

*Status: Point in time view as at 01/05/1993.*

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## SCHEDULES

### SECOND SCHEDULE

Section 2.

#### PERMANENT ENACTMENT OF PROVISIONS OF CERTAIN DEFENCE REGULATIONS

*Provisions reproducing part of Regulation 40AA of Defence (General) Regulations 1939*

*Extension of power to appoint special constables nominated by the Admiralty, Army Council or Air Council.*

- 1 (1) The power conferred by section three of the <sup>M1</sup>Special Constables Act 1923, to appoint persons [<sup>F1</sup>nominated by the [<sup>F2</sup>Defence Council]], to be special constables within the places and limits therein mentioned shall extend to the appointment of persons [<sup>F1</sup>so nominated] to be special constables in, and within fifteen miles of, any [<sup>F1</sup>other] premises in Great Britain which are for the time being in the possession or under the control of [<sup>F1</sup>[<sup>F2</sup>the Defence Council, the Secretary of State for Defence] or] the Minister of Supply, [<sup>F1</sup>or are for the time being used for or in connection with naval, military or air force purposes], and the said section three shall have effect accordingly.
- (2) A resident magistrate within the meaning of the <sup>M2</sup>Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935, may appoint such persons as may be nominated for the purpose by the [<sup>F3</sup>the [<sup>F2</sup>Defence Council]] [<sup>F3</sup>an authority who by virtue of any enactment are authorised to make nominations under section 3 of the Special Constables Act 1923] to be special constables at any premises in Northern Ireland which are, for the time being, in the possession or under the control of [<sup>F4</sup>[<sup>F2</sup>the Defence Council, the Secretary of State for Defence] or] the Minister of Supply [<sup>F4</sup>or are specified by the [<sup>F2</sup>Defence Council] to be, for the time being, used for or in connection with naval, military or air force purposes]; and every person so appointed shall make a declaration before the resident magistrate duly to execute the office of constable at the premises aforesaid, and, when he has made that declaration, shall at those premises have the same powers and privileges and be liable to the same duties and responsibilities as a constable in Northern Ireland.

Special constables appointed under this paragraph shall be under the exclusive control of the authority on whose nomination they are appointed and that authority shall have power to suspend or terminate the appointment of any such special constable.

... <sup>F5</sup>

- (3) Any appointment made by virtue of Regulation forty AA of the Defence (General) Regulations 1939, and in force immediately before the date on which this Act comes into force, shall be deemed to have been made by virtue of the preceding provisions, and any special constable who, immediately before that date, is authorised by

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paragraph (3) of the said Regulation to act within the premises and limits mentioned in sub-paragraph (1) hereof, shall continue to be authorised so to act.

#### Textual Amendments

- F1** In Sch. 2 para. 1(1) Words “nominated by the Defence Council”; “so nominated”; “other”; “the Defence Council, the Secretary of State for Defence or”; and “or are for the time being used for or in connection with naval, military or air force purposes” repealed (E.W.S.) by [Ministry of Defence Police Act 1987 \(c. 4, SIF 95\), s. 7\(2\)\(a\)](#)
- F2** Words substituted by [S.I. 1964/488, Sch. 1 Pt. I](#)
- F3** In Sch. 2 para. 1(2) Words “an authority who by virtue of any enactment are authorised to make nominations under section 3 of the Special Constables Act 1923” substituted (N.I.) for the words “the Defence Council” by [Ministry of Defence Police Act 1987 \(c. 4, SIF 95\), s. 7\(2\)\(b\)\(i\)](#)
- F4** In Sch. 2 para. 1(2) “the Defence Council, the Secretary of State for Defence or” and “or are specified by the Defence Council to be, for the time being, used for or in connection with naval, military or air force purposes” repealed (N.I.) by [Ministry of Defence Police Act 1987 \(c. 4, SIF 95\), s. 7\(2\)\(b\)\(ii\)](#)
- F5** Definition of “appropriate authority” repealed by [S.I. 1964/488, Sch. 1 Pt. I](#)

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

- C1** [Sch. 2 para. 1](#) extended by [S.I. 1964/488, Sch.1 Pt. I](#), [S.I. 1965/1536](#), art. 6, (N.I.) [Atomic Energy Authority Act 1954 \(c. 32\)](#), s. 9(8), [Sch. 3](#), [Nuclear Installations Act 1965 \(c.57\)](#), [Sch. 1 paras. 4, 7\(b\)](#), [Atomic Energy Authority Act 1971 \(c. 11\)](#), [s. 19](#)
- C2** Functions of Minister of Supply now exercisable by Secretary of State: (a) in connection with the exercise of functions under the [Atomic Energy Act 1946 \(c. 80\)](#) and [Atomic Energy Authority Act 1954 \(c. 32\)](#): [S.I. 1953/1673](#) (1953 I, p. 1222), [1957/561](#) (1957 I, p. 1435), [1959/1826](#) (1959 I, p. 1791), art. 2, [1964/490](#), art. 2, [1964/2048](#) and [1970/1537](#), art. 2, [Sch. 1 Pt. II para. 7](#); (b) otherwise than in connection with those functions: [S.I. 1959/1768](#) (1959 I, p.1793), art. 3, [1967/155](#), [1970/1537](#), art. 3 and [1971/719](#)

#### Marginal Citations

- M1** [1923 c. 11.](#)
- M2** [1935 c. 13\(N.I.\)](#)

2 ..... **F6**

#### Textual Amendments

- F6** [Sch. 2 para. 2](#) repealed by [Revision of the Army and Air Force Acts \(Transitional Provisions\) Act 1955 \(c. 20\)](#), [Sch. 4](#)

3 ..... **F7**

#### Textual Amendments

- F7** [Sch. 2 para. 3](#) repealed by [Naval Discipline Act 1957 \(c. 53\)](#), [Sch. 6](#)

*Provision reproducing Regulation 570 of Defence (General) Regulations 1939*

**F8**4 .....

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**Textual Amendments**

**F8** Sch. 2 para. 4 repealed (E.W.S.) by S.I. 1989/615, **reg. 19(1)**; Sch. 2 para. 4 repealed (N.I.) (1.5.1993) by S.R. 1993/83, **reg. 17(1)**

5–8

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**Textual Amendments**

**F9** Sch. 2 paras. 5–8 repealed by Magistrates Courts' Act 1952 (c. 55), **Sch. 6**

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