STATUTORY INSTRUMENTS

1977 No. 1265

NORTHERN IRELAND

The Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1977

Made - - -	*26th July* 1977
Laid before Parliament	*3rd August* 1977
Coming into Operation	*9th August* 1977

Whereas it appears to me that by reason of urgency it is necessary to make this Order without a draft thereof having been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on me by section 27(3) of the Northern Ireland (Emergency Provisions) Act 1973(**a**), as substituted by paragraph 3(3) of Schedule 2 to the Criminal Jurisdiction Act 1975(**b**), I hereby make the following Order:—

1. This Order may be cited as the Northern Ireland (Emergency Provisions) Act 1973 (Amendment) Order 1977 and shall come into operation on 9th August 1977.

2.—(1) In this Order "the Act of 1973" means the Northern Ireland (Emergency Provisions) Act 1973, as amended by any enactment or under any enactment, including that Act.

(2) The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) Part I of Schedule 4 to the Act of 1973 (scheduled offences for the purposes of the Act) shall have effect subject to the following amendments, that is to say,—

(*a*) in paragraph 6, after sub-paragraph (*aa*) (inserted by paragraph 4 of Schedule 2 to the Northern Ireland (Emergency Provisions) (Amendment) Act 1975(**d**)), there shall be inserted the following sub-paragraph:—

"(*aaa*) section 16 (threats to kill), subject to note 2 below; ";

(**a**) 1973 c. 53. (**b**) 1975 c. 59. (**c**) 1889 c. 63. (**d**) 1975 c. 62.

(*b*) after paragraph 13B (inserted by Article 13(5) of the Criminal Damage (Northern Ireland) Order 1977(**a**)) there shall be inserted the following paragraph:—

"*Criminal Law (Amendment) (Northern Ireland) Order* 1977

13C. Offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (bomb hoaxes), subject to note 5 below.";

(*c*) in note 2, after "4," there shall be inserted "16,"; and

(*d*) in note 5, after "1977" there shall be inserted "or Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977".

(2) In Part II of the said Schedule 4, after sub-paragraph (*c*) of paragraph 13, there shall be inserted the following sub-paragraph:—

"(*d*) an offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967(**b**) 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;".

(3) Paragraphs (1)(*a*) and (*c*) and (2) above shall not have effect in relation to an offence for which a person has been committed for trial before 9th August 1977.

Roy Mason,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
26th July 1977.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order adds to the list of "scheduled offences" in Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1973 offences under Article 3 of the Criminal Law (Amendment) (Northern Ireland) Order 1977 (S.I. 1977/1249 N.I.16), which relate to bomb hoaxes, and section 16 of the Offences Against the Person Act 1861 (c.100), as amended by Article 4 of that Order, which relate to threats to kill, except insofar as the Attorney General for Northern Ireland certifies that, in any particular case, the offence is not to be treated as a scheduled offence.

The Order also adds to the list of scheduled offences any offence under section 5(1) of the Criminal Law Act (Northern Ireland) 1967 of concealing from the police information relating to a person who has committed a scheduled offence.

Offences under section 16 of the 1861 Act and section 5 of the 1967 Act are not to be treated as scheduled offences where the defendant was committed for trial before 9th August 1977.

(**a**) S.I. 1977/426 (N.I.4). (**b**) 1967 c. 18 (N.I.).

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