power to search for munitions and radio transmitters) shall be amended as follows.
- (2) The following subsection shall be inserted after subsection (4)—

“(4A) The preceding provisions of this section shall have effect in relation to scanning receivers as they have effect in relation to transmitters.”
- (3) In subsection (5), after the definition of “munitions” there shall be inserted—

““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;”.

## **8 Power of Secretary of State to direct the closure etc. of roads.**

The following section shall be inserted after section 19 of the 1978 Act—

### **“19A Power of 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 Northern Ireland (Emergency Provisions) Act 1973, or the Civil Authorities (Special Powers) Act (Northern Ireland) 1922.
- (4) Nothing in this section shall prejudice the operation of section 19(2) or (3) above.”

**9 Additional offence relating to proscribed organisations.**

After paragraph (c) of section 21(1) of the 1978 Act (proscribed organisations) there shall be inserted “or

- (d) arranges or assists in the arrangement or management of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting—
  - (i) is to support a proscribed organisation;
  - (ii) is to further the activities of such an organisation; or
  - (iii) is to be addressed by a person belonging or professing to belong to such an organisation,”.

**10 Extension of categories of persons about whom it is unlawful to collect information.**

In section 22(2) of the 1978 Act (unlawful collection etc. of information)—

- (a) at the end of paragraph (c) “and” shall be omitted; and
- (b) after paragraph (d) there shall be added “; and
  - (e) any person who has at any time been a person falling within any of the preceding paragraphs.”

**11 Offences relating to behaviour and dress in public places.**

(1) The following section shall be substituted for section 25 of the 1978 Act—

**“25 Display of support in public for a proscribed organisation.**

Any person who in a public place—

- (a) wears any item of dress; or
- (b) wears, carries or displays any article,

in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation, shall be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both;
- (ii) on conviction on indictment to imprisonment for a term not exceeding one year or to a fine, or both.”

(2) In section 26 of that Act (wearing of hoods etc. in public places), for the words from “a fine not exceeding” onwards there shall be substituted “a fine not exceeding the statutory maximum, or both, and on conviction on indictment to imprisonment for a term not exceeding one year or to a fine, or both.”

(3) After sub-paragraph (c) of paragraph 19 of Schedule 4 to the 1978 Act (scheduled offences) there shall be inserted the following subparagraphs—

- “(ca) section 25;
- (cb) section 26;”.

(4) Subsections (2) and (3) above shall not have effect in relation to an offence committed before the commencement of this section.



## 12 Compensation.

(1) The following sections shall be substituted for section 28 of the 1978 Act—

### “28 Compensation.

- (1) Where under this Act any real or personal property is taken, occupied, destroyed or damaged, or any other act is done interfering with private rights of property, compensation shall, subject to the provisions of this section, be payable by the Secretary of State to any person who—
  - (a) has an estate or interest in that property or (as the case may be) is entitled to those rights of property, and
  - (b) suffers loss or damage as a result of the act.
- (2) No compensation shall be payable under this section in respect of any act falling within subsection (1) above unless an application for such compensation is made to the Secretary of State, in such manner as he may specify, within—
  - (a) the period of four months beginning with the relevant date, or
  - (b) such longer period beginning with that date and not exceeding 12 months as—
    - (i) the Secretary of State on a request being made to him in writing, or
    - (ii) the county court on an appeal under subsection (4) below, may in a particular case allow.
- (3) In subsection (2) above “the relevant date”, in relation to any such act as is there mentioned, means—
  - (a) where the act was done before the date of the coming into force of section 12 of the Northern Ireland (Emergency Provisions) Act 1987, that date, and
  - (b) in any other case, the date when the act was done.
- (4) Where the Secretary of State refuses any request made to him for the purposes of subsection (2)(b) above, he shall serve a notice of his refusal on the person who made the request, and that person may, within the period of six weeks beginning with the date of service of the notice, appeal to the county court against that refusal.
- (5) Where the Secretary of State has determined any application for compensation made in accordance with subsection (2) above, he shall serve on the applicant either—
  - (a) a notice stating that he has decided to award the applicant compensation in pursuance of his application and specifying the amount of the award, or
  - (b) a notice stating that he has decided to refuse the application;and the applicant may within the period of six weeks beginning with the date of service of the notice appeal to the county court against the decision of the Secretary of State to pay the amount of compensation specified in the notice or (as the case may be) to refuse the application (and unless he so appeals within that period that decision shall become in all respects final and binding).

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(6) Any notice served under subsection (4) or (5) above shall contain particulars of the right to make an appeal under that subsection and, in the case of a notice served under subsection (5), of the consequences of a failure to exercise that right.

(7) Where—

- (a) a person having a right to compensation under this section has made an application in accordance with subsection (2) above, and
- (b) by virtue of any assignment or operation of law that right has passed to any other person,

that other person (or, if he is subject to any legal disability, the person appearing to the Secretary of State to be entitled to act on his behalf) may be treated by the Secretary of State as the applicant for the purposes of any provision of this section.

(8) Where—

- (a) a person has a right to compensation in respect of any act falling within subsection (1) above, and
- (b) the act was done in connection with, or revealed evidence of the commission of—
  - (i) a scheduled offence, or
  - (ii) an offence under this Act (other than a scheduled offence),
 and
- (c) proceedings for that offence are brought against that person,

his right to such compensation shall not be enforceable at any time when any such proceedings have not been concluded, or if he is convicted of the offence.

### **28A Provisions supplementary to section 28.**

(1) The Lord Chief Justice of Northern Ireland after consultation with the Secretary of State may make rules as to—

- (a) the bringing of appeals under subsection (4) or (5) of section 28 above;
- (b) the hearing and determination of such appeals; and
- (c) any incidental or ancillary matters, including the awarding of costs in connection with such appeals;

and any such rules shall be statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(2) Any notice required by section 28 above to be served on any person by the Secretary of State may—

- (a) if that person is an individual, be served on him—
  - (i) by delivering it to him, or
  - (ii) by sending it by post addressed to him at his usual or last-known place of residence or business, or
  - (iii) by leaving it for him there;
- (b) if that person is a partnership, be served on the partnership—
  - (i) by sending it by post to a partner, or to a person having the control or management of the partnership business, at the principal office of the partnership, or

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- (ii) by addressing it to a partner or any such person and leaving it at that office;
  - (c) if that person is a body corporate, be served on the body—
    - (i) by sending it by post to the secretary or clerk of the body at its registered or principal office, or
    - (ii) by addressing it to the secretary or clerk of the body and leaving it at that office; or
  - (d) in any case, be served on that person’s solicitor by delivering it to the solicitor, or by sending it by post to him at his office, or by leaving it for him there.”
- (2) Subsections (5) to (7) of section 28 of the 1978 Act, as amended by subsection (1) above, shall apply in relation to an application for compensation under that section made before the date of the coming into force of subsection (1) above and still outstanding on that date as they apply in relation to an application for compensation made in accordance with subsection (2) of that section, as so amended, but shall so apply as if any reference in those subsections to compensation under that section, as so amended, were a reference to compensation under that section, as originally enacted.
- (3) For the purposes of subsection (2) above an application for compensation is still outstanding on the date mentioned in that subsection if, on that date, any question as to the compensation to which the application relates has still to be finally resolved and has not been referred to the county court or any arbitrator appointed by that court in accordance with subsections (2) and (3) of section 28 of the 1978 Act, as originally enacted.

### **13 Expiry and eventual repeal of 1978 Act.**

- (1) Section 33 of the 1978 Act (commencement etc. of that Act) shall be amended as follows—
- (2) In subsection (2), for “24th July 1978” there shall be substituted “21st March 1988”.
- (3) In subsection (3)(a) and (c), for “six” there shall be substituted “twelve”.
- (4) After subsection (8) there shall be added the following subsection—
  - “(9) This Act shall, by virtue of this subsection, be repealed as from the end of the period of five years beginning with the date of the passing of the Northern Ireland (Emergency Provisions) Act 1987.”
- (5) The amendment made by subsection (2) above does not affect any provision to which section 33(2) of the 1978 Act applies and which is not in force at the commencement of this section, and accordingly that amendment shall not be taken—
  - (a) to revive any such provision, or
  - (b) to preclude the making of an order under section 33 with respect to any such provision.
- (6) Where, immediately before the repeal of the 1978 Act takes effect under the provision inserted by subsection (4), a person is held in custody in a prison or other place by virtue of a direction under section 4 of that Act (holding in custody of young persons charged with scheduled offences), it shall be lawful for him to continue to be held in custody in that prison or place until arrangements can be made for him to be held in custody in accordance with the law then applicable to his case.

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- (7) Nothing in subsection (6) shall be taken to make lawful the holding in custody of any person who would, disregarding that subsection, be entitled to be released from custody.
- (8) The repeal of the 1978 Act shall not affect the application of any provision of sections 6 to 9 of that Act to any trial on indictment where the indictment has been presented, or any summary trial which has started, before the repeal takes effect.
- (9) It is hereby declared that the repeal of the 1978 Act shall not affect—
- (a) any committal of a person for trial in accordance with section 6 of that Act to the Crown Court sitting either in Belfast or elsewhere, or
  - (b) any committal of a person for trial which, in accordance with that section, has taken effect as a committal for trial to the Crown Court sitting elsewhere than in Belfast,
- in a case where the indictment has not been presented before the repeal takes effect.
- (10) The repeal of the 1978 Act shall not affect the application of any provision of sections 28 and 28A of that Act in relation to any right to compensation under section 28 which arises before the date when the repeal takes effect.