

NORTHERN IRELAND

Differences in
the law

5.043 The general principles of the law as they apply to Northern Ireland are for the most part the same as in England and Wales, however as a result of the ~~present~~ troubles in Northern Ireland, Parliament has legislated to provide special powers to members of the security forces in order for servicemen to have the additional powers they need to carry out their duties in supporting the enforcement of law and order.

General Power
of arrest

5.044 The law in relation to arrest is exactly the same in Northern Ireland as it is in England and Wales. However the provisions of the Police and Criminal Evidence Act 1984 do not apply and the term "arrestable offence" is defined in an identical way to P.C.^E.A 1984 s.24 in s.2 of the Criminal Law (Northern Ireland) Act 1967.

Criminal Law
(Northern
Ireland) Act
1967 s.3

5.045 s.3 of the Criminal Law (Northern Ireland) Act 1967 is identical to s.3 of the Criminal Law Act 1967.

Law relating
to public
order

5.046 [The law relating to the public order offences of unlawful assembly, rout and riot is in identical terms to the law as it relates to England and Wales.] In addition to the general duty imposed upon citizens in relation to public order offences, under s.24 of the Northern Ireland (Emergency Provisions) Act 1978 where a commissioned officer of Her Majesty's Forces is of the opinion that any assembly of three or more persons may either lead to a breach of the peace or public disorder or may make undue demands on the police or Her Majesty's Forces he, or any member of those forces

on duty or any constable may order the persons constituting the assembly to disperse forthwith.

Emergency
Provisions
Legislation

A As a result of the troubles in Northern Ireland and the continual use of troops to support the civil police, additional powers are conferred upon members of Her Majesty's Forces. ~~Emergency Provisions Legislation was first introduced in 1973 and~~ The main provisions are presently contained in the Northern Ireland (Emergency Provisions) Act 1978. A summary of these additional powers as they relate to the serviceman are:-

B. a. s.14 - The power of a member of Her Majesty's Forces on duty to arrest without warrant, and detain for not more than four hours, a person whom he suspects of committing, having committed or being about to commit any (1) offence ~~not being connected with terrorism.~~ C For the purpose of making an arrest under this section the serviceman may enter and search (2) any premises where that person is, or B. if he is suspected of being a terrorist or of having been involved in an offence involving the use of explosives or B. firearms, where that person is suspected of being.

D. b. s.15 - Any member of Her Majesty's Forces on duty may enter any premises or other place (other than a dwelling-house) for the purpose of ascertaining whether there are any munitions or a transmitter at that place. A dwelling-house may be entered by a member of Her Majesty's Forces if authorised by a commissioned officer or a member of the RUC not below the rank of chief inspector. In addition to the power to enter premises a serviceman may stop and search any person in a public place

E | for the purpose of ascertaining whether he has any munitions or any transmitter with him he may conduct that search in a place other than a public place.

c. s.17 - A serviceman may enter a premises (including a dwelling-house if so authorised by a commissioned officer) to ascertain if a person is being unlawfully detained therein in such circumstances that his life is in danger (3).

FOOTNOTES

(1) i.e not necessarily an offence connected with terrorism.

F | (2) A difference exists between the power to arrest on suspicion of any offence and the power to search where the person making the arrest must have suspicion of the person being arrested having been involved in acts of terrorism or having been involved in an offence involving firearms or explosives.

G | (3) There must be a belief that a person is being unlawfully detailed on the premises.

d. s.18 - A serviceman on duty may stop and question any person for the purpose of ascertaining that persons identity and movements and to obtain information concerning what that persons knows about any recent explosion or any other incident endangering life or ~~causing~~ ^{concerning} any person to be killed or injured in any explosion or incident.

e. s.19 - A serviceman on duty may enter any premises if he considers it necessary to do so in the course of operations for the preservation of the peace or the maintenance of order. A serviceman may also take possession of land or other property, take steps to place buildings or other structures in a state of defence, detail property or cause it to be destroyed or moved, or to do any other act interfering with any public right or right over property. This also extends to the closing or partial closing of a highway.

5.047