1974. No. 88 **[NC]**

EMERGENCY POWERS

ORDER, DATED THE 19TH DAY OF MAY 1974, MADE BY THE SECRETARY OF STATE, MAKING REGULATIONS UNDER SECTION 2 OF THE EMERGENCY POWERS ACT (NORTHERN IRELAND) 1926 AS AMENDED BY THE EMERGENCY POWERS (AMENDMENT) ACT (NORTHERN IRELAND) 1964.

ARRANGEMENT OF REGULATIONS

PRELIMINARY

Regulation

1 Title and commencement
2 Interpretation

FUNCTIONS OF MINISTRIES

3 Exercise of functions
4 Delegation of functions

REGULATION OF HARBOURS

5 Regulation and operation of harbours
6 Default powers relating to harbour traffic

PUBLIC SERVICES AND FACILITIES

7 Electricity supply
8 Gas supply
9 Water supply
10 Sewerage and sewage disposal

CONSUMPTION AND SUPPLY

11 Supply, etc., of solid and liquid fuel, electricity and gas
12 Distribution of fuel
13 Maximum prices of food and animal feeding stuffs
14 Distribution of food and animal feeding stuffs

REGULATION OF TRANSPORT SERVICES

15 Road transport

REQUISITIONING OF CHATTELS AND TAKING POSSESSION OF LAND

16 Requisitioning of chattels
17 Taking possession of land

OFFENCES

18 Sabotage
19 Trespassing and loitering
20 Interference with public servants and other persons performing essential services
21 Inducing persons to withhold services

SUPPLEMENTAL

22 Power to arrest without warrant
23 Attempts to commit offences and assisting offenders
24 Penalties and place of trial
25 Revocation

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, I, THE RIGHT HONOURABLE MERLYN REES, M.P., one of Her Majesty's Principal Secretaries of State, 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, by this Order, hereby make the following Regulations:—

PRELIMINARY

Title and commencement

1.—(1) These Regulations may be cited as the Emergency Regulations (Northern Ireland) 1974.

(2) The Regulations shall come into operation forthwith.

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 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;

(**a**) 16 & 17 Geo. 5 c. 8 (N.I.).
(**b**) 1964. c. 34 (N.I.).
(**c**) 1973. c. 36.
(**d**) 1954. c. 33 (N.I.).

"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.

(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.

Functions of Departments

Exercise of functions

3. Any Department of Northern Ireland 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 Department of Northern Ireland 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 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, fuelling 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 the foregoing paragraph 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 ocucpiers of warehouses at or within a radius of three miles 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 the last foregoing paragraph:

Provided that the Department of Commerce 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 the foregoing Regulation, 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 the foregoing paragraph, 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 incurrred 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 the foregoing Regulation; 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, or failure to comply with, the directions.

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

PUBLIC SERVICES AND FACILITIES

Electricity supply

7.—(1) Any electricity undertaking may, to such extent as appears to them to be necessary or expedient for maintaining or making the best use of supplies of electricity available for distribution or for conserving and making the best use of supplies of fuel or power available for the generation of electricity, disregard or fall short in discharging any obligation imposed by or under any enactment, or any contractual obligation—

(*a*) to give or continue to give supplies of electricity; or

(*b*) to supply electricity in accordance with standards prescribed by or under the enactment or contract in question;

so long as, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this Regulation by or on behalf of the Department of Commerce.

(2) If and so far as it appears to the Department of Commerce necessary or expedient for maintaining or making the best use of supplies of electricity available for distribution—

(*a*) that Department may give to the person carrying on business at, or appearing to be in charge of, or occupying, any premises, directions for regulating or prohibiting consumption of electricity on the premises; and

(*b*) that Department may take, or authorise any person acting on its behalf to take, such steps as appear appropriate to cut off any supply of electricity.

(3) The power of giving directions conferred by paragraph (2)(*a*) may be exercised by means of an order—

(*a*) applicable to premises of any class or description specified in the order, or premises used for purposes of any class or description specified in the order, or

(*b*) where previous directions have been given otherwise than by order, applicable to the persons or premises as respects which the previous directions had effect, or such of them as may be specified in the order.

(4) If any person, without authority duly given by or on behalf of the Department of Commerce, reconnects a supply cut off in pursuance of this Regulation, he shall be guilty of an offence against this Regulation.

(5) The Department of Commerce may authorise any person acting on its behalf to enter any premises, if necessary by force, for the purpose—

(*a*) of ascertaining whether there has been any contravention of a direction under this Regulation, or