STATUTORY RULES OF A GENERAL CHARACTER
ISSUED IN 1979

1979 No. 1

EMERGENCY POWERS

The Emergency Regulations (Northern Ireland) 1979

Made - - - - 11*th January* 1979
Coming into Operation 11*th January* 1979

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WHEREAS a proclamation of emergency has this day been made under section 1 of the Emergency Powers Act (Northern Ireland) 1926(**a**), as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964(**b**), and is now in force:

Now, therefore, in exercise of the powers conferred upon me by section 2 of the Emergency Powers Act (Northern Ireland) 1926 as amended by the Emergency Powers (Amendment) Act (Northern Ireland) 1964 and adapted by section 40 of and paragraph 4 of Schedule 5 to the Northern Ireland Constitution Act 1973(**c**) and of all other powers enabling me in that behalf, I, by this Order, hereby make the following Regulations:—

(**a**) 1926 c. 8 (N.I.). (**b**) 1964 c. 34 (N.I.). (**c**) 1973 c. 36.

PRELIMINARY

Title, commencement and expiry

1.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1979.

(2) The Regulations shall come into operation forthwith and shall, unless earlier revoked, expire on the date on which the proclamation referred to above ceases to be in force.

Interpretation

2.—(1) In these Regulations—

"animal feeding stuffs" includes any substance used in the composition or preparation of animal feeding stuffs;

"essential goods" means food, water, fuel, animal feeding stuffs and other necessities;

"essential services" means services essential to the life of the community;

"food" includes any substance used in the composition or preparation of food;

"harbour" includes any dock, port, pier, quay, wharf, mooring, anchorage or other similar place;

"harbour authority" means the authority or person having the control or management of a harbour;

"Her Majesty's Government in Northern Ireland" means Her Majesty's Government of the United Kingdom and Her Majesty's Government of Northern Ireland;

"land" includes (without prejudice to any of the provisions of section 45 of the Interpretation Act (Northern Ireland) 1954(**d**)) parts of houses or buildings;

"liquid fuel" means any liquid used as fuel, whether for the propulsion of vehicles or for industrial, domestic or any other purposes;

"requisition" means, in relation to any chattel, taking possession of the chattel or requiring the chattel to be placed at the disposal of the requisitioning authority;

"solid fuel" includes coal, anthracite and coke and other manufactured fuel of which coal or anthracite is the principal constituent (being fuel produced by a process involving carbonisation), turf and processed turf;

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954.

(2) Any reference in these Regulations to the doing of any act shall, unless the context otherwise requires, be construed as including a reference to the making of any statement.

(3) Any reference in any document to these Regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these Regulations or to that Regulation as amended by any subsequent Regulations made under the Emergency Powers Act (Northern Ireland) 1926.

(**d**) 1954 c. 33 (N.I.).

FUNCTIONS OF DEPARTMENTS

Exercise of functions

3. Any Northern Ireland government department may make arrangements whereby any of its functions are performed on its behalf by any other government department or by officers of any such department, including (without prejudice to section 11 of the Northern Ireland Constitution Act 1973) officers of a department of the Government of the United Kingdom.

Delegation of functions

4. Any Northern Ireland government department may by order delegate to any public body or class of public bodies, or to any officer or class of officers employed by any public body or to any other person any of its functions, and it shall be the duty of any public body or officer or person to whom any such functions are so delegated to perform those functions and to comply with any directions given by that department in relation thereto.

REGULATION OF HARBOURS

Regulation and operation of harbours

5.—(1) The Department of Commerce may, in the case of any harbour, give such directions to the harbour authority or any other person as appear to that Department to be necessary or expedient for securing that the most advantageous use is made in the public interest of the facilities provided at the harbour, and such directions may, in particular, make provision for excluding or removing from the harbour ships of any class or a specified ship and for all or any of the following matters, that is to say:—

(*a*) the anchoring, berthing and movement of ships in the harbour;

(*b*) the use of tugs, lighters and barges in the harbour;

(*c*) the loading, unloading, fueling and provisioning of ships in the harbour and the use in the harbour of appliances therefor;

(*d*) the movement and use of vehicles;

(*e*) the prevention of entry by unauthorised persons; and

(*f*) in connection with the loading and unloading of ships or the storage and warehousing of goods, the priority that should be given to particular cargoes or ships or to particular operations;

and such directions shall have effect notwithstanding any lease or licence or appropriation of berths and storage or warehouse accommodation.

(2) The Department of Commerce may give directions under paragraph (1) requiring goods lying at a harbour to be removed within such period as may be specified in the directions, and, in default of compliance with those directions and without prejudice to the taking of proceedings in respect of the default, that Department may remove, or authorise the removal of, the goods to such place, and by such means, as it thinks fit, and the owner or consignee of the goods shall pay to that Department such reasonable charges in respect of the removal and storage thereof by or on the authority of that Department as may be agreed or as may, in default of agreement, be determined by the county court.

(3) All occupiers of warehouses at or within three miles of any point on the perimeter of any harbour shall, if so required by directions given by the Department of Commerce, furnish to that Department from time to time

information of vacant accommodation at their warehouses, and shall to the extent of the accommodation available, accept for storage any goods removed by or on the authority of that Department under paragraph (2) so, however, that the Department shall, in exercising its power to require the storage of goods removed as aforesaid, have regard to the suitability of the accommodation for storing those goods.

(4) The Department of Commerce may appoint for any harbour or group of harbours a body of persons, to be known as the Harbour Emergency Committee for the harbour or, as the case may be, the group and may authorise that Committee and persons designated by them for the purpose to exercise on its behalf in relation to the harbour or, as the case may be, each harbour comprised in the group all or any of its functions under this Regulation, subject however to any general or special instructions of that Department.

Default powers relating to harbour traffic

6.—(1) Where any directions have been given under paragraph (1) of Regulation 5, other than any such directions as are mentioned in paragraph (2) of that Regulation, and those directions are not complied with within the time specified in the directions or, if no time is so specified, are not complied with within a reasonable time, the Department of Commerce may take, or may authorise any other person to take, such steps as that Department may consider appropriate in the circumstances for effecting anything which would have been effected if the directions had been complied with.

(2) Without prejudice to the generality of paragraph (1), the steps which may be taken by virtue of this Regulation in respect of any directions shall include entering upon, taking possession of, moving or using any ship, or other vessel, apparatus, vehicle, premises or other property to which the directions related by such means as the Department or other person taking those steps may determine to be appropriate.

(3) Where any steps are taken by virtue of this Regulation in respect of any directions, the person to whom the directions were given shall pay to the Department of Commerce or other person taking those steps such reasonable charges in respect of expenses incurred by that Department or person in taking those steps, or in consequence of having taken them, as may be agreed or as may, in default of agreement, be determined by the county court.

(4) The provisions of this Regulation shall have effect without prejudice to any power exercisable by virtue of paragraph (2) or paragraph (3) of Regulation 5, and the exercise of any power by virtue of this Regulation in respect of any directions shall be without prejudice to the taking of proceedings in respect of any contravention of the directions.

(5) Paragraph (4) of Regulation 5 shall have effect in relation to functions under this Regulation as it has effect in relation to functions under that Regulation.

RELAXATION OF RESTRICTIONS AS TO USE OF ROAD VEHICLES

Road freight vehicle licences

7. Notwithstanding anything in Part III of the Transport Act (Northern Ireland) 1967(e) a motor vehicle as defined in that Act may be used on a

(e) 1967 c. 37 (N.I.).