



# Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996)

## 1991 CHAPTER 24

### PART IX

#### SUPPLEMENTARY

#### Extent Information

- E1** This Part extends to the United Kingdom so far as it relates to sections 53, 54 and 57, paragraph 19 of Schedule 4, Schedule 5 and paragraph 5(2),(3),(7) and (8) of Schedule 7, see [s. 71\(2\)](#).

#### 65 Restriction of prosecutions.

A prosecution in respect of an offence under this Act shall not be instituted in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland or in England and Wales except by or with the consent of the Director of Public Prosecutions.

#### 66 General interpretation.

In this Act, except so far as the context otherwise requires—

“dwelling-house” means any building or part of a building used as a dwelling;

“explosive” means any article or substance manufactured for the purpose of producing a practical effect by explosion;

“explosive substance” means any substance for the time being specified in regulations made under section 3 of the <sup>M1</sup>Explosives Act (Northern Ireland) 1970;

“firearm” includes an air gun or air pistol;

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“proscribed organisation” means an organisation for the time being specified in Schedule 2 to this Act, including an organisation which is to be treated as a proscribed organisation by virtue of section 28(2) above;

“public place” means a place to which for the time being members of the public have or are permitted to have access, whether on payment or otherwise;

“scheduled offence” has the meaning given by section 1 above;

“terrorism” means the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear;

“terrorist” means a person who is or has been concerned in the commission or attempted commission of any act of terrorism or in directing, organising or training persons for the purpose of terrorism;

“vehicle” includes a hovercraft.

<p><b>Marginal Citations</b></p> <p><b>M1</b> 1970 c. 10 (N.I.).</p>
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**67 Orders and regulations.**

- (1) Subject to subsection (4) below, any power to make orders or regulations conferred by this Act shall be exercisable by statutory instrument.
- (2) No order under section 1 or 28 above or 69(3) below and no regulations under section 58 above shall be made unless—
  - (a) a draft of the order or regulations has been approved by resolution of each House of Parliament; or
  - (b) it is declared in the order or regulations that it appears to the Secretary of State that by reason of urgency it is necessary to make the order or regulations without a draft having been so approved.
- (3) Orders and regulations under the provisions mentioned in subsection (2) above shall, if not so approved in draft, be laid before Parliament after being made and, if at the end of the period of forty days (computed in accordance with section 7(1) of the <sup>M2</sup>Statutory Instruments Act 1946) after the day on which the Secretary of State made such an order or regulations a resolution has not been passed by each House approving the order or regulations in question, the order or regulations shall then cease to have effect (but without prejudice to anything previously done or to the making of a new order or new regulations).
- (4) Subsection (1) above does not apply to any order under section 25, Schedule 3 or paragraph 6(1)(d) of Schedule 5 or any order under regulations made by virtue of section 58.
- (5) Any regulations under section 8 and any order under section 14(5), 15(8), 47(5), 61 or 62 above or under paragraph 7(3) [<sup>F1</sup>or 19(1)(a)] of Schedule 4 or paragraph 7 of Schedule 5 to this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F2</sup>(6) .....
- (7) Any order under section 37(4) above shall be laid before Parliament after being made.

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#### Textual Amendments

- F1** Words in s. 67(5) inserted (1.12.1993) by 1993 c. 36, s. 45(2) (with s. 78(6)); S.I. 1993/2734, art. 2, Sch.
- F2** S. 67(6) ceased to have effect (1.12.1993) and repealed (15.2.1994) by 1993 c. 36, ss. 45(3), 79(14), Sch. 6 Pt.I (with s. 78(6)); S.I. 1993/2734, art. 2, Sch. and S.I. 1994/71, art. 2, Sch. Appendix.

#### Marginal Citations

- M2** 1946 c. 36.

### 68 Expenses.

Any expenses of the Secretary of State under this Act shall be defrayed out of money provided by Parliament.

### 69 Commencement, duration, expiry and revival of provisions of this Act.

- (1) This Act except Part VII shall come into force at the end of the period of two months beginning with the day on which it is passed and that Part shall come into force on such date as the Secretary of State may by order appoint.
- (2) The temporary provisions of this Act, that is to say, Parts I to VIII except—
  - (a) section 7, Part III of Schedule 1 and, so far as they relate to offences which are scheduled offences by virtue of that Part, sections 3, 9 and 10;
  - (b) sections 63 and 64; and
  - (c) [F3 paragraphs 20 to 20C] of Schedule 4,shall expire with 15th June 1992 unless continued in force by an order under subsection (3) below.
- (3) The Secretary of State may by order provide—
  - (a) that all or any of the temporary provisions of this Act which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding twelve months from the coming into operation of the order;
  - (b) that all or any of those provisions which are for the time being in force shall cease to be in force; or
  - (c) that all or any of those provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding twelve months from the coming into operation of the order.
- (4) The Secretary of State shall be deemed to have made an order under subsection (3)(b) above in respect of the provisions of section 34 and Schedule 3 with effect immediately after the coming into force of those provisions.
- (5) The coming into force of any provision of sections 9 to 12 above by virtue of an order made under subsection (3)(c) above shall not affect any trial on indictment where the indictment has been presented, or any summary trial which has started, before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.
- (6) Where before the coming into force of subsection (1) of section 9 above by virtue of such an order a person has been committed for trial for a scheduled offence and the

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indictment has not been presented, then, on the coming into force of that subsection, he shall, if he was committed to the Crown Court sitting elsewhere than in Belfast, be treated as having been committed to the Crown Court sitting in Belfast or (where the Lord Chancellor gives a direction under that subsection with respect to the trial) to the Crown Court sitting at the place specified in the direction.

- (7) The expiry or cesser of any provision mentioned in subsection (5) above shall not affect the application of that provision to any trial on indictment where the indictment has been presented, or any summary trial which has started, before the expiry or cesser; and the expiry or cesser of section 14 or 15 above shall not affect the operation of that section in relation to an offence committed while it was in force.
- (8) It is hereby declared that the expiry or cesser of any provision of section 9 above shall not affect—
- (a) any committal of a person for trial in accordance with that provision to the Crown Court sitting either in Belfast or elsewhere, or
  - (b) any committal of a person for trial which, in accordance with that provision, 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.
- (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 on which it came into force.

#### Subordinate Legislation Made

- P1** [S. 69\(1\)](#) power exercised (14.5.1992): 1.6.1992 appointed for the provisions of the Act (except s. 34 and Sch. 3) so far as not already in force, by [S.I. 1992/1181](#), [art. 2](#)
- P2** [S. 69\(3\)](#): power partly exercised by [S.I. 1992/1413](#), [S.I. 1993/1522](#), [S.I. 1994/1569](#), [S.I. 1995/1566](#) and [S.I. 1996/1572](#)

#### Textual Amendments

- F3** Words in [s. 69\(2\)\(c\)](#) substituted (3.2.1995) by [1993 c. 36, ss. 78\(3\), 79\(13\)](#), [Sch. 5 Pt. I para. 17\(3\)](#); [S.I. 1995/43](#), [art. 2, 3](#), [Sch.](#)

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

- C1** [S. 69](#) modified (3.11.1994) by [1994 c. 33, ss. 83\(5\), 172\(4\)](#)
- C2** [S. 69](#) amended (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), [Sch. 9 para. 51\(2\)](#); [S.I. 1995/127](#), [arts. 2, 3](#), [Sch. Appendix A](#)
- [S. 69](#) modified (15.2.1994) by [1993 c. 36, s. 78\(12\)](#); [S.I. 1994/71](#), [art. 2](#), [Sch.](#)

## 70 Savings, amendments and repeals.

- (1) Neither any rule of law nor any enactment other than this Act nor anything contained in a commission issued for the trial of any person shall be construed as limiting or otherwise affecting the operation of any provision of this Act for the time being in force, but—
- (a) subject to the foregoing, any power conferred by this Act shall not derogate from Her Majesty's prerogative or any powers exercisable apart from this Act by virtue of any rule of law or enactment; and

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- (b) subject to the foregoing and to section 69(7) above, a provision of this Act shall not affect the operation of any rule of law or enactment at a time when the provision is not in force.
- (2) Any rules in force at the coming into force of this Act under section 28A(1) of the <sup>M3</sup>Northern Ireland (Emergency Provisions) Act 1978 shall have effect as if they were county court rules made in relation to appeals under section 63 above.
- (3) The enactments mentioned in Schedule 7 to this Act shall be amended in accordance with that Schedule.
- (4) The enactments mentioned in Part I of Schedule 8 to this Act are hereby repealed, and the instruments mentioned in Part II of that Schedule are hereby revoked, to the extent there specified.

#### Marginal Citations

M3 1978 c. 5.

## 71 Short title and extent.

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1991.
- (2) Except for sections 53, [F4to 54A, 55A] and 57, paragraph 19 of Schedule 4, Schedule 5, this Part of this Act so far as relating to those provisions and paragraph 5(2), (3), (7) and (8) of Schedule 7, this Act extends to Northern Ireland only.
- (3) Her Majesty may by Order in Council direct that any of the provisions of section 57 and Schedule 5 shall extend, with such modifications as appear to Her Majesty to be appropriate, to any of the Channel Islands or the Isle of Man.

#### Textual Amendments

F4 Words in s. 71(2) substituted (1.4.1994) by 1993 c. 36, s. 79(13), Sch. 5 Pt. I para. 17(4); 1994/700, arts. 2, 3, Sch..

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