



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2017/4/17
<b>Creation Dates:</b>	April 1987
<b>Extent and medium:</b>	4 pages
<b>Creator(s):</b>	Department of Foreign Affairs
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Offences Against the State Act

[1972.]

Offences against the State  
(Amendment) Act, 1972.

[No. 26.]

3.—(1) (a) Any statement made orally, in writing or otherwise or any conduct, by an accused person implying or leading to a reasonable inference that he was at a material time a member of an unlawful organisation shall, in proceedings under section 21 of the Act of 1939, be evidence that he was then such a member.

Evidence of membership of unlawful organisation.

(b) In paragraph (a) of this subsection "conduct" includes omission by the accused person to deny published reports that he was a member of an unlawful organisation, but the fact of such denial shall not by itself be conclusive.

(2) Where an officer of the Garda Síochána, not below the rank of Chief Superintendent, in giving evidence in proceedings relating to an offence under the said section 21, states that he believes that the accused was at a material time a member of an unlawful organisation, the statement shall be evidence that he was then such a member.

(3) Subsection (2) of this section shall be in force whenever and for so long only as Part V of the Act of 1939 is in force.

LEGISLATION GOVERNING MEMBERSHIP OF AN UNLAWFUL ORGANISATION

1. Offences against the State Act 1972

2. Emergency Provisions Act 1978

3. Emergency Provisions Bill 1987

(b) A statement, meeting, procession or demonstration shall be deemed to constitute an interference with the course of justice if it is intended, or is of such a character as to be likely, directly or indirectly to influence any court, person or authority concerned with the institution, conduct or defence of any civil or criminal proceedings (including a party or witness) as to whether or how the proceedings should be instituted, conducted, continued or defended, or as to what should be their outcome.

(2) A person who makes any statement, or who organises, holds or takes part in any meeting, procession or demonstration, that is unlawful under this section shall be guilty of an offence and shall be liable—

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(3) Subsection (2) of this section shall be in force whenever and for so long only as Part V of the Act of 1939 is in force.

4. (1) (a) Any public statement made orally, in writing or otherwise, or any meeting, procession or demonstration in public, that constitutes an interference with the course of justice shall be unlawful.

Statements, meetings etc., constituting interference with the course of justice.

(b) A statement, meeting, procession or demonstration shall be deemed to constitute an interference with the course of justice if it is intended, or is of such a character as to be likely, directly or indirectly to influence any court, person or authority concerned with the institution, conduct or defence of any civil or criminal proceedings (including a party or witness) as to whether or how the proceedings should be instituted, conducted, continued or defended, or as to what should be their outcome.

(2) A person who makes any statement, or who organises, holds or takes part in any meeting, procession or demonstration, that is unlawful under this section shall be guilty of an offence and shall be liable—

PART III

instruction or training was given or received with lawful authority or for industrial, agricultural or sporting purposes only or otherwise with good reason.

(3) The court by or before which a person is convicted of an offence under this section may order the forfeiture of any thing which appears to the court to have been in his possession for purposes connected with the offence.

1889 c. 63.  
1819 c. 1.

(4) Without prejudice to section 33 of the Interpretation Act 1889 (offences under two or more laws), nothing in this section shall derogate from the operation of the Unlawful Drilling Act 1819.

Failure to disperse when required to do so.

24.—(1) Where any commissioned officer of Her Majesty's forces or any officer of the Royal Ulster Constabulary not below the rank of chief inspector is of opinion that any assembly of three or more persons—

- (a) may lead to a breach of the peace or public disorder; or
- (b) may make undue demands on the police or Her Majesty's forces,

he, or any member of those forces on duty or any constable, may order the persons constituting the assembly to disperse forthwith.

(2) Where an order is given under this section with respect to an assembly, any person who thereafter joins or remains in the assembly or otherwise fails to comply with the order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

Wearing or having in a public place like a member of a proscribed organisation.

25. Any person who in a public place dresses or behaves in such a way as to arouse reasonable apprehension that he is a member of a proscribed organisation shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

Wearing of hoods, etc. in public places.

26. Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), wears in a public place or in the curtilage of a dwelling-house (other than one in which he is residing) any hood, mask or other article whatsoever made, adapted or used for concealing the identity or features shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

189/22

Northern Ireland (Emergency Provisions) Bill, continued

Mr James Molyneaux  
Mr J. Enoch Powell  
Mr Ken Maginnis

13

Page 5, line 7 [Clause 8], leave out from beginning to 'and' in line 10.

Mr Secretary King

14

Page 5 [Clause 9], leave out lines 13 to 15 and insert—

'9—(1) The following section shall be substituted for section 25 of the 1978 Act—

"Display of support in public for a proscribed organisation.

25. Any person who in a public place—

- (a) wears any item of dress ; or
- (b) wears, carries or displays any article,

in such a way or in such circumstances as to arouse reasonable apprehension that he is a member or supporter of a proscribed organisation, shall be liable—

- (i) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or both ;
- (ii) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine, or both."

Mr Secretary King

15

Page 5, line 16 [Clause 9], leave out 'that section and in'.

Mr Seamus Mallon  
Mr John Hume

16

Page 5, line 38 [Clause 10], at end insert—

'(1A) Where a person suffers inconvenience, distress or damage from proximity to use of helicopters used by the army or police compensation, subject to the provisions of this section, be payable by the Secretary of State.'

Mr Seamus Mallon  
Mr John Hume

17

Page 6, line 47 [Clause 10], at end insert—

'(7A) In such circumstances where any real or personal property is taken, occupied destroyed or damaged and the damage sustained by the person entitled to claim compensation by virtue of this section is of an ongoing nature by reason of the continued use of such property, the Secretary of State or the county court on appeal under subsection (4) above shall make provision

- (a) to enable such a person to properly assess the damage sustained ;
- (b) to make interim payments of compensation to such a person pending a final assessment of the damage sustained or until the ending of the said use, whichever is earlier ; when such interim payments are made the compensation shall be in respect of a period not greater than 12 months.'

Mr Secretary King

18

Page 9, line 5 [Clause 11], at end insert—

'(10) The repeal of the 1978 Act shall not affect the application of any provision of sections 28 and 28A of that Act in relation to any right to compensation under section 28 which arises before the date when the repeal takes effect.'