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*Status:* Point in time view as at 27/08/1991. This version of this provision has been superseded.  
*Changes to legislation:* There are currently no known outstanding effects for the Northern Ireland (Emergency Provisions) Act 1991 (repealed 25.8.1996), Paragraph 5. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 7

#### CONSEQUENTIAL AMENDMENTS

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

- 5 (1) The <sup>M1</sup>Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- (2) In section 10(3) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (3) In section 17(1)(a)—
- (a) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 27 or 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”;
  - (b) for the words “section 21 of the said Act of 1978” there shall be substituted the words “ section 28 of the said Act of 1991 ”;
  - (c) for the words “section 21(4) of that Act” there shall be substituted the words “ section 28(3) of that Act ”.
- (4) In section 27(10) for the words “section 21 of the Northern Ireland (Emergency Provisions) Act 1978” there shall be substituted the words “ section 28 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (5) For subsection (11) of section 27 there shall be substituted—
- “(11) The provisions excluded by subsection (10) above from subsection (5) shall remain in force until 15th June 1992 and then expire but shall be—
- (a) included in the provisions to which subsection (3) of section 69 of the said Act of 1991 applies (provisions that can be continued in force, repealed or revived by order); and
  - (b) treated as part of that Act for the purposes of subsection (9) of that section ( repeal at end of five years).”
- (6) In paragraph 7(4) of Schedule 3 for the words “sections 14 and 15 of the Northern Ireland (Emergency Provisions) Act 1987” there shall be substituted the words “ sections 44 and 45 of the Northern Ireland (Emergency Provisions) Act 1991 ”.
- (7) In paragraph 8(1) of Schedule 4, in the definition of “a Northern Ireland order” after the words “paragraph 23” there shall be inserted the words “ or 25A ”.
- (8) In paragraph 18(1) of Schedule 4, in the definition of “a Northern Ireland order” after the words “paragraph 23” there shall be inserted the words “ or 25A ”.

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(9) After paragraph 25 of Schedule 4 there shall be inserted—

“25A (1) The power to make a restraint order under the provisions of paragraphs 23 and 24 above shall be exercisable by the Secretary of State in any case in which it appears to him that the information which it would be necessary to provide in support of an application to the High Court or a judge under those provisions would, if disclosed, be likely to place any person in danger or prejudice the capability of members of the Royal Ulster Constabulary or a person authorised under section 57 of the Northern Ireland (Emergency Provisions) Act 1991 to investigate an offence under Part III of this Act.

(2) In their application by virtue of sub-paragraph (1) above paragraphs 23 to 25 above shall have effect with the necessary modifications and as if references to the High Court were references to the Secretary of State.

(3) An order made by the Secretary of State by virtue of this paragraph may be varied or discharged by the High Court under paragraph 23(5) or 24(2) above.

25B (1) A person who, without lawful authority or reasonable excuse (the proof of which lies on him), contravenes a restraint order is guilty of an offence and liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or a fine or both;

(b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

(2) Nothing in sub-paragraph (1) above shall be taken to prejudice any power of the High Court to deal with the contravention of a restraint order as a contempt of court.”

#### **Extent Information**

**E1** Sch. 7 para. 5 except para. 5(2)(3)(7)(8) extends to Northern Ireland only

#### **Marginal Citations**

**M1** 1989 c. 4.

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