

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 16

#### COURT SECURITY

##### Modifications etc. (not altering text)

- C1** Sch. 3: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), 15(1), **Sch. 17 para. 20** (with arts. 28-31)

#### *DUTY OF [F<sup>1</sup>DEPARTMENT OF JUSTICE] TO ENSURE COURT SECURITY*

##### Textual Amendments

- F1** Words in [Sch. 3 para. 1](#) heading substituted (12.4.2010) by [The Northern Ireland \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.I. 2010/133\)](#), art. 4, **Sch. Pt. 1 para. 10(3)(a)** (with arts. 5-7)

- 1 (1) The [F<sup>2</sup>Department of Justice] must take all reasonable steps to ensure the security of every relevant building and the safety of everyone who is there.
- (2) To comply with that duty the [F<sup>3</sup>Department of Justice] must secure that there are provided at every relevant building an appropriate number of court security officers.
- (3) For the purposes of this Schedule the following are court security officers—
- (a) [F<sup>4</sup>civil servants in the Department of Justice] designated by [F<sup>5</sup>that Department] as court security officers, and
  - (b) persons employed as court security officers in pursuance of arrangements made with their employers by the [F<sup>6</sup>Department of Justice] under section 69 of the Judicature (Northern Ireland) Act 1978 (c. 23).
- (4) The [F<sup>7</sup>Department of Justice] may by regulations make provision as to—
- (a) training courses to be completed by court security officers,
  - (b) conditions to be met before a person may be designated or employed as a court security officer.
- (5) For the purposes of this Schedule a court security officer who is not readily identifiable as such (whether by means of his uniform or badge or otherwise) is not to be regarded as acting in the execution of his duty.
- (6) Subject to sub-paragraphs (7) and (8), in this Schedule “relevant building” means any building where—
- (a) the Court of Appeal, the High Court, the Crown Court, a county court, a coroner’s court or a magistrates’ court sits,

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

- (b) a Commissioner within the meaning of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) sits,
  - (c) a Child Support Commissioner within the meaning of the Child Support (Northern Ireland) Order 1991 (S.I. 1991/2628 (N.I. 23)) sits,
  - (d) the Master (Taxing Office) exercises any functions conferred by or under an enactment, or
  - (e) the Master (Enforcement of Judgements) exercises any functions so conferred.
- (7) Where only part of a building is used for the sittings of an office-holder mentioned in sub-paragraph (6)(b) or (c), references to a relevant building are to so much of that building as is used for the purposes of, or in connection with, such sittings.
- (8) Where only part of a building is used for the exercise by an office-holder mentioned in sub-paragraph (6)(d) or (e) of the functions there mentioned, references to a relevant building are to so much of that building as is used for the purposes of, or in connection with, the exercise of those functions.

#### Textual Amendments

- F2** Words in Sch. 3 para. 1(1) substituted (12.4.2010) by The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, **Sch. Pt. 1 para. 10(3)(b)(i)** (with arts. 5-7)
- F3** Words in Sch. 3 para. 1(2) substituted (12.4.2010) by The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, **Sch. Pt. 1 para. 10(3)(b)(ii)** (with arts. 5-7)
- F4** Words in Sch. 3 para. 1(3)(a) substituted (12.4.2010) by The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, **Sch. Pt. 1 para. 10(3)(b)(iii)** (with arts. 5-7)
- F5** Words in Sch. 3 para. 1(3)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 71(2)** (with arts. 28-31)
- F6** Words in Sch. 3 para. 1(3)(b) substituted (12.4.2010) by The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, **Sch. Pt. 1 para. 10(3)(b)(iv)** (with arts. 5-7)
- F7** Words in Sch. 3 para. 1(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), **Sch. 18 para. 71(3)** (with arts. 28-31)

#### *Powers of search*

- 2 (1) A court security officer acting in the execution of his duty may search—
- (a) any person who is in, or seeking to enter, a relevant building, and
  - (b) any article in the possession of such a person.
- (2) Sub-paragraph (1) does not authorise the officer to require a person to remove any of his clothing other than an outer coat, jacket, headgear, gloves or footwear.

#### *Power to exclude, remove or restrain persons*

- 3 (1) A court security officer acting in the execution of his duty may exclude or remove from a relevant building any person who refuses—

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

- (a) to permit a search under paragraph 2(1), or
  - (b) to surrender any article in his possession when asked to do so under paragraph 4(1).
- (2) A court security officer acting in the execution of his duty may—
- (a) restrain any person who is in a relevant building, or
  - (b) exclude or remove any person from a relevant building,
- if it is reasonably necessary to do so for one of the purposes given in sub-paragraph (3).
- (3) The purposes are—
- (a) enabling the business of any court or office-holder mentioned in paragraph 1(6) to be carried on without interference or delay,
  - (b) maintaining order,
  - (c) securing the safety of any person in the building.
- (4) The powers conferred by sub-paragraphs (1) and (2) include power to use reasonable force, where necessary.
- (5) In the execution of his duty in any relevant building, a court security officer must act in accordance with any general or specific instructions which have been given to him (whether orally or in writing) by a person in authority.
- (6) “Person in authority” means—
- (a) a judge, coroner or magistrate who is exercising any functions in the building,
  - (b) a statutory officer (within the meaning of section 70 of the Judicature (Northern Ireland) Act 1978) who is exercising functions in the building,
  - (c) an office-holder mentioned in paragraph 1(6)(b) or (c) who is exercising any functions in the building, or
  - (d) any [<sup>F8</sup>civil servant in the Department of Justice] authorised by [<sup>F9</sup>that Department] to give the court security officer instructions.
- (7) Every court security officer is to be regarded as an officer of the court for the purposes of—
- (a) Article 55 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)),
  - (b) section 34 of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)), and
  - (c) Article 160 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)),
- (which provide for the detention by court officers, and punishment, of persons misbehaving in court).

#### Textual Amendments

- F8** Words in Sch. 3 para. 3(6)(d) substituted (12.4.2010) by The Northern Ireland (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.I. 2010/133), art. 4, Sch. Pt. 1 para. 10(3)(c) (with arts. 5-7)
- F9** Words in Sch. 3 para. 3(6)(d) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 71(4) (with arts. 28-31)

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

### *Surrender and seizure of articles*

- 4 (1) If a court security officer acting in the execution of his duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a relevant building ought to be surrendered on any of the grounds given in sub-paragraph (3), he may ask the person to surrender the article.
- (2) If the person refuses to surrender the article, the officer may seize it.
- (3) The grounds are that the article—
- (a) may jeopardise the maintenance of order in the building,
  - (b) may put the safety of any person in the building at risk, or
  - (c) may be evidence of, or in relation to, an offence.

### *Power to retain articles surrendered or seized*

- 5 (1) Subject to sub-paragraph (2), a court security officer may retain an article which was—
- (a) surrendered in response to a request under paragraph 4(1), or
  - (b) seized under paragraph 4(2),
- until the time when the person who surrendered it, or from whom it was seized, is leaving the relevant building.
- (2) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, he may retain it until—
- (a) the time when the person who surrendered it, or from whom it was seized, is leaving the relevant building, or
  - (b) the end of the permitted period,
- whichever is later.
- (3) “The permitted period” means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable.

[<sup>F10</sup>(4) This paragraph is subject to paragraph 5A.]

#### **Textual Amendments**

**F10** Sch. 3 para. 5(4) added (6.4.2010) by Coroners and Justice Act 2009, (c. 25), {ss. 147(2)}, 182(4)(c) (with s. 180, Sch. 22 para. 44(2)); S.I. 2010/816, art. 2, Sch. para. 10

### *[<sup>F11</sup>Retention of knives surrendered or seized*

#### **Textual Amendments**

**F11** Sch. 3 para. 5A inserted (6.4.2010) by Coroners and Justice Act 2009, (c. 25), {ss. 147(3)}, 182(4)(c) (with s. 180, Sch. 22 para. 44(2)); S.I. 2010/816, art. 2, Sch. para. 10

- 5A (1) This paragraph applies where a knife is surrendered to a court security officer in response to a request under paragraph 4(1) or seized by a court security officer under paragraph 4(2).

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

- (2) Paragraph 5 does not apply.
- (3) The knife must be retained in accordance with regulations under sub-paragraph (5), unless returned or disposed of in accordance with those regulations or regulations made under paragraph 6.
- (4) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in sub-paragraph (3) prevents the officer retaining the knife for so long as necessary to enable the court security officer to draw it to the attention of a constable.
- (5) Without prejudice to the generality of paragraph 6, the [<sup>F12</sup>Department of Justice] must by regulations make provision as to—
- (a) the procedure to be followed when a knife is retained under this paragraph;
  - (b) the making of requests by eligible persons for the return of knives so retained;
  - (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the regulations.
- (6) For the purposes of this paragraph—
- “ eligible person ”, in relation to a knife retained under this paragraph, means—
- (a) the person who has surrendered the knife under paragraph 4(1) or from whom the knife has been seized under paragraph 4(2), or
  - (b) any other person specified in regulations made under sub-paragraph (5);
- “ knife ” includes—
- (a) a knife-blade, and
  - (b) any other article which—
    - (i) has a blade or which is sharply pointed, and
    - (ii) is made or adapted for use for causing injury to the person.]

#### Textual Amendments

**F12** Words in Sch. 3 para. 5A(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), [Sch. 18 para. 71\(5\)](#) (with arts. 28-31)

#### *Regulations about retention of articles*

- 6 (1) The [<sup>F13</sup>Department of Justice] may by regulations make provision as to—
- (a) the provision to persons—
    - (i) by whom articles have been surrendered in response to a request under paragraph 4(1), or
    - (ii) from whom articles have been seized under paragraph 4(2),of written information about the powers of retention of court security officers,
  - (b) the keeping of records about articles which have been so surrendered or seized,

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3. (See end of Document for details)*

- (c) the period for which unclaimed articles have to be kept, and
  - (d) the disposal of unclaimed articles at the end of that period.
- (2) “Unclaimed article” means an article—
- (a) which has been retained under paragraph 5 [<sup>F14</sup>or paragraph 5A],
  - (b) which a person is entitled to have returned to him,
  - (c) which has not been returned, and
  - (d) whose return has not been requested by a person entitled to it.

#### Textual Amendments

- F13** Words in Sch. 3 para. 6(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 71(6) (with arts. 28-31)
- F14** Words in Sch. 3 para. 6(2)(a) inserted (6.4.2010) by Coroners and Justice Act 2009, (c. 25), {ss. 147(4)}, 182(4)(c) (with s. 180, Sch. 22 para. 44(2)); S.I. 2010/816, art. 2, Sch. para. 10

#### *Assaulting and obstructing court security officers*

- 7 (1) A person who assaults a court security officer acting in the execution of his duty commits an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,
- or to both.
- (3) A person who resists or intentionally obstructs a court security officer acting in the execution of his duty commits an offence.
- (4) A person guilty of an offence under sub-paragraph (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Status:**

Point in time view as at 12/04/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, SCHEDULE 3.