



# Northern Ireland (Emergency Provisions) Act 1973

## 1973 CHAPTER 53

An Act to make provision with respect to the following matters in Northern Ireland, that is to say, proceedings for and the punishment of certain offences, the detention of terrorists, the preservation of the peace, the maintenance of order and the detection of crime and to proscribe and make other provision in connection with certain organisations there, and for connected purposes. [25th July 1973]

### PART I

#### TRIAL AND PUNISHMENT OF CERTAIN OFFENCES

##### 1 Punishment for murder.

- (1) No person shall suffer death for murder and a person convicted of murder shall, subject to [<sup>F1</sup>Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (detention of children at Secretary of State's pleasure)], be sentenced to imprisonment for life.
- (2) On sentencing any person convicted of murder to imprisonment for life the court may at the same time declare the period which they recommend to the [<sup>F2</sup>Secretary of State] as the minimum period which in their view should elapse before the [<sup>F2</sup>Secretary of State] orders the release of that person on licence under section 23 of the <sup>M1</sup>Prison Act (Northern Ireland) 1953.
- (3) [<sup>F2</sup>The Secretary of State] shall not release or discharge on licence a person convicted of murder and serving a sentence of imprisonment for life or detained under the said [<sup>F1</sup>Article 45(2)], except after consultation with the Lord Chief Justice of Northern Ireland together with the trial judge, if available.
- (4) For the purpose of any proceedings on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilty of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder

*Status: Point in time view as at 31/01/1999.*

**Changes to legislation:** Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

only; and if at the commencement of this Act a person is under a sentence of death for capital murder, the sentence shall have effect as a sentence of imprisonment for life.

(5) In this section “capital murder” means a murder which immediately before the commencement of this Act is a capital murder within the meaning of section 10 of the <sup>M2</sup>Criminal Justice Act (Northern Ireland) 1966.

**Textual Amendments**

**F1** Words in s. 1(1)(3) substituted (31.1.1999) by S.I. 1998/1504, art. 65(1), **Sch. 5 para. 6**; S.R. 1999/25, **art. 2**

**F2** Words substituted by virtue of S.I. 1973/2163, **art. 11(5)**

---

**Modifications etc. (not altering text)**

**C1** S. 1(3) modified (1.10.1997) by 1984 c. 47, **Sch. para. 3** (as substituted (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 10(1)(2)**); S.I. 1997/2200, **art. 2(h)**

---

**Marginal Citations**

**M1** 1953 c. 18 (N.I.)

**M2** 1966 c. 20 (N.I.)

2—4. .... <sup>F3</sup>

**Textual Amendments**

**F3** Ss. 2–4 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

5 ..... <sup>F4</sup>

**Textual Amendments**

**F4** S. 5 repealed by Northern Ireland (Emergency Provisions) (Amendment) Act 1975 (c. 62), s. 7, **Sch. 3**

6–8 ..... <sup>F5</sup>

**Textual Amendments**

**F5** Ss. 6–8 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

**9 Remand homes and training schools.**

- <sup>F6</sup>(1) .....
- <sup>F6</sup>(2) .....
- <sup>F6</sup>(3) .....

*Status: Point in time view as at 31/01/1999.*

**Changes to legislation:** Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F6(4) .....

F6(5) .....

**Textual Amendments**

F6 S. 9(1)-(5) repealed (31.1.1999) by S.I. 1998/1504, art. 65(2), Sch. 6; S.R. 1999/25, art. 2

**Modifications etc. (not altering text)**

C2 The text of s. 9(2)-(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART II**

10— ..... F7  
18.

**Textual Amendments**

F7 Ss. 10-18, 19(1)-(7), 20, 21 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

**PART III**

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

**19 Proscribed organisations.**

(1) ..... F8

(8) In section 4 of the <sup>M3</sup>Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 (assessment of compensation) and in the <sup>M4</sup>Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971, in their application to an injury or damage caused by an act committed while this section is in force, “unlawful association” includes a proscribed organisation.

**Textual Amendments**

F8 Ss. 10-18, 19(1)-(7), 20, 21 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

**Marginal Citations**

M3 1968 c. 9 (N.I.)

M4 1971 c. 38 (N.I.)

*Status: Point in time view as at 31/01/1999.*

**Changes to legislation:** Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

20, 21. .... F9

**Textual Amendments**  
F9 Ss. 10–18, 19(1)–(7), 20, 21 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

22 ..... F10

**Textual Amendments**  
F10 S. 22 repealed by Northern Ireland (Emergency Provisions) (Amendment) Act 1975 (c. 62), Sch. 3

23 ..... F11

**Textual Amendments**  
F11 Ss. 23–27, 29, 30(1)–(3)(6)(7), 31(2)(3)(5) repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

**PART IV**

MISCELLANEOUS AND GENERAL

24— ..... F12  
27.

**Textual Amendments**  
F12 Ss. 23–27, 29, 30(1)–(3)(6)(7), 31(2)(3)(5) repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), Sch. 6 Pt. I

**28 Interpretation.**

- (1) In this Act, except so far as the context otherwise requires—  
     ...  
     “enactment” includes an enactment of the Parliament of Northern Ireland;  
     ...  
     ...
- (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.
- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including

*Status: Point in time view as at 31/01/1999.*

*Changes to legislation: Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

a reference to any enactment of the Parliament of Northern Ireland passed after this Act and re-enacting the said enactment with or without modifications.

**Textual Amendments**

**F13** Definitions repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**Modifications etc. (not altering text)**

**C3** References to an Act or enactment of the Parliament of Northern Ireland to be construed as including a reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 5 para. 1](#)

**29** ..... <sup>F14</sup>

**Textual Amendments**

**F14** [Ss. 23–27, 29, 30\(1\)–\(3\)\(6\)\(7\), 31\(2\)\(3\)\(5\)](#) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**30 Commencement, duration, expiry and revival of provisions of this Act.**

(1) ..... <sup>F15</sup>

(4) The coming into force of any of the following provisions of this Act, that is to say, sections 2, 4, 5, 6, and 7, . . . <sup>F16</sup> on the commencement of this Act . . . <sup>F16</sup>, shall not affect any trial on indictment where the indictment has been presented, or any summary trial which has started, before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.

(5) Where before the coming into force of section 4(1) above, . . . <sup>F16</sup> on the commencement of this Act . . . <sup>F16</sup>, a person has been committed for trial for a scheduled offence and the indictment has not been presented, then, on the coming into force of that subsection, he [<sup>F17</sup>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.]

(6) ..... <sup>F15</sup>

**Textual Amendments**

**F15** [Ss. 23–27, 29, 30\(1\)–\(3\)\(6\)\(7\), 31\(2\)\(3\)\(5\)](#) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**F16** Words repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**F17** Words substituted by [Northern Ireland \(Emergency Provisions\) \(Amendment\) Act 1975 \(c. 62\), s. 6\(2\)\(a\), \(3\)](#) except as they apply to a trial on indictment where the accused was committed to the Belfast Recorder's Court before 21.8.1975

**Modifications etc. (not altering text)**

**C4** Unreliable marginal note

*Status: Point in time view as at 31/01/1999.*

*Changes to legislation: Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### 31 Short title, repeals, savings and extent.

- (1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1973.
- (2) . . . . . <sup>F18</sup>
- (4) Section 38 of the <sup>M5</sup> Interpretation Act 1889 (effect of repeals) shall apply to the repeal by this Act of any Act or enactment of the Parliament of Northern Ireland and to the cesser of any order or regulations made under any enactment repealed by this Act as it applies to the repeal of any Act or enactment of the Parliament of the United Kingdom.
- (5) . . . . . <sup>F18</sup>
- (6) The repeal by this Act of section 1 of the Offences against the <sup>M6</sup> Person Act 1861 shall not affect the operation of sections 64, 65, and 68 of that Act which shall continue to apply in relation to murder as if this Act had not been passed.
- (7) Neither any rule of law nor any enactment other than this Act nor anything contained in a commission issued for the trial of any person shall be construed as limiting or otherwise affecting the operation of any provision of this Act, . . . <sup>F19</sup> but—
- (a) subject to the foregoing, any power conferred by this Act shall not derogate from Her Majesty's prerogative or any powers exercisable apart from this Act by virtue of any rule of law or enactment; . . . <sup>F19</sup>
- (b) . . . <sup>F20</sup>
- (8) This Act shall extend to Northern Ireland only.

#### Textual Amendments

**F18** Ss. 23–27, 29, 30(1)–(3)(6)(7), 31(2)(3)(5) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**F19** Words repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

**F20** S. 31(7)(b) repealed by [Northern Ireland \(Emergency Provisions\) Act 1978 \(c. 5\), Sch. 6 Pt. I](#)

#### Modifications etc. (not altering text)

**C5** Unreliable marginal note

#### Marginal Citations

**M5** 1889 c. 63.

**M6** 1861 c. 100.

*Status: Point in time view as at 31/01/1999.*

**Changes to legislation:** Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

### F21F21 SCHEDULE 1

#### Textual Amendments

- F21** Sch. 1 repealed by Northern Ireland (Emergency Provisions) (Amendment) Act 1975 (c. 62), **Sch. 3** (with saving in Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (c. 41), **ss. 46, 63(2) (a)** (with s. 61))

F21

### F22F22 SCHEDULES 2—5

#### Textual Amendments

- F22** Schs. 2–5 repealed by Northern Ireland (Emergency Provisions) Act 1978 (c. 5), **Sch. 6 Pt. I**

F22

**Status:**

Point in time view as at 31/01/1999.

**Changes to legislation:**

Northern Ireland (Emergency Provisions) Act 1973 is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.