



Northern Ireland (Emergency Provisions) Act 1991

1991 CHAPTER 24

PART II

POWERS OF ARREST, SEARCH AND SEIZURE, ETC.

26 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) Where a document or record examined under section 22 above was found in the course of a search of a vehicle, vessel or aircraft—
 - (a) the reference in subsection (6) of that section to the address of the premises, or a description of the place, where the document or record was found shall be construed as a reference to the location of the vehicle, vessel or aircraft where it was found together (in the case of a vehicle) with its registration number; and
 - (b) the references in that section to the occupier of the premises or place where it was found shall be construed as references to the person in charge of the vehicle, vessel or aircraft.
- (3) 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.
- (4) 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.

Status: This is the original version (as it was originally enacted).

- (5) 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.
- (6) Where by virtue of this section a search under section 19(1) or (2) above is carried out in relation to a vessel, aircraft or vehicle, the person carrying out the search may, if he reasonably believes that it is necessary to do so for the purpose mentioned in subsection (4) of that section—
- (a) require any person in or on the vessel, aircraft or vehicle to remain with it or, in the case of a vessel or vehicle which by virtue of subsection (5) above is removed for the purpose of the search, to go to and remain at the place to which it is removed; and
 - (b) use reasonable force to secure compliance with any such requirement;
- and subsections (5) and (12) of section 19 above shall apply to a requirement imposed under this subsection as they apply to a requirement imposed under subsection (4) of that section.
- (7) The requirement to make a record of a search under subsection (1) or (2) of section 19 above shall apply in the case of a vehicle, vessel or aircraft (other than one which is habitually stationary) searched by virtue of this section only where the search takes place after the vehicle, vessel or aircraft is removed for the purpose of the search by virtue of subsection (5) above; and in the case of such a search—
- (a) the reference in subsection (8) of that section to the address of the premises, or a description of the place, which is searched shall be construed as a reference to the location where the vehicle, vessel or aircraft is searched together (in the case of a vehicle) with its registration number; and
 - (b) the references in that section to the occupier of the premises or place searched shall be construed as references to the person in charge of the vehicle, vessel or aircraft.
- (8) Any power conferred by virtue of this section to search any vessel, aircraft, vehicle or container includes power to examine it.
- (9) 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.
- (10) 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 is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.
- (11) 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.
- (12) The 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.