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STATUTORY INSTRUMENTS

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**1989 No. 1341**

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

**PART I**

**INTRODUCTORY**

**General interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

<sup>F2</sup> .....

“designated police station” has the meaning assigned to it by Article 36;

“document” [<sup>F3</sup> means anything in which information of any description is recorded];

“intimate search” means a search which consists of the physical examination of a person's body orifices;

“items subject to legal privilege” has the meaning assigned to it by Article 12;

“parent or guardian” means—

*Sub#para. (a) rep. by 1995 NI 2*

(b) in the case of a child <sup>F4</sup>... in the care of a <sup>F5</sup>... [<sup>F6</sup>Health and Social Care trust], that <sup>F7</sup>... [<sup>F6</sup>Health and Social Care trust];

*Definitions rep. by 2000 c. 32*

“premises” has the meaning assigned to it by Article 25;

“recordable offence” means any offence to which regulations under Article 29 apply;

<sup>F8</sup> .....

“statutory provision” has the meaning given in section 1(*f*) of the Interpretation Act (Northern Ireland) 1954<sup>F9</sup>;

[<sup>F10</sup>“the terrorism provisions” means [<sup>F11</sup>sections 41 and 43B] of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention;]

[<sup>F10</sup>“terrorism” has the meaning given in section 1 of that Act.]

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(3) Subject to [<sup>F12</sup>paragraphs (4) and (4A)], a person is in police detention for the purposes of this Order if—

**Status:** Point in time view as at 20/12/2023.

**Changes to legislation:** The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 2 is up to date with all changes known to be in force on or before 19 July 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)

- (a) he has been taken to a police station after being arrested for an offence or after being arrested under <sup>F13</sup> section 41 <sup>F14</sup> or 43B] of the Terrorism Act 2000<sup>F15</sup> or section 27 of the National Security Act 2023]; or
- (b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it, <sup>F16</sup> or]
- <sup>F16</sup>(c) he is arrested at a police station after being taken to the station in pursuance of a direction under section 16 of the Prison Act (Northern Ireland) 1953,] and is detained there or is detained elsewhere in the charge of a constable.
- (4) A person—
- (a) who is at a court after being charged; or
- (b) who has been taken from a custodial establishment and held in police custody pending his appearance at a court,

is not in police detention for those purposes.

<sup>F17</sup>(4A) Where a person is in another's lawful custody by virtue of paragraph 8, 22(1) or 23(2) of Schedule 2 to the Police (Northern Ireland) Act 2003, he shall be treated as being in police detention for the purposes of this Order.]

<sup>F18</sup>(5) In this Order “custodial establishment” includes a prison, a young offenders centre, a juvenile justice centre and a remand centre.]

- F1** 1954 c. 33 (NI)
- F2** Art. 2(2): definition of "arrestable offence" repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 26(1), **Sch. 2**
- F3** 1997 NI 21
- F4** rep. by 1998 NI 9
- F5** Words in art. 2(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 132(a)**; S.R. 2022/102, art. 2(b)
- F6** Art. 2(2): words in definition of "parent or guardian" substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F7** Words in art. 2(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 132(b)**; S.R. 2022/102, art. 2(b)
- F8** Art. 2(2): definition of "serious arrestable offence" repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 26(1), **Sch. 2**
- F9** 1954 c. 33 (NI)
- F10** 2000 c. 11
- F11** Words in art. 2(2) substituted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(w), **Sch. 19 para. 4(2)(a)**
- F12** Words in art. 2(3) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **41(1)**
- F13** 2000 c. 11
- F14** Words in art. 2(3)(a) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(w), **Sch. 19 para. 4(2)(b)**
- F15** Words in art. 2(3)(a) inserted (20.12.2023) by The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (S.I. 2023/1386), reg. 1(2), **Sch. para. 9(2)**
- F16** 1995 NI 17
- F17** 2003 c. 6
- F18** 1998 NI 9

**Status:**

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