

NATIONAL ARCHIVES**IRELAND**

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Title:	Department of Foreign Affairs briefing document for the meeting at Chequers, England, between the Taoiseach, Jack Lynch, the British Prime Minister, Edward Heath, and the Prime Minister of Northern Ireland, Brian Faulkner. The document details the Irish Government's view of internment in Northern Ireland.
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Internment in Northern Ireland

In Northern Ireland, internment without trial is governed by the Civil Authorities (Special Powers) Act 1922, Section 1. This gives the civil authority power to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order. The Minister of Home Affairs is given power to make regulations for making further provision for the preservation of the peace and maintenance of order. In a recent case it was held that the power of the Minister to make a regulation under this Section could not be impugned on the ground that it was not in fact necessary to preserve the peace or maintain order. Apparently the Minister's exercise of his powers is not subject to judicial review.

Powers of internment without trial were first conferred by regulations made in 1922. However these were repealed in 1949 and not re-introduced until 1956. (S.I.W.O.191). By a regulation of that year the Minister of Home Affairs was given power to order the internment of any person where it appeared to him that for securing the preservation of the peace and the maintenance of order in Northern Ireland it is expedient that a person who is suspected of acting or having acted or being about to act in a manner prejudicial to the preservation of the peace and the maintenance of order in Northern Ireland, shall be interned.

The only prior condition to the making of this order is that it should be made on the recommendation of a County Inspector of the RUC or of an Advisory Committee presided over by a practising barrister of at least ten years standing.

The right given to internees under this regulation ~~were~~:-

- (a) an interned person must be allowed to make representations to the Advisory Committee.

The conditions of internment were to be as directed by the Minister of Home Affairs. The regulation itself specified that interned persons were only to receive visits or communications with the consent of the civil authority i.e. the Minister, his Parliamentary Secretary or an officer of the RUC.

It should be noted that the degree of parliamentary control over internment in Northern Ireland is much less than in the Republic. The regulation providing for internment is not subject to annulment by Parliament: the only right which Parliament has is to petition the Lord Lieutenant to annul the regulations. The orders made under the regulation (e.g. for individual internment) or directions (e.g. as to conditions of internment) do not seem to have to be laid before Parliament at all.

Finally it should be noted that apart from this power of internment, (strictu sensu) this regulation has extended the power of arrest in Northern Ireland. A person arrested on suspicion of acting in a manner prejudicial to the preservation of peace may be detained indefinitely and can only be granted bail at the direction of "the civil authority". There is no right to be brought before a magistrate within 24 hours of arrest or right not to be detained unless arrested. Also there is a right of arrest for 48 hours for the purposes of interrogation.

In the State, on the other hand, an arrested person can only be detained for forty-eight hours without being charged before a court. Also, the direction of an officer of the Garda not below the rank of Chief Superintendent is necessary for the last twenty-four hours of this detention. The grounds of arrest are more

circumscribed in that the person arrested must be suspected of an offence against the Act (or being about to commit such an offence) or of carrying a document relating to such an offence or of being in possession of information relating to the commission or intended commission of such an offence.