



Northern Ireland (Emergency Provisions) (Amendment) Act 1975

CHAPTER 62

ARRANGEMENT OF SECTIONS

Trial of certain offences, etc.

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Northern Ireland (Emergency Provisions) (Amendment) Act 1975

1975 CHAPTER 62

An Act to amend the Northern Ireland (Emergency Provisions) Act 1973; to make further provision with respect to criminal proceedings, the maintenance of order and the detection of crime in Northern Ireland; to provide for the detention of terrorists there; and for connected purposes. [7th August 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Trial of certain offences, etc.

1.—(1) Section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (admissibility of written statements in criminal proceedings other than preliminary investigations and preliminary enquiries), section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 (admissibility of written statements in preliminary enquiries) and sections 1A and 1B of the Perjury Act (Northern Ireland) 1946 (penalties for the making of false statements which are tendered in evidence under either the said section 1 or 3) shall apply to written statements made in Great Britain as well as to written statements made in Northern Ireland. Admissibility of written statements made outside Northern Ireland. 1968 c. 28 (N.I.). 1968 c. 32 (N.I.). 1946 c. 13 (N.I.).

(2) The said section 3 shall apply also to written statements made outside the United Kingdom and (after the commencement of section 9 of the Criminal Jurisdiction Act 1975) the Republic of Ireland, but, in relation to such statements, that section shall have effect with the omission of subsection (2)(c). 1975 c. 59.

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Preliminary enquiry into scheduled offences.
1975 c. 59.
1968 c. 32 (N.I.).

2.—(1) Where in any proceedings before a magistrates' court for a scheduled offence (not being an extra-territorial offence as defined in section 1(3) of the Criminal Jurisdiction Act 1975) the prosecutor requests the court to conduct a preliminary enquiry into the offence under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968, the court shall, notwithstanding anything in section 1 of that Act of 1968, conduct a preliminary enquiry into the offence unless the court are of opinion that in the interests of justice a preliminary investigation should be conducted into the offence under Part VI of the Magistrates' Courts Act (Northern Ireland) 1964.

1964 c. 21 (N.I.).

(2) Where in any proceedings a person charged with a scheduled offence is also charged with another offence which is not a scheduled offence, that other offence shall be treated as a scheduled offence for the purposes of subsection (1) above.

Trial of scheduled and non-scheduled offences together.
1973 c. 53.

3.—(1) For subsection (3) of section 2 of the Northern Ireland (Emergency Provisions) Act 1973 (in this Act referred to as "the principal Act") there shall be substituted the following subsection:—

"(3) Where separate counts of an indictment allege a scheduled offence and an offence which is not a scheduled offence, the trial on indictment shall, without prejudice to section 5 of the Indictments Act (Northern Ireland) 1945 (orders for amendment of indictment, separate trial and postponement of trial), be conducted as if all the offences alleged in the indictment were scheduled offences."

(2) In sections 4(2) and 6(1) of the principal Act after the words "scheduled offence" there shall be inserted the words "or two or more offences which are or include scheduled offences."

Removal of certain limitations on power to grant bail.

4.—(1) For subsection (1) of section 3 of the principal Act (persons charged with scheduled offences not to be admitted to bail except by a judge of the High Court and persons convicted of such offences not to be admitted to bail pending an appeal) there shall be substituted the following subsection:—

"(1) Subject to the provisions of this section, a person to whom this section applies and who is charged with a scheduled offence shall not be admitted to bail except—

(a) by a judge of the Supreme Court ; or

(b) by the judge of the court of trial, on adjourning the trial of a person so charged."

(2) At the end of the said section 3 there shall be added the following subsection:—

“ (6) This section does not apply to a person charged with a scheduled offence which is being tried summarily or which the Director of Public Prosecutions for Northern Ireland certifies is in his opinion suitable to be tried summarily.”

5.—(1) Where it appears to a judge of the Supreme Court—

(a) that a person charged with a scheduled offence intends to apply to be admitted to bail ; and Legal aid to applicants for bail.

(b) that it is desirable in the interests of justice that that person should have legal aid but that he has not sufficient means to enable him to obtain that aid,

the judge may assign to him a solicitor and counsel, or counsel only, in the application for bail.

(2) If on a question of granting a person free legal aid under this section there is a doubt whether his means are sufficient to enable him to obtain legal aid or whether it is desirable in the interests of justice that he should have free legal aid, the doubt shall be resolved in favour of granting him free legal aid.

(3) Sections 24, 27 and 32 of the Legal Aid and Advice Act (Northern Ireland) 1965 (statements, payments, rules and stamp duty) shall apply in relation to legal aid under this section as they apply in relation to legal aid under Part II of that Act as if any legal aid under this section were given in pursuance of a defence certificate under section 21 of that Act. 1965 c. 8 (N.I.)

6.—(1) Subject to subsection (3) below, in section 4 of the principal Act (Belfast City Commission and Belfast Recorder's Court to be the only courts of trial on indictment of scheduled offences) references to the Belfast Recorder's Court shall cease to have effect. Court of trial for scheduled offences.

(2) Accordingly—

(a) in section 30(5) of the principal Act for the words from “ shall ” onwards there shall be substituted the words “ shall, if he was committed to a county court or to a court of assize other than the Belfast City Commission, be treated as having been committed to that Commission ” ;

(b) in paragraph 2(3) of Schedule 2 to the Criminal Jurisdiction Act 1975 for the words from “ on that date ” onwards there shall be substituted the words “ on that date any committal for trial of the offence by a county court or by a court of assize other than the Belfast City Commission shall be treated as a committal to that Commission ”. 1975 c. 59.

(3) This section shall not apply to a trial on indictment where the accused was committed to the Belfast Recorder's Court before the commencement of this Act.

Repeal of s. 5 of principal Act.

7. Section 5 of the principal Act (admissibility in certain circumstances in criminal proceedings for scheduled offences of written statements made and signed in the presence of a constable) shall cease to have effect and section 30(6) of that Act shall apply accordingly.

Exclusion of summary proceedings from ss. 6 and 7 of principal Act.

8. Section 6 of the principal Act (admissibility in criminal proceedings for scheduled offences of statements made by the accused) and section 7 of that Act (onus of proof in criminal proceedings for scheduled offences where the accused is charged with possession of a proscribed article) shall not apply to summary trials.

Powers of detention, search, seizure, etc.

Detention of terrorists, etc.

9.—(1) Part I of Schedule 1 to this Act shall have effect with respect to the detention of terrorists and persons suspected of being terrorists.

(2) The transitional provisions set out in Part II of Schedule 1 to this Act shall have effect.

(3) Schedule 1 to the principal Act (detention of terrorists) shall cease to have effect.

Power to stop and question.

10. At the end of section 16(1) of the principal Act (power to stop and question any person for the purpose of ascertaining certain matters) there shall be added the words "or of ascertaining any one or more of those matters".

Power to search for radio transmitters.

11.—(1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place other than a dwelling-house for the purpose of ascertaining whether any apparatus for wireless telegraphy designed or adapted for emission, as opposed to reception (in this section referred to as a "transmitter") is at that place and may search the place for any transmitter with a view to exercising the powers conferred by subsection (4) below.

(2) Any member of Her Majesty's forces on duty authorised by a commissioned officer of those forces or any constable authorised by an officer of the Royal Ulster Constabulary not below the rank of chief inspector may enter any dwelling-house in which it is suspected that there is a transmitter and may search it for any transmitter with a view to exercising the said powers.

(3) Any member of Her Majesty's forces on duty or any constable may—

- (a) stop any person in any public place and, with a view to exercising the said powers, search him for the purpose of ascertaining whether he has any transmitter with him ; and
- (b) with a view to exercising the said powers, search any person not in a public place whom he suspects of having a transmitter with him.

(4) A member of Her Majesty's forces or a constable authorised to search any premises or other place or any person may seize any transmitter found in the course of the search unless it appears to the person so authorised that the transmitter has been, is being and is likely to be used only lawfully and may retain it.

(5) Sections 18 and 25 of the principal Act (supplementary provisions as to powers of entry and search conferred by Part II and compensation) shall apply for the purposes of this section as they apply for the purposes of Part II of that Act, and that Act, respectively.

(6) In this section " transmitter " includes part of a transmitter and " wireless telegraphy " has the same meaning as in section 19(1) of the Wireless Telegraphy Act 1949.

1949 c. 54.

Offences against public security and public order

12. In section 19(1) of the principal Act (belonging to or soliciting or inviting financial support for a proscribed organisation) after paragraph (b) there shall be inserted the following paragraph :—

- " (c) solicits or invites any person to become a member of a proscribed organisation or to carry out on behalf of a proscribed organisation orders or directions given, or requests made, by a member of that organisation,".

13. For section 20(1) of the principal Act (unlawful collection, etc. of information) there shall be substituted the following subsection :—

- " (1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him)—

- (a) collect, record, publish, communicate or attempt to elicit any information with respect to any person to whom this paragraph applies which is of such a nature as is likely to be useful to terrorists ;

Extension of classes of information in s. 20 of principal Act.

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- (b) collect or record any information which is of such a nature as is likely to be useful to terrorists in planning or carrying out any act of violence ; or
- (c) have in his possession any record of or document containing any such information as is mentioned in paragraph (a) or (b) above ;

and if any person contravenes this section, he shall be liable—

- (i) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both ;
- (ii) on conviction on indictment to imprisonment for a term not exceeding five years or a fine, or both.

(1A) Subsection (1)(a) above applies to any of the following persons, that is to say—

- (a) any constable or member of Her Majesty's forces ;
- (b) any person holding judicial office ;
- (c) any officer of any court ; and
- (d) any person employed for the whole of his time in the prison service in Northern Ireland."

Riotous and disorderly behaviour.

1968 c. 28
(N.I.).

14. Section 22 of the principal Act (amendment of provisions relating to punishment for riotous, disorderly and indecent behaviour, etc.) shall cease to have effect ; and accordingly, section 9(1) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 shall have effect as originally enacted.

Training in making or use of firearms, explosives or explosive substances.

15.—(1) Subject to subsection (2) below, any person who instructs or trains another or receives instruction or training in the making or use of firearms, explosives or explosive substances shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both ;
- (b) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or both.

(2) In any prosecution for an offence under this section it shall be a defence for the person charged to prove that the instruction or training was given or received with lawful authority or for industrial, agricultural or sporting purposes only or otherwise with good reason.

(3) The court by or before whom a person is convicted of an offence under this section may order the forfeiture of any thing which appears to the court to have been in his possession for purposes connected with the offence.

(4) Without prejudice to section 33 of the Interpretation Act 1889 (offences under two or more laws), nothing in this section shall derogate from the operation of the Unlawful Drilling Act 1819.

16. Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), wears in a public place or in the curtilage of a dwelling-house (other than one in which he is residing) any hood, mask or other article whatsoever made, adapted or used for concealing the identity or features shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

Wearing of hoods, etc. in public places.

Miscellaneous and general

17.—(1) A prosecution shall not be instituted in respect of any offence under this Act except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Prosecutions.

(2) Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972 shall apply in relation to any offence under this Act as if subsection (1) above were a consent provision within the meaning of that Article.

S.I. 1972/538 (N.I. 1.).

18. Part I of Schedule 4 to the principal Act (scheduled offences for the purposes of the Act) shall have effect subject to the amendments in Schedule 2 to this Act.

Amendments to list of scheduled offences.

19. There shall be paid out of money provided by Parliament—

Expenses.

(a) any expenses incurred by the Secretary of State for the purposes of this Act;

(b) any increase attributable to the provisions of this Act in the sums payable under any other Act out of money so provided.

20.—(1) In this Act “the principal Act” has the meaning assigned by section 3 above and any expression used in this Act and in the principal Act shall have the same meaning in this Act as in that Act.

Interpretation, etc.

(2) Any reference in this Act, except so far as the context otherwise requires, to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

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1889 c. 63.

(3) It is hereby declared that, in applying section 38(1) of the Interpretation Act 1889 (effect of repeal and re-enactment) for the construction of references in this Act to other Acts, account is to be taken of repeal and re-enactment by a Measure of the Northern Ireland Assembly or an Order in Council.

Commence-
ment, duration,
expiry and
revival of
certain
provisions.

21.—(1) This Act shall come into force on the expiration of the period of two weeks beginning with the day on which it is passed.

(2) Sections 2, 5, 9, 11, 15 and 16 above and Schedule 1 to this Act shall expire with 24th January 1976 unless continued in force by an order under this section.

(3) The Secretary of State may by order contained in a statutory instrument provide—

(a) that all or any of the said provisions 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 six months from the coming into operation of the order ;

(b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or

(c) that all or any of the said provisions which are not for the time being in force shall come into force again and remain in force for a period not exceeding six months from the coming into operation of the order.

(4) No order shall be made under this section unless—

(a) a draft of the order has been approved by resolution of each House of Parliament ; or

(b) it is declared in the order that it appears to the Secretary of State that by reason of urgency it is necessary to make the order without a draft having been so approved.

1946 c. 36.

(5) Orders under this section (except an order of which a draft has been so approved) shall be laid before Parliament after being made and, if at the end of the period of 40 days (computed in accordance with section 7(1) of the Statutory Instruments Act 1946) after the day on which the Secretary of State made an order a resolution has not been passed by each House approving the order in question, the order shall then cease to have effect (but without prejudice to anything previously done or to the making of a new order).

(6) On the expiry or cesser of any provision of this Act, section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the provision had been repealed by another Act.

22.—(1) Any reference in section 11 of the principal Act (constable's general power of arrest and seizure) to an offence under that Act shall be construed as including a reference to an offence under this Act. Consequential amendments.

(2) In section 29 of the principal Act, in subsection (1) for the words " Schedules 1 and 3 " substitute " Schedule 3 " and in subsections (3) and (4) for the words " either of the said Schedules " substitute " the said Schedule 3 ".

(3) In section 30(3)(a) and (c) of the principal Act and section 3(2)(a) and (c) of the Northern Ireland (Young Persons) Act 1974 (extension and revival of certain provisions for period not exceeding one year) for the words " one year " substitute " six months ". 1974 c. 33.

23.—(1) This Act may be cited as the Northern Ireland (Emergency Provisions) (Amendment) Act 1975. Short title, repeals and extent.

(2) The enactments set out in Schedule 3 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in column 3 of that Schedule.

(3) This Act shall extend to Northern Ireland only.

SCHEDULES

Section 9.

SCHEDULE 1

PART I

DETENTION OF TERRORISTS

Advisers

1. The Secretary of State shall for the purposes of this Act 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 is a barrister, advocate or solicitor, in each case of not less than ten years' standing in any part of the United Kingdom.

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 in the commission or attempted commission of any act of terrorism or 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 expiration 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 expiration 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 above, the person detained shall be served with a statement in writing as to the nature of the terrorist activities of which he is suspected.

(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) above, 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 any 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) above, the Secretary of State shall consider the case of the person to whom it relates and, if he is satisfied—

(a) that that 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) above, the Secretary of State is not satisfied as mentioned in that sub-paragraph, he shall direct the release of the person concerned.

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(3) Subject to sub-paragraphs (4) and (5) below, 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.

(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) above (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) above 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) above 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) below 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) above—

- (a) before the expiration 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) above shall apply for the purposes of a reference under this paragraph as they apply for the purposes of a reference under paragraph 5 above.

(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) above 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— SCH. 1

- (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.

(3) The Secretary of State may recall to detention a person released under sub-paragraph (1)(b) or (2)(b) above 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) above, 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) above.

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 above 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 expiration of a period for which he was released under paragraph 10(1)(b) or (2)(b) above ; or

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- (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,

shall be liable on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or to 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 Part of this Schedule or Schedule 1 to the principal Act and to be signed in accordance with the said Part or the said Schedule 1 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 and 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.

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

PART II

TRANSITIONAL PROVISIONS

16.—(1) Any interim custody order or detention order made under Schedule 1 to the principal Act which is in force immediately before the commencement of this Act shall have effect as if it had been made under paragraph 4 or paragraph 8 above, as the case may be, and, in the case of an interim custody order, as if it had been so made immediately upon the commencement of this Act.

(2) Any statement served under paragraph 13 of Schedule 1 to the principal Act shall have effect as if it had been served under paragraph 6 above immediately upon the commencement of this Act.

(3) Any proceedings under Part III of Schedule 1 to the principal Act which have begun but are not completed before the commencement of this Act shall be continued as if this Act had not been passed.

(4) In so far as any other thing made or done under Schedule 1 to the principal Act could have been made or done under any provision of Part I of this Schedule, it shall have effect as if it had been made or done under that provision.

SCHEDULE 2

Section 18.

AMENDMENTS OF PART I OF SCHEDULE 4 TO THE PRINCIPAL ACT

1. Part I of Schedule 4 to the principal Act shall be amended as set out below.

2. After paragraph 4B (inserted by paragraph 1(2) of Schedule 2 to the Criminal Jurisdiction Act 1975) insert— 1975 c. 59.

“4C. Assault occasioning actual bodily harm, subject to note 1 below.”

3. In paragraph 5 (malicious damage) after sub-paragraph (o) (inserted by the said Schedule 2) insert—

“(p) section 51 (injuries not provided for earlier in the Act) subject to note 1A below.”

4. In paragraph 6 (offences against the person) before sub-paragraph (a) insert—

“(aa) section 4 (conspiracy, etc. to murder) subject to note 2 below;”

and omit sub-paragraph (f).

5. After paragraph 7 insert—

“*Prison Act (Northern Ireland) 1953*

7A. Offences under the following provisions of the Prison Act (Northern Ireland) 1953, subject to note 2 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).”

6. In paragraph 9 (firearms)—

in sub-paragraph (a) for “1” substitute “1(1)”;

in sub-paragraph (b) for “2” substitute “2(1), (2), (3) or (4)”;

in sub-paragraph (d) for “4” substitute “4(1)”;

at the end of sub-paragraph (h) insert “, subject to note 3 below”.

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7. After paragraph 12 insert—

“Northern Ireland (Emergency Provisions) (Amendment) Act 1975

13. Offences under the following provisions of the Northern Ireland (Emergency Provisions) (Amendment) Act 1975—

(a) section 15 (training in firearms, explosives, etc.),

(b) paragraph 13 of Schedule 1 (escape or rescue from detention, etc.)”

8. In Note 1, for the words “Neither murder nor manslaughter shall” substitute “Murder, manslaughter or an assault occasioning actual bodily harm shall not”.

9. After Note 1 insert—

“1A. An offence under section 51 of the Malicious Damage Act 1861 shall be a scheduled offence only where it is charged that the damaged property was a motor vehicle as defined in the Road Traffic Act (Northern Ireland) 1970 or property in the occupation or possession of the Commissioners of Customs and Excise.”

10. In Note 2—

(a) for “18, 20 or 47” substitute “4, 18 or 20”;

(b) after “1861” insert “or section 25, 26, 27, 28, 29, 30, 32 or 33 of the Prison Act (Northern Ireland) 1953”.

11. For Note 3 substitute—

“3. An offence under section 17 of the Firearms Act (Northern Ireland) 1969 shall be a scheduled offence only where it is charged that the offence relates to a weapon other than an air weapon.”

12. In Note 4, for the words from “offensive weapon” onwards substitute “weapon of offence was used to commit the offence; and expressions defined in section 10 of the Theft Act (Northern Ireland) 1969 have the same meaning when used in this note”.

SCHEDULE 3

Section 23(2).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
50 & 51 Vict. c. 20.	The Criminal Law and Procedure (Ireland) Act 1887.	The whole Act.
52 & 53 Vict. c. 69.	The Public Bodies Corrupt Practices Act 1889.	Section 9.
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911.	Section 10(4).
25 & 26 Geo. 5. c. 13 (N.I.).	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935.	Section 55.
1964 c. 21 (N.I.).	The Magistrates' Courts Act (Northern Ireland) 1964.	Section 2(2). Section 59(2)(b) and the word "and" immediately preceding it.
1973 c. 53.	The Northern Ireland (Emergency Provisions) Act 1973.	In section 3(4) the words " of the High Court ". In section 4, in subsection (1), the words " or the Belfast Recorder's Court ", in subsection (2), the words " or to the Belfast Recorder's Court " and in subsection (3), the words " except the power to admit to bail ". Section 5. Section 10(5). Section 22. In section 28(1), the definitions of " imitation firearm " and " offensive weapon ". In section 30(6), the words " the Belfast Recorder's Court ". Schedule 1. In Schedule 4, paragraphs 6(f) and 8.

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