
STATUTORY INSTRUMENTS

1989 No. 1341

**The Police and Criminal Evidence
(Northern Ireland) Order 1989**

PART III

POWERS OF ENTRY, SEARCH AND SEIZURE

Search warrants

Search warrants—safeguards

17.—(1) This Article and Article 18 have effect in relation to the issue to constables under any statutory provision, including a statutory provision passed or made after the making of this Order, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless the warrant complies with this Article and is executed in accordance with Article 18.

(2) Where a constable applies for any such warrant, it shall be his duty—

(a) to state—

(i) the ground on which he makes the application; ^{F1} . . .

(ii) the statutory provision under which the warrant would be issued; [^{F2}and]

[^{F3}(iii) if the application is for a warrant authorising entry and search on more than one occasion, the ground on which he applies for such a warrant, and whether he seeks a warrant authorising an unlimited number of entries, or (if not) the maximum number of entries desired;]

[^{F4}(b) to specify the matters set out in paragraph (2A); and]

(c) to identify, so far as is practicable, the articles or persons to be sought.

[^{F5}(2A) The matters which must be specified pursuant to paragraph (2)(b) are—

(a) if the application relates to one or more sets of premises specified in the application, each set of premises which it is desired to enter and search;

(b) if the application relates to any premises occupied or controlled by a person specified in the application,—

(i) as many sets of premises which it is desired to enter and search as it is reasonably practicable to specify;

(ii) the person who is in occupation or control of those premises and any others which it is desired to enter and search;

(iii) why it is necessary to search more premises than those specified under head (i); and

(iv) why it is not reasonably practicable to specify all the premises which it is desired to enter and search.]

Status: Point in time view as at 30/11/2017. This version of this provision has been superseded.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 17 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) An application for such a warrant shall be supported by a complaint in writing and substantiated on oath.

(4) The constable shall answer any question that the justice of the peace or judge hearing the application asks him.

(5) A warrant shall authorise an entry on one occasion only [^{F6}unless it specifies that it authorises multiple entries].

[^{F7}(5A) If it specifies that it authorises multiple entries, it must also specify whether the number of entries authorised is unlimited, or limited to a specified maximum.]

(6) A warrant—

(a) shall specify—

(i) the name of the person who applies for it;

(ii) the date on which it is issued;

(iii) the statutory provision under which it is issued; and

[^{F8}(iv) each set of premises to be searched, or (in the case of an all premises warrant) the person who is in occupation or control of premises to be searched, together with any premises under his occupation or control which can be specified and which are to be searched; and]

(b) shall identify, so far as is practicable, the articles or persons to be sought.

[^{F9}(7) Two copies shall be made of a warrant which specifies only one set of premises and does not authorise multiple entries; and as many copies as are reasonably required may be made of any other kind of warrant.]

(8) The copies shall be clearly certified as copies by the justice of the peace or judge who issues the warrant.

- F1** Word in art. 17(2)(a)(i) repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 9(2)(a), 41(2), **Sch. 2**
- F2** Word in art. 17(2)(a)(ii) inserted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(2)(b)**
- F3** Art. 17(2)(a)(iii) inserted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(2)(c)**
- F4** Art. 17(2)(b) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(3)**
- F5** Art. 17(2A) inserted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(4)**
- F6** Words in art. 17(5) added (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(5)**
- F7** Art. 17(5A) inserted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(6)**
- F8** Art. 17(6)(a)(iv) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(7)**
- F9** Art. 17(7) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **9(8)**

Modifications etc. (not altering text)

- C1** Art. 17 applied (with modifications) (1.12.2007) by Police and Criminal Evidence (Application to Revenue and Customs) Order (Northern Ireland) 2007 (S.R. 2007/464), arts. 3-15, **Sch. 1**, Sch. 2
- C2** Art. 17 modified (21.8.2007) by Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (S.I. 2007/1842), **reg. 53(6)** (with reg. 3)

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- C3** Art. 17 applied (with modifications) (18.5.2009) by Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 (S.R. 2009/142), art. 3, **Sch. 1**, Sch. 2
- C4** Art. 17 modified (11.7.2011) by Welfare of Animals Act (Northern Ireland) 2011 (c. 16), ss. 47, 59, **Sch. 3 para. 1** (with ss. 1(2), 52(1), 53, 54); S.R. 2011/245, **art. 2**, Sch. 1
- C5** Art. 17 applied with modification(s) (1.3.2016) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016/33), arts. 1(1), **2(1)**
- C6** Art. 17 applied (30.11.2017) by The Conservation of Offshore Marine Habitats and Species Regulations 2017 (S.I. 2017/1013), regs. 1, **60(6)** (with regs. 3, 4(2))
- C7** Art. 17(5)-(8) applied (31.12.2009) by Banking Act 2009 (c. 1), **ss. 194(7)(9)(b)**, 263(1) (with ss. 206, 247); S.I. 2009/3000, arts. 2(b), **4**, Sch. para. 2
- C8** Art. 17(5)-(8) applied (7.6.2010) by Credit Rating Agencies Regulations 2010 (S.I. 2010/906), **reg. 18(6)**
- C9** Art. 17(5)-(8) applied (N.I.) by 2000 c. 8, s. 131FB(8)(as inserted (1.11.2012) by The Financial Services and Markets Act 2000 (Short Selling) Regulations 2012 (S.I. 2012/2554), regs. 1(1), **2(5)**)
- C10** Art. 17(5)-(8) applied (1.4.2013) by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 (S.I. 2013/504), regs. 1(2), **17(11)** (with regs. 52-58)
- C11** Art. 17(5)-(8) applied (1.3.2014) by Financial Services (Banking Reform) Act 2013 (c. 33), **ss. 88(10)**, 148(5); S.I. 2014/377, art. 2(1)(a), Sch. Pt. 1
- C12** Art. 17(5)-(8) applied by 2009 c. 1, s. 83ZL(10) (as inserted (1.1.2015) by The Bank Recovery and Resolution Order 2014 (S.I. 2014/3329), arts. 1(2), **97**)
- C13** Art. 17(5)-(8) applied by 2000 c. 8, s. 122D(8) (as inserted (3.7.2016) by The Financial Services and Markets Act 2000 (Market Abuse) Regulations 2016 (S.I. 2016/680), regs. 1, **9(4)**)
- C14** Art. 17(5)-(8) applied (26.6.2017) by The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (S.I. 2017/692), regs. 1(2), **70(12)** (with regs. 8, 15)

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