



# Northern Ireland (Emergency Provisions) Act 1991

## CHAPTER 24

### NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1991

#### PART I

##### SCHEDULED OFFENCES

###### *The scheduled offences*

- 1 The scheduled offences.

###### *Preliminary inquiries, bail and young persons in custody*

- 2 Preliminary inquiry into scheduled offences.
- 3 Limitation of power to grant bail in case of scheduled offences.
- 4 Legal aid to applicants for bail in case of scheduled offences.
- 5 Maximum period of remand in custody in case of scheduled offences.
- 6 Holding in custody of young persons charged with scheduled offences.
- 7 Directions under s. 6.

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

- 8 Power of Secretary of State to set time limits in relation to preliminary proceedings for scheduled offences.

###### *Court and mode of trial*

- 9 Court for trial of scheduled offences.
- 10 Mode of trial on indictment of scheduled offences.

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### *Evidence and onus of proof*

- 11 Admissions by persons charged with scheduled offences.
- 12 Onus of proof in relation to offences of possession.

### *Treatment of offenders*

- 13 Treatment of young persons convicted of scheduled offences.
- 14 Restricted remission for persons sentenced for scheduled offences.
- 15 Conviction of scheduled offence during period of remission.

## **PART II**

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

- 16 Entry and search of premises for purpose of arresting terrorists.
- 17 Constables' general power of arrest and seizure.
- 18 Powers of arrest and seizure by members of Her Majesty's forces.
- 19 Power to search for munitions, radio transmitters and scanning receivers.
- 20 Powers of explosives inspectors.
- 21 Entry to search for persons unlawfully detained.
- 22 Examination of documents.
- 23 Power to stop and question.
- 24 General powers of entry and interference with rights of property and with highways.
- 25 Power of Secretary of State to direct the closure, etc. of roads.
- 26 Supplementary provisions.

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### OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

- 27 Directing terrorist organisation.
- 28 Proscribed organisations.
- 29 Display of support in public for a proscribed organisation.
- 30 Possession of items intended for terrorist purposes.
- 31 Unlawful collection, etc. of information.
- 32 Training in making or use of firearms, explosives or explosive substances.
- 33 Wearing of hoods, etc. in public places.

## **PART IV**

### DETENTION ORDERS

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### REGULATION OF THE PROVISION OF PRIVATE SECURITY SERVICES

- 35 Prohibition on provision of security services without a certificate.
- 36 Applications for certificates.
- 37 Issue, duration and revocation of certificates.
- 38 Duty to notify Secretary of State of changes of personnel.
- 39 Records of employees.
- 40 Payments in respect of the provision of security services.

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- 41 Liability of directors, etc.
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- 45 Right of access to legal advice.
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- 52 Statements, etc., relevant to making confiscation orders.
- 52A Provision of information by defendant.
- 52B Powers of High Court where defendant has died or absconded.
- 53 Assisting another to retain proceeds of terrorist-related activities.
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- 55A Extension of certain offences to Crown servants and exemptions for regulators etc.
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- 58 Supplementary regulations for preserving the peace, etc.
- 59 Explosives factories, magazines and stores.
- 60 Independent Assessor of Military Complaints Procedures in Northern Ireland.
- 61 Codes of practice: police powers.
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- 63 Right to compensation.
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## **PART IX**

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- 66 General interpretation.
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- 68 Expenses.
- 69 Commencement, duration, expiry and revival of provisions of this Act.
- 70 Savings, amendments and repeals.
- 71 Short title and extent.

## SCHEDULES

### SCHEDULE 1 — The Scheduled Offences Part I — SUBSTANTIVE OFFENCES

#### *Common law offences*

- 1 Murder subject to note 1 below.
- 2 Manslaughter subject to note 1 below.
- 3 The common law offence of riot.
- 4 Kidnapping subject to note 1 below.
- 5 False imprisonment subject to note 1 below.
- 6 Assault occasioning actual bodily harm subject to note 1 below....

#### *Malicious Damage Act 1861*

- 7 Offences under section 35 of the Malicious Damage Act 1861...

#### *Offences against the Person Act 1861*

- 8 Offences under the following provisions of the Offences against the...

#### *Explosive Substances Act 1883*

- 9 Offences under the following provisions of the Explosive Substances Act...

#### *Prison Act (Northern Ireland) 1953*

- 10 Offences under the following provisions of the Prison Act (Northern...

#### *Theft Act (Northern Ireland) 1969*

- 11 Offences under the following provisions of the Theft Act (Northern...

#### *Protection of the Person and Property Act (Northern Ireland) 1969*

- 12 Offences under the following provisions of the Protection of the...

#### *Hijacking*

- 13 Offences under section 1 of the Aviation Security Act 1982...
- 14 Offences in Northern Ireland under section 2 of the Criminal...

#### *Criminal Damage (Northern Ireland) Order 1977*

- 15 Offences under the following provisions of the Criminal Damage (Northern...

#### *Criminal Law (Amendment) (Northern Ireland) Order 1977*

- 16 Offences under Article 3 of the Criminal Law (Amendment) (Northern...

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*Firearms (Northern Ireland) Order 1981*

- 17 Offences under the following provisions of the Firearms (Northern Ireland)...

*Taking of Hostages Act 1982*

- 18 Offences under the Taking of Hostages Act 1982.

*Nuclear Material (Offences) Act 1983*

- 19 Offences under section 2 of the Nuclear Material (Offences) Act...

*Prevention of Terrorism (Temporary Provisions) Act 1989*

- 20 Offences under the following provisions of the Prevention of Terrorism...

*Aviation and Maritime Security Act 1990*

- 21 Offences under the following provisions of the Aviation and Maritime...  
21A Channel Tunnel (Security) Order 1994 No. 570

*This Act*

- 22 Offences under the following provisions of this Act—

*NOTES*

- 1 Any offence specified in this Part of this Schedule which...  
2 An offence specified in paragraph 11(a), (c) or (e) is...  
3 An offence specified in paragraph 11(b) or (d) is a...  
4 The offence specified in paragraph 17(h) is a scheduled offence...  
Part II — INCHOATE AND RELATED OFFENCES  
Each of the following offences, that is to say— aiding,...  
Part III — EXTRA-TERRITORIAL OFFENCES  
Part IV — OFFENCES CHARGED FOLLOWING TERRORIST FUNDS  
INVESTIGATIONS  
Any offence, other than a summary offence, which an officer...

SCHEDULE 2 — Proscribed Organisations

SCHEDULE 3 — Detention of Terrorists

*Advisers*

- 1 The Secretary of State shall for the purposes of this...  
2 An Adviser shall be a person who holds or has...  
3 (1) An Adviser shall hold and vacate his office in...

*Interim custody orders*

- 4 (1) Where it appears to the Secretary of State that...  
5 (1) The Secretary of State may, at any time before...

*Reference to an Adviser*

- 6 (1) As soon as possible after a case is referred...

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- 7 (1) Where the case of a person detained under an...

*Detention orders*

- 8 (1) After receiving a report made by an Adviser under...

*Supplemental*

- 9 (1) The Secretary of State may at any time refer...  
 10 (1) The Secretary of State may, as respects a person...  
 11 (1) A person required to be detained under an interim...  
 12 Where a person required to be detained under an interim...  
 13 Any person who— (a) being detained under an interim custody...  
 14 (1) Any document purporting to be an order, notice or...  
 15 The Secretary of State may make such payments to persons...

SCHEDULE 4 — Confiscation Orders: Supplementary Provisions

*Interpretation*

- 1 (1) Section 56 of this Act also has effect for...

*Application of procedure for enforcing fines*

- 2 (1) Where the Crown Court makes a confiscation order against...

*Interest on sums unpaid under confiscation orders*

- 3 (1) If any sum required to be paid by a...

*Cases in which restraint orders and charging orders may be made*

- 4 (1) The powers conferred on the High Court by paragraphs...

*Restraint orders*

- 5 (1) The High Court may by order (a restraint order)...

*Charging orders in respect of land, securities, etc.*

- 6 (1) The High Court may make a charging order on...

*Charging orders: supplementary provisions*

- 7 (1) Subject to any provision made under paragraph 10 below...

*Restraint and charging orders made by the Secretary of State*

- 8 (1) The power to make a restraint order or charging...

*Contravention of restraint order*

- 9 (1) A person who, without lawful authority or reasonable excuse...

*Realisation of property*

- 10 (1) Where a confiscation order— (a) has been made under...

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*Increase in realisable property*

- 11 (1) Where— (a) by virtue of section 47(7) of this...

*Application of proceeds of realisation and other sums*

- 12 (1) Subject to sub-paragraph (2) below, the following sums in...

*Exercise of powers by High Court, Secretary of State or receiver*

- 13 (1) This paragraph applies to the powers conferred on the...

*Receivers: supplementary provisions*

- 14 (1) Where a receiver appointed under this Schedule or in...

*Variation of confiscation orders*

- 15 (1) If, on an application by the defendant or a...

*Bankruptcy of defendant*

- 16 (1) Where a person who holds realisable property is adjudged...

*Winding up of company holding realisable property*

- 17 (1) Where realisable property is held by a company and...

*Insolvency practitioners dealing with property subject to restraint order*

- 18 (1) Without prejudice to the generality of the Insolvency (Northern...

*Enforcement of orders outside Northern Ireland*

- 19 (1) Her Majesty may by Order in Council make provision...

*Compensation*

- 20 (1) If proceedings are instituted against a person for a...

*Compensation etc. where absconder is acquitted*

- 20A (1) This paragraph applies where— (a) the High Court has...

*Power to discharge confiscation order and order compensation where absconder returns*

- 20B (1) This paragraph applies where— (a) the High Court has...

*Variation of confiscation orders made by virtue of section 52B*

- 20C (1) This paragraph applies where— (a) the High Court has...

*Transitional provisions*

- 21 (1) In the case of a confiscation order made before...

SCHEDULE 5 — Authorised Investigators

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*Preliminary*

- 1 (1) In this Schedule— “authorised investigator” means a person authorised...

*Investigation powers*

- 2 (1) An authorised investigator may by notice in writing require...

*Search warrants*

- 3 (1) A justice of the peace or, in Scotland, a...

*Offences*

- 4 (1) A person is guilty of an offence if without...

*Admissibility of evidence*

- 5 A statement made by a person in response to a...

*Restriction on disclosure of information*

- 6 (1) Information obtained by a person in his capacity as...

*Code of practice*

- 7 (1) The Secretary of State shall make a code of...

SCHEDULE 6 — Independent Assessor of Military Complaints Procedures in Northern Ireland

*Tenure of office*

- 1 (1) Subject to the following provisions of this paragraph, the...

*Remuneration etc.*

- 2 (1) There shall be paid to the Independent Assessor such...

*Staff*

- 3 (1) The Independent Assessor may appoint such number of employees...

*Reports*

- 4 (1) The Independent Assessor shall prepare an annual report on...

*Disqualification*

- 5 In Part III of Schedule 1 to the Northern Ireland...

SCHEDULE 7 — Consequential Amendments

*The Rehabilitation of Offenders (Northern Ireland) Order 1978*

- 1 In Article 3(2)(a) of the Rehabilitation of Offenders (Northern Ireland)...



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*The Bankruptcy Amendment (Northern Ireland) Order 1980*

- 2 Article 31 of the Bankruptcy Amendment (Northern Ireland) Order 1980...

*The Fines and Penalties (Northern Ireland) Order 1984*

- 3 .....

*The Elected Authorities (Northern Ireland) Act 1989*

- 4 (1) The Elected Authorities (Northern Ireland) Act 1989 shall be...

*The Prevention of Terrorism (Temporary Provisions) Act 1989*

- 5 (1) The Prevention of Terrorism (Temporary Provisions) Act 1989 shall...

*The Police and Criminal Evidence (Northern Ireland) Order 1989*

- 6 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989...

*The Insolvency (Northern Ireland) Order 1989*

- 7 Article 255 of the Insolvency (Northern Ireland) Order 1989 shall...

*The Criminal Justice (Confiscation) (Northern Ireland) Order 1990*

- 8 In Article 2(4)(b) of the Criminal Justice (Confiscation) (Northern Ireland)...

SCHEDULE 8 — Repeals and Revocations

Part I — ENACTMENTS

Part II — ORDERS AND REGULATIONS

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