



Police (Northern Ireland) Act 2003

2003 CHAPTER 6

PART 2

POLICE POWERS

Searches and samples

41 Intimate searches

- (1) In Article 56 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (intimate searches) after paragraph (5) insert—

“(5A) A person may use reasonable force, if necessary, in carrying out an intimate search as mentioned in paragraph (4) or (5).”

- (2) Subsection (1) comes into force in accordance with provision made by the [^{F1}Department of Justice] by order.

Textual Amendments

- F1** Words in s. 41(2) substituted (18.10.2012) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2012](#) (S.I. 2012/2595), arts. 1(2), **11(3)** (with arts. 24-28)

Commencement Information

- I1** S. 41 partly in force; s. 41(2) in force at Royal Assent, see 41(2)

42 Intimate samples

- (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as set out in subsections (2) to (5).

- (2) In Article 62 (intimate samples) for paragraph (9) substitute—

Changes to legislation: Police (Northern Ireland) Act 2003, Cross Heading: Searches and samples is up to date with all changes known to be in force on or before 09 June 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) View outstanding changes

- “(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.
- (9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by one of the following—
- (a) a medical practitioner;
 - (b) a registered health care professional.”
- (3) In Article 53 (interpretation of Part VI) after the definition of “registered dentist” insert—
- ““registered health care professional” means a person (other than a medical practitioner) who is one of the following—
- (a) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the Nursing and Midwifery Order 2001 (S.I. 2002/253) by virtue of qualifications in nursing;
 - (b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order subject to Article 89 made by the Secretary of State;”.
- (4) In Article 53 at the beginning insert “ (1) ” and at the end insert—
- “(2) In paragraph (1) “health care profession” means any profession mentioned in section 60(2) of the Health Act 1999 other than the profession of practising medicine and the profession of nursing.”
- (5) In Article 89 (orders and regulations) after “Articles” insert “ 53, ”
- (6) Subsections (1) to (5) come into force in accordance with provision made by the Secretary of State by order.

Commencement Information

- I2** S. 42 partly in force; s. 42(6) in force at Royal Assent, see s. 42(6)
- I3** S. 42(1)-(5) in force at 1.3.2007 by S.R. 2007/177, art. 2

Changes to legislation:

Police (Northern Ireland) Act 2003, Cross Heading: Searches and samples is up to date with all changes known to be in force on or before 09 June 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(1)(d) added by [S.I. 2007/912 \(N.I.\) art. 6\(1\)](#)
- s. 30(1)(d) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(a\)Sch. 8 Pt. 13](#)
- s. 30(6)(d) inserted by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 3](#)
- s. 30(6)(d) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(b\)Sch. 8 Pt. 13](#)
- s. 30(11) added by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 4](#)
- s. 30(11) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(c\)Sch. 8 Pt. 13](#)
- [Sch. 2 Pt. 3A](#) repealed by [2009 c. 26 Sch. 7 para. 126\(3\)Sch. 8 Pt. 13](#)
- [Sch. 2A para. 17A](#) inserted by [2019 c. 17 s. 12\(6\)](#)
- [Sch. 4 Pt. 3A](#) inserted by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 5](#)