

SCHEDULES

SCHEDULE 1

Section 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 Riot.
- 4 Kidnapping subject to note 1 below.
- 5 False imprisonment subject to note 1 below.

Malicious Damage Act 1861 (c. 97)

- 6 Offences under section 35 of the Malicious Damage Act 1861 (interference with railway) subject to note 1 below.

Offences against the Person Act 1861 (c. 100)

- 7 Offences under the following provisions of the Offences against the Person Act 1861—
 - (a) section 4 (offences relating to murder) subject to note 1 below;
 - (b) section 16 (threats to kill) subject to note 1 below;
 - (c) section 18 (wounding with intent to cause grievous bodily harm) subject to note 1 below;
 - (d) section 20 (causing grievous bodily harm) subject to note 1 below;
 - (e) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm);
 - (f) section 47 (assault occasioning actual bodily harm) subject to note 1 below.

Explosive Substances Act 1883 (c. 3)

- 8 Offences under the following provisions of the Explosive Substances Act 1883—
 - (a) section 2 (causing explosion likely to endanger life or damage property);
 - (b) section 3 (intending or conspiring to cause any such explosion, and making or possessing explosive with intent to endanger life or cause serious damage to property);

Status: This is the original version (as it was originally enacted).

- (c) section 4 (making or possessing explosives in suspicious circumstances).

Prison Act (Northern Ireland) 1953 (c. 18 (N.I.))

- 9 Offences under the following provisions of the Prison Act (Northern Ireland) 1953 subject to note 1 below—

- (a) section 25 (being unlawfully at large while under sentence);
- (b) section 26 (escaping from lawful custody and failing to surrender to bail);
- (c) section 27 (attempting to break prison);
- (d) section 28 (breaking prison by force or violence);
- (e) section 29 (rescuing or assisting or permitting to escape from lawful custody persons under sentence of death or life imprisonment);
- (f) section 30 (rescuing or assisting or permitting to escape from lawful custody persons other than persons under sentence of death or life imprisonment);
- (g) section 32 (causing discharge of prisoner under pretended authority);
- (h) section 33 (assisting prisoners to escape by conveying things into prisons).

Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

- 10 Offences under the following provisions of the Theft Act (Northern Ireland) 1969—

- (a) section 1 (theft) subject to note 2 below;
- (b) section 8 (robbery) subject to notes 1 and 3 below;
- (c) section 9 (burglary) subject to note 2 below;
- (d) section 10 (aggravated burglary) subject to notes 1 and 3 below;
- (e) section 15 (obtaining property by deception) subject to note 2 below;
- (f) section 20 (blackmail) subject to notes 1 and 2 below.

Protection of the Person and Property Act (Northern Ireland) 1969 (c. 29 (N.I.))

- 11 Offences under the following provisions of the Protection of the Person and Property Act (Northern Ireland) 1969—

- (a) section 1 (intimidation) subject to note 1 below;
- (b) section 2 (making or possessing petrol bomb, etc. in suspicious circumstances);
- (c) section 3 (throwing or using petrol bomb, etc).

Hijacking

- 12 Offences under section 1 of the Aviation Security Act 1982 (aircraft).
13 Offences in Northern Ireland under section 2 of the Criminal Jurisdiction Act 1975 (vehicles or ships).

Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))

- 14 Offences under the following provisions of the Criminal Damage (Northern Ireland) Order 1977 subject to note 1 below—

- (a) Article 3(1) and (3) or Article 3(2) and (3) (arson);
- (b) Article 3(2) (destroying or damaging property with intent to endanger life);

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

- (c) Article 4 (threats to destroy or damage property);
- (d) Article 5 (possessing anything with intent to destroy or damage property).

Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 (N.I. 16))

- 15 Offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes) subject to note 1 below.

Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))

- 16 Offences under the following provisions of the Firearms (Northern Ireland) Order 1981—
- (a) Article 4(1), (2), (3) or (4) (manufacturing, dealing in, repairing, etc, firearm or ammunition without being registered) subject to note 1 below;
 - (b) Article 5 (shortening barrel of shot gun or converting imitation firearm into firearm) subject to note 1 below;
 - (c) Article 6(1) (manufacturing, dealing in or possessing certain weapons, etc.) subject to note 1 below;
 - (d) Article 17 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property);
 - (e) Article 18 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another etc.);
 - (f) Article 19 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another);
 - (g) Article 20 (carrying firearm, etc, in public place) subject to notes 1 and 4 below;
 - (h) Article 22 (possession of firearm or ammunition by person who has been sentenced to imprisonment, etc, and sale of firearm or ammunition to such a person) subject to note 1 below;
 - (i) Article 23 (possessing firearm or ammunition in suspicious circumstances).

Taking of Hostages Act 1982 (c. 28)

- 17 Offences under the Taking of Hostages Act 1982.

Nuclear Material (Offences) Act 1983 (c. 18)

- 18 Offences under section 2 of the Nuclear Material (Offences) Act 1983 (offences involving nuclear material: preparatory acts and threats).

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

- 19 Offences under the following provisions of the Prevention of Terrorism (Temporary Provisions) Act 1989—
- (a) section 8 (breach of exclusion order);
 - (b) sections 9, 10 and 11 (financial assistance for terrorism);
 - (c) section 17 and Schedule 7 (terrorist investigations);
 - (d) section 18 (information about acts of terrorism);
 - (e) section 18A (failure to disclose knowledge or suspicion of financial assistance for terrorism);

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- (f) paragraph 25B of Schedule 4 (contravention of restraint orders).

Aviation and Maritime Security Act 1990 (c. 31)

20 Offences under the following provisions of the Aviation and Maritime Security Act 1990—

- (a) section 1 (endangering safety at aerodromes);
- (b) section 9 (hijacking of ships);
- (c) section 10 (seizing or exercising control of fixed platforms).

Channel Tunnel (Security) Order 1994 (S.I. 1994/570)

21 Offences under the following provisions of the Channel Tunnel (Security) Order 1994—

- (a) Article 4 (hijacking of Channel Tunnel trains);
- (b) Article 5 (seizing or exercising control of the tunnel system).

This Act

22 Offences under the following provisions of this Act—

- (a) section 21(5);
- (b) section 29;
- (c) section 30;
- (d) section 31;
- (e) section 32;
- (f) section 33;
- (g) section 34;
- (h) section 35;
- (i) section 37;
- (j) paragraph 13 of Schedule 3.

Notes

- 1 Any offence specified in this Part of this Schedule which is stated to be subject to this note is not a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
- 2 An offence specified in paragraph 10(a), (c) or (e) is a scheduled offence only where it is charged that the offence was committed in relation to or by means of nuclear material within the meaning of the Nuclear Material (Offences) Act 1983; and the Attorney General for Northern Ireland shall not certify that the offence specified in paragraph 10(f) is not to be treated as a scheduled offence in a case where it is charged that the offence was so committed.
- 3 An offence specified in paragraph 10(b) or (d) is a scheduled offence only where it is charged—
- (a) that an explosive, firearm, imitation firearm or weapon of offence was used to commit the offence; or
 - (b) that the offence was committed in relation to or by means of nuclear material within the meaning of the Nuclear Material (Offences) Act 1983;

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

and expressions defined in section 10 of the Theft Act (Northern Ireland) 1969 have the same meaning when used in this note.

- 4 The offence specified in paragraph 16(g) is a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.

PART II

INCHOATE AND RELATED OFFENCES

Each of the following offences, that is to say—

- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule (hereafter in this paragraph referred to as a “substantive offence”);
- (b) attempting or conspiring to commit a substantive offence;
- (c) an offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence;
- (d) an offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967 of failing to give information to a constable which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of a person for a substantive offence,

shall be treated for the purposes of this Act as if it were the substantive offence.

PART III

EXTRA-TERRITORIAL OFFENCES

Any extra-territorial offence as defined in section 1(3) of the Criminal Jurisdiction Act 1975.

SCHEDULE 2

Section 30(2).

PROSCRIBED ORGANISATIONS

The Irish Republican Army.
Cumann na mBan.
Fianna na hEireann.
The Red Hand Commando.
Saor Eire.
The Ulster Freedom Fighters.
The Ulster Volunteer Force.
The Irish National Liberation Army.
The Irish People’s Liberation Organisation.
The Ulster Defence Association.

SCHEDULE 3

Section 36.

DETENTION OF TERRORISTS

Advisers

- 1 The Secretary of State shall for the purposes of this Schedule appoint such number of Advisers as he may determine to advise him on matters concerning the detention and release of terrorists.
- 2 An Adviser shall be a person who holds or has held judicial office in any part of the United Kingdom or who is—
- (a) a person who has a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990; or
 - (b) an advocate or solicitor in Scotland of at least ten years' standing; or
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least ten years' standing.
- 3 (1) An Adviser shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for reappointment.
- (2) An Adviser may at any time by notice in writing to the Secretary of State resign his office.
- (3) The Secretary of State may pay to the Advisers such remuneration and allowances as he may determine.

Interim custody orders

- 4 (1) Where it appears to the Secretary of State that there are grounds for suspecting that a person has been concerned—
- (a) in the commission or attempted commission of any act of terrorism, or
 - (b) in directing, organising or training persons for the purpose of terrorism,
- the Secretary of State may make an interim custody order for the temporary detention of that person.
- (2) An interim custody order shall be signed by the Secretary of State or a Minister of State or Under Secretary of State.
- 5 (1) The Secretary of State may, at any time before the expiry of the period of fourteen days following the date of an interim custody order, refer the case to an Adviser and, unless the case is so referred, the order shall cease to have effect at the expiry of that period.
- (2) A reference to an Adviser under this paragraph shall be by notice in writing signed on behalf of the Secretary of State and a copy of the notice shall be sent to the person detained.

Reference to an Adviser

- 6 (1) As soon as possible after a case is referred to an Adviser under paragraph 5, the person detained shall be served with a statement in writing as to the nature of the terrorist activities of which he is suspected.

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

- (2) A person detained may, within seven days following the date on which he receives any such statement as is mentioned in sub-paragraph (1), send to the Secretary of State—
- (a) written representations concerning his case; and
 - (b) a written request that he be seen personally by an Adviser;
- and the Secretary of State shall send a copy of such representations or request to the Adviser concerned.
- (3) The Secretary of State may pay any reasonable costs or expenses incurred by a person detained in obtaining legal advice or legal assistance in connection with the preparation of any representations he may make concerning his case.
- 7 (1) Where the case of a person detained under an interim custody order is referred to an Adviser, he shall consider it and report to the Secretary of State whether or not in his opinion—
- (a) the person detained has been concerned in terrorist activities; and
 - (b) the detention of that person is necessary for the protection of the public.
- (2) In considering any case referred to him an Adviser shall have regard to any information (whether oral or in writing) which is made available to, or obtained by, him and to any representations (whether oral or in writing) made by the person detained.
- (3) No person shall be present during the consideration by an Adviser of the case of any person referred to him, except—
- (a) any person who for the time being is being seen by the Adviser;
 - (b) any assistant to the Adviser; and
 - (c) any person who is present in the interests of security.
- (4) The Secretary of State may, at the request of an Adviser, pay any reasonable expenses incurred by any person in connection with a reference to the Adviser.

Detention orders

- 8 (1) After receiving a report made by an Adviser under paragraph 7(1), the Secretary of State shall consider the case of the person to whom it relates and, if he is satisfied—
- (a) that the person 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, and
 - (b) that the detention of that person is necessary for the protection of the public,
- the Secretary of State may make a detention order for the detention of that person.
- (2) If, on considering any case under sub-paragraph (1), the Secretary of State is not satisfied as mentioned in that sub-paragraph, he shall direct the release of the person concerned.
- (3) Subject to sub-paragraphs (4) and (5), where—
- (a) a person is detained under an interim custody order; and
 - (b) a detention order is not made in respect of that person within the period of seven weeks following the date of the interim custody order,
- the interim custody order shall cease to have effect.

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

- (4) The Secretary of State may, where a person is required to be detained under an interim custody order, give a direction in writing extending the period of seven weeks mentioned in sub-paragraph (3) (or that period as extended under this sub-paragraph) for a further period of one week if it is stated in the direction that the report of the Adviser in relation to that person's case has not been received before the sixth day immediately preceding the day on which the interim custody order would, but for the direction, cease to have effect.
- (5) Not more than three directions under sub-paragraph (4) shall be given in respect of any one interim custody order.
- (6) A detention order shall be signed by the Secretary of State, and a direction under sub-paragraph (4) shall be signed by the Secretary of State or a Minister of State or Under Secretary of State.

Supplemental

- 9 (1) The Secretary of State may at any time refer the case of a person detained under a detention order to an Adviser and, if so requested in writing in accordance with sub-paragraph (2) by a person so detained, shall do so within fourteen days beginning with the receipt of the request.
- (2) A person detained under a detention order shall not be entitled to make a request for the purposes of sub-paragraph (1)—
 - (a) before the expiry of the period of one year beginning with the date of the detention order; or
 - (b) within a period of six months from the date of the last notification under sub-paragraph (5) below.
- (3) On any reference under this paragraph, an Adviser shall consider the case and report to the Secretary of State whether or not the person's continued detention is necessary for the protection of the public.
- (4) Paragraphs 6(3) and 7(2) to (4) shall apply for the purposes of a reference under this paragraph as they apply for the purposes of a reference under paragraph 5.
- (5) Where a case is referred to an Adviser in consequence of a request made in accordance with this paragraph, the Secretary of State shall, after receiving the report of the Adviser, reconsider the case of the person to whom it relates and, if he decides not to release that person, shall notify him of his decision.
- (6) A notification under sub-paragraph (5) shall be by notice in writing and signed by the Secretary of State.
- 10 (1) The Secretary of State may, as respects a person detained under an interim custody order—
 - (a) direct his discharge unconditionally; or
 - (b) direct his release (whether or not subject to conditions) for a specified period.
- (2) The Secretary of State may, as respects a person detained under a detention order—
 - (a) direct his discharge unconditionally; or
 - (b) direct his release subject to conditions or for a specified period, or both.

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

- (3) The Secretary of State may recall to detention a person released under sub-paragraph (1)(b) or (2)(b) and a person so recalled may be detained under the original interim custody or detention order, as the case may be.
- (4) Where a person is released under sub-paragraph (1)(b), any period during which he is not in detention shall be left out of account for the purposes of paragraphs 5(1), 6(2) and 8(3).
- 11 (1) A person required to be detained under an interim custody order or a detention order may be detained in a prison or in some other place approved for the purposes of this paragraph by the Secretary of State.
- (2) A person for the time being having custody of a person required to be detained as aforesaid shall have all the powers, authorities, protection and privileges of a constable.
- (3) Subject to any directions of the Secretary of State, a person required to be detained as aforesaid shall be treated as nearly as may be as if he were a prisoner detained in a prison on remand and any power of temporary removal for judicial, medical or other purposes shall apply accordingly.
- (4) A person required to be detained as aforesaid who is unlawfully at large may be arrested without warrant by any constable or any member of Her Majesty's forces on duty.
- 12 Where a person required to be detained under an interim custody order is unlawfully at large, the interim custody order shall not cease to have effect under paragraph 5 or 8 while he remains at large; and, upon his being taken again into custody, those paragraphs shall have effect as if the date of the interim custody order were that of his being taken again into custody.
- 13 Any person who—
- (a) being detained under an interim custody order or detention order, escapes;
 - (b) rescues any person detained as aforesaid, or assists a person so detained in escaping or attempting to escape;
 - (c) fails to return to detention at the expiry of a period for which he was released under paragraph 10(1)(b) or (2)(b); or
 - (d) knowingly harbours any person required to be detained under an interim custody order or detention order, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody,
- is guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding five years or a fine or both.
- 14 (1) Any document purporting to be an order, notice or direction made or given by the Secretary of State for the purposes of this Schedule and to be signed in accordance with this Schedule shall be received in evidence and shall, until the contrary is proved, be deemed to be duly made or given and signed.
- (2) Prima facie evidence of any such order, notice or direction may, in any legal proceedings, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Secretary of State stating that the document is a true copy of the order, notice or direction; and the certificate shall be received in evidence, and shall, until the contrary is proved, be deemed to be duly made and signed.

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

- 15 The Secretary of State may make such payments to persons released or about to be released from detention under this Schedule as he may, with the consent of the Treasury, determine.

SCHEDULE 4

Section 51.

INDEPENDENT ASSESSOR OF MILITARY COMPLAINTS PROCEDURES IN NORTHERN IRELAND

Tenure of office

- 1 (1) Subject to the following provisions of this paragraph, the Independent Assessor shall hold and vacate office in accordance with the terms of his appointment.
- (2) The Independent Assessor shall be appointed for a term not exceeding three years.
- (3) The Independent Assessor may at any time resign his office by notice in writing addressed to the Secretary of State.
- (4) The Secretary of State may remove the Independent Assessor from office—
- (a) if he has without reasonable excuse failed to carry out his duties for a continuous period of six months or more;
- (b) if he has been convicted of a criminal offence;
- (c) if a bankruptcy order has been made against him, his estate has been sequestrated or he has made a composition or arrangement with, or granted a trust deed for, his creditors; or
- (d) if the Secretary of State is satisfied that he is otherwise unable or unfit to perform his functions.
- (5) At the end of a term of appointment the Independent Assessor shall be eligible for re-appointment.

Remuneration etc.

- 2 (1) There shall be paid to the Independent Assessor such remuneration and such travelling and other allowances as the Secretary of State may determine.
- (2) In the case of any such holder of the office of Independent Assessor as may be determined by the Secretary of State, there shall be paid such pension, allowances or gratuities to or in respect of him, or such payments towards the provision of a pension to or in respect of him, as may be so determined.

Staff

- 3 (1) The Independent Assessor may appoint such number of employees as he may determine.
- (2) The remuneration and other terms and conditions of service of persons employed by the Independent Assessor shall be such as he may determine.
- (3) The approval of the Secretary of State shall be required for the making of a determination under this paragraph.

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

Reports

- 4 (1) The Independent Assessor shall prepare an annual report on the performance of his functions which he shall submit to the Secretary of State who shall cause it to be published and lay copies of it before each House of Parliament.
- (2) The Independent Assessor may make a report to the Secretary of State about any matter which comes to his attention in the course of the performance of his functions.

Disqualification

- 5 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices), the following entry shall be inserted at the appropriate place—

“Independent Assessor of Military Complaints Procedures in Northern Ireland.”

SCHEDULE 5

Section 63(2).

SCHEDULED OFFENCES: TRANSITIONAL PROVISIONS

- 1 In this Schedule “commencement” means the time when this Act comes into force.
- 2 (1) This Schedule applies to offences which—
- (a) were immediately before commencement specified in Part I of Schedule 1 to the Northern Ireland (Emergency Provisions) Act 1991, but
 - (b) are not immediately after commencement specified in Part I of Schedule 1 to this Act.
- (2) In relation to offences committed (or alleged to have been committed) before commencement, this Act shall apply as if offences to which this Schedule applies were specified in Part I of Schedule 1.
- (3) Sub-paragraph (2) is subject to the following provisions.
- 3 Paragraph 2(2) shall not apply in relation to section 2 (preliminary inquiry) unless a request that a preliminary inquiry be held has been granted under section 2 of the 1991 Act.
- 4 Paragraph 2(2) shall not apply in relation to section 3 (limitation of power to grant bail).
- 5 Paragraph 2(2) shall not apply in relation to section 4 (legal aid to applicants for bail) except for the purposes of assignments made before commencement.
- 6 Paragraph 2(2) shall not apply in relation to section 5 (maximum period of remand in custody) except for the purposes of orders for remand made before commencement.
- 7 Paragraph 2(2) shall not apply in relation to section 6 (custody of young persons).
- 8 Paragraph 2(2) shall not apply in relation to section 8 (time limits for preliminary proceedings).
- 9 Paragraph 2(2) shall not apply in relation to sections 10 to 13 (court, mode of trial, evidence and onus of proof) except in cases where the case for the prosecution was opened, or a plea of guilty was accepted, before commencement.

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- 10 Paragraph 2(2) shall not apply in relation to sections 14 to 16 (treatment of offenders) except where the conviction of the offence in question occurred before commencement.
- 11 Paragraph 2(2) shall not apply in relation to section 18 (constable’s general power of arrest and seizure) except where the arrest, entry, search or seizure occurred before commencement.
- 12 Paragraph 2(2) shall not apply in relation to section 46(8)(a) to (c) (right to have someone informed of detention: delay related to scheduled offence) except for the purposes of authorisations given before commencement.
- 13 Paragraph 2(2) shall not apply in relation to section 47(8)(a) to (c) (right of access to legal advice: delay related to scheduled offence) except for the purposes of authorisations given before commencement.
- 14 Paragraph 2(2) shall not apply in relation to section 53(7) (compensation: restriction) except where the act in question was done before commencement.
- 15 Note 1 of Part I of Schedule 1 shall apply to any offence to which the corresponding note in the Northern Ireland (Emergency Provisions) Act 1991 applied.

SCHEDULE 6

Section 63(6).

CONSEQUENTIAL AMENDMENTS

The Elected Authorities (Northern Ireland) Act 1989 (c. 3)

- 1 The Elected Authorities (Northern Ireland) Act 1989 shall be amended as follows.
- 2 In section 6(5) (breach of terms of declaration), in the definition of “proscribed organisation” for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 3 In Schedule 2 (declaration against terrorism), for the words “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1996”.

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

- 4 The Prevention of Terrorism (Temporary Provisions) Act 1989 shall be amended as follows.
- 5 In section 10(3) (contributions to resources of proscribed organisations), for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 6 (1) Section 17 (investigation of terrorist activities) shall be amended as follows.
- (2) In subsection (1)(a)(ii) for the words “section 27, 28, 53, 54 or 54A of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 29 or 30 of the Northern Ireland (Emergency Provisions) Act 1996”.

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

- (3) In subsection (1)(a)(iii) for the words “section 28 of the said Act of 1991” there shall be substituted the words “section 30 of the said Act of 1996”.
- (4) In subsection (1)(b) for the words “section 28(3) of that Act” there shall be substituted the words “section 30(3) of the Act of 1996”.
- (5) In subsection (2A) the words “or section 53, 54 or 54A of the Northern Ireland (Emergency Provisions) Act 1991” shall be omitted.
- (6) In subsection (2B) the words “or section 53(4A), 54(5D) or 54A(5) of the Act of 1991” shall be omitted.
- (7) In subsection (6) the words “or section 54A of the Act of 1991” shall be omitted.
- 7 (1) Section 27 (commencement and duration) shall be amended as follows.
- (2) In subsection (10) for the words “section 28 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 30 of the Northern Ireland (Emergency Provisions) Act 1996”.
- (3) For subsection (11) there shall be substituted—
- “(11) The provisions excluded by subsection (10) above from subsection (5) shall remain in force until 15th June 1997 and then expire but shall be—
- (a) included in the provisions to which subsection (3) of section 62 of the said Act of 1996 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 (10) of that section (repeal at end of two years).”.
- 8 In paragraph 7(4) of Schedule 3 (supervision of detention and examination powers), for the words “sections 44 and 45 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “sections 46 and 47 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 9 (1) Schedule 4 (forfeiture orders) shall be amended as follows.
- (2) In paragraph 8(1), in the definition of “a Northern Ireland order” for paragraph (b) there shall be substituted—
- “(b) an order made under paragraph 23 or 25A below (“a Northern Ireland restraint order”); or”.
- (3) In paragraph 18(1), in the definition of “a Northern Ireland order” for paragraph (b) there shall be substituted—
- “(b) an order made under paragraph 23 or 25A below (“a Northern Ireland restraint order”); or”.
- (4) After paragraph 25 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 to investigate an offence under Part III of this Act.

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

- (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.”
- 10 In paragraph 8(1) of Schedule 7 (terrorist investigations), for the words “or an offence under section 27 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “or an offence under section 29 of the Northern Ireland (Emergency Provisions) Act 1996”.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 11 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- 12 In Article 4(3) (provisions relating to powers to stop and search), for sub-paragraph (b) there shall be substituted—
- “(b) sections 20, 22 and 28 of the Northern Ireland (Emergency Provisions) Act 1996, and”.
- 13 In Article 30(3) (information to be given on arrest), for the words “section 18(2) of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 19(2) of the Northern Ireland (Emergency Provisions) Act 1996”.
- 14 In Article 54(2) (abolition of certain powers of constables to search persons), the words “section 19(6)(b) of the Northern Ireland (Emergency Provisions) Act 1991 or” shall cease to have effect.
- 15 At the beginning of Article 61(9)(b) (fingerprinting), there shall be inserted the words “except as provided by section 48 of the Northern Ireland (Emergency Provisions) Act 1996,”.
- 16 In Article 74(9) (confessions), for the words “section 11 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 12 of the Northern Ireland (Emergency Provisions) Act 1996”.
- 17 In Article 76(2)(b) (exclusion of unfair evidence), for the words “subsection (1) of section 11 of the Northern Ireland (Emergency Provisions) Act 1991” there

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shall be substituted the words “subsection (1) of section 12 of the Northern Ireland (Emergency Provisions) Act 1996”.

The Northern Ireland (Remission of Sentences) Act 1995 (c. 47)

- 18 (1) Section 1 of the Northern Ireland (Remission of Sentences) Act 1995 (release on licence of persons subject to restricted remission) shall be amended as follows.
- (2) In subsection (1) for the words “section 14 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “section 15 of the Northern Ireland (Emergency Provisions) Act 1996”.
- (3) In subsection (2) for the words “section 14” there shall be substituted the words “section 15 of that Act”.
- (4) In subsection (6) for the words “Section 15 of the Northern Ireland (Emergency Provisions) Act 1991” there shall be substituted the words “Section 16 of the Northern Ireland (Emergency Provisions) Act 1996”.

SCHEDULE 7

Section 63(7).

REPEALS AND REVOCATIONS

PART I

ENACTMENTS

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1980 c. 47.	The Criminal Appeal (Northern Ireland) Act 1980.	Section 30(2).
1989 c. 4.	The Prevention of Terrorism (Temporary Provisions) Act 1989.	In section 17(2A), the words “or section 53, 54 or 54A of the Northern Ireland (Emergency Provisions) Act 1991”. In section 17(2B), the words “or section 53(4A), 54(5D) or 54A(5) of the Act of 1991”. In section 17(6), the words “or section 54A of the Act of 1991”.
1991 c. 24.	The Northern Ireland (Emergency Provisions) Act 1991.	The whole Act.
1993 c. 36.	The Criminal Justice Act 1993.	Sections 36 to 48. Section 50(2)(b).

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<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 78(8) and (12). Section 79(6). Paragraph 6 of Schedule 4. Paragraphs 3 and 17 of Schedule 5.
1994 c. 33.	The Criminal Justice and Public Order Act 1994.	Section 83(1)(c), (3) and (5). Paragraph 51 of Schedule 9. Paragraph 63(2) of Schedule 10.
1995 c. 35.	The Criminal Appeal Act 1995.	Section 22(5)(b), and the word “and” immediately before it.
1995 c. 40.	The Criminal Procedure (Consequential Provisions) (Scotland) Act 1995.	Paragraph 79 of Schedule 4.

PART II

ORDERS AND REGULATIONS

<i>Number</i>	<i>Title</i>	<i>Extent of revocation</i>
S.I. 1989/1341 (N. I. 12).	The Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 54(2), the words “section 19(6)(b) of the Northern Ireland (Emergency Provisions) Act 1991 or”.
S.I. 1992/1958.	The Northern Ireland (Emergency Provisions) Act 1991 (Amendment) Order 1992.	The whole Order.
S.I. 1994/570.	The Channel Tunnel (Security) Order 1994.	Paragraph 1 of Schedule 3.
S.I. 1994/764.	The Northern Ireland (Emergency Provisions) Act 1991 (Guernsey) Order 1994.	The whole Order.
S.I. 1994/1696.	The Insurance Companies (Third Insurance Directives) Regulations 1994.	Paragraph 21 of Schedule 8.
S.I. 1995/2993 (N.I. 17).	The Police (Amendment) (Northern Ireland) Order 1995.	Article 9(4).