1972. No. 26 **[NC]**

EMERGENCY POWERS

ORDER IN COUNCIL, DATED 10TH FEBRUARY 1972, MAKING REGULATIONS UNDER SECTION 2 OF THE EMERGENCY POWERS ACT (NORTHERN IRELAND) 1926 AS AMENDED BY THE EMERGENCY POWERS (AMENDMENT) ACT (NORTHERN IRELAND) 1964.

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BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

GREY OF NAUNTON

WHEREAS a proclamation of emergency has 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, RALPH FRANCIS ALNWICK, BARON GREY OF NAUNTON, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Officer of the Order of the British Empire, Governor of Northern Ireland, in pursuance of section 2 of the said Act of 1926 and of all other powers me thereunto enabling do, by and with the advice of the Privy Council of Northern Ireland, hereby orders as follows:—

(**a**) 16 & 17 Geo. 5. c. 8 (N.I.). (**b**) 1964. c. 34 (N.I.).

Functions of Ministries

Functions of the Ministry of Home Affairs

1. Without prejudice to any other provision of these Regulations it shall be the general duty of the Ministry of Home Affairs to take such steps as may be necessary to carry these Regulations into effect or as may otherwise be necessary for the purposes of maintaining essential services.

Functions of other Ministries

2.—(1) Any Ministry 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 63 of the Government of Ireland Act 1920(**c**)) officers of a department of the Government of the United Kingdom.

(2) Any Ministry 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 Ministry in relation thereto.

Regulation of Supply Consumption and Distribution

Supply, etc., of solid and liquid fuel, electricity and gas

3. The Ministry of Commerce may by order provide for regulating or prohibiting the supply or acquisition, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of solid or liquid fuel or the supply, or the consumption (whether for domestic or industrial purposes or for any other purposes whatsoever) of electricity or gas.

Distribution of fuel

4.—(1) The Ministry of Commerce may give to any person carrying on business as a refiner or supplier of liquid fuel or as a supplier of solid fuel directions as to the persons to whom he is to supply any such fuel as may be specified in the directions; and any such directions may in particular require any liquid or solid fuel to be supplied to such persons as may be specified in the directions in accordance with such requirements as may be so specified or may, to such extent as may be specified in the directions, prohibit or restrict the supply of liquid or solid fuel to persons so specified.

(2) Where any fuel is supplied to any person in pursuance of a direction under this Regulation, that person shall pay such price in respect thereof as may be reasonable.

(3) The foregoing provisions of this Regulation shall apply in relation to any person carrying on a trade or business (otherwise than as a supplier of fuel) for the purposes of which he is in possession of a stock of solid or liquid fuel, as if, in respect of that fuel, he were carrying on business as such a supplier; and any directions to such a person under this Regulation may include directions prohibiting or restricting the consumption of such fuel by him:

Provided that in relation to any such person any reference in this Regulation to supply shall be construed as a reference to delivery at the place where the fuel is kept.

(c) 10 & 11 Geo. 5. c. 67.

Water supply

5.—(1) Any water authority may, for the purpose of maintaining supplies of water in any locality, disregard any restriction imposed by or under any enactment with respect to the taking of water from any specified source or any obligation so imposed with respect to the discharge of compensation water, and may for that purpose take water from any source, so long as, in either case, in so doing, they are acting under, and in accordance with, any general or special authority granted for the purposes of this paragraph by or on behalf of the Ministry of Development.

(2) Any water authority may, to such extent as appears to them to be necessary or expedient for conserving and making the best use of supplies of water in any locality, disregard or fall short in discharging any obligation imposed by or under any enactment with respect to the provision by them of supplies of water (including, in particular, but without prejudice to the generality of the foregoing words, any obligation with respect to the filtration or other treatment of water or the pressure at which water is to be supplied) 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 paragraph by or on behalf of the Ministry of Development.

Sewerage and sewage disposal

6. Any sewerage authority may, for the purpose of effectively draining their district and dealing with the contents of their sewers, disregard any prohibition or restriction imposed by or under any enactment or rule of law with respect to the discharge of foul or surface water into any natural or artificial stream, watercourse, canal, pond, lake or sea, 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 Ministry of Development.

Offences

Sabotage

7. No person shall do any act with intent to impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid.

Trespassing and loitering

8.—(1) No person shall trespass on, or on premises in the vicinity of, any premises used or appropriated for the purposes of essential services; and if any person is found trespassing on any premises in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by the appropriate person from the premises.

(2) No person shall, for any purpose prejudicial to the public safety, be in, or in the vicinity of, any premises used or appropriated for the purposes of essential services; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to the public safety.