
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART IV

ARREST

Search upon arrest

34.—(1) A constable may search an arrested person, in any case where the person to be searched has been arrested at a place other than a police station, if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others.

(2) Subject to paragraphs (3) to (5), a constable shall also have power in any such case—

(a) to search the arrested person for anything—

(i) which he might use to assist him to escape from lawful custody; or

(ii) which might be evidence relating to an offence; and

[^{F1}(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.]

(3) The power to search conferred by paragraph (2) is only a power to search to the extent that is reasonably required for the purpose of discovering any such thing or any such evidence.

(4) The powers conferred by this Article to search a person are not to be construed as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket, headgear or gloves [^{F2} but they do authorise a search of a person's mouth].

(5) A constable may not search a person in the exercise of the power conferred by sub-paragraph (a) of paragraph (2) unless he has reasonable grounds for believing that the person to be searched may have concealed on him anything for which a search is permitted under that sub-paragraph.

(6) A constable may not search premises in the exercise of the power conferred by sub-paragraph (b) of paragraph (2) unless he has reasonable grounds for believing that there is evidence for which a search is permitted under that paragraph on the premises.

(7) In so far as the power of search conferred by sub-paragraph (b) of paragraph (2) relates to premises consisting of two or more separate dwellings, it is limited to a power to search—

(a) any dwelling in which the arrest took place or in which the person arrested was immediately before his arrest; and

(b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.

(8) A constable searching a person in the exercise of the power conferred by paragraph (1) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to any other person.

Status: Point in time view as at 01/11/2009.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 34 is up to date with all changes known to be in force on or before 15 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)

(9) A constable searching a person in the exercise of the power conferred by sub-paragraph (a) of paragraph (2) may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing—

- (a) that he might use it to assist him to escape from lawful custody; or
- (b) that it is evidence of an offence or has been obtained in consequence of the commission of an offence.

(10) Nothing in this Article shall be taken to affect the powers conferred by^{F3} section 43 of the Terrorism Act 2000].

- F1** Art. 34(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), **17(2)**
- F2** 1995 NI 17
- F3** 2000 c. 11

Modifications etc. (not altering text)

- C1** Art. 34(1)-(9) 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. 34(1)-(9) 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

Status:

Point in time view as at 01/11/2009.

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