
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART V

DETENTION

Detention—conditions and duration

Limits on period of detention without charge

42.—(1) Subject to the following provisions of this Article and to Articles 43 and 44, a person shall not be kept in police detention for more than 24 hours without being charged.

(2) The time from which the period of detention of a person is to be calculated (in this Order referred to as “the relevant time”)—

(a) in the case of a person arrested outside Northern Ireland, shall be—

(i) the time at which that person arrives at the first police station to which he is taken in Northern Ireland; or

(ii) the time 24 hours after the time of that person's entry into Northern Ireland, whichever is the earlier;

(b) in the case of a person who—

(i) attends voluntarily at a police station; or

(ii) accompanies a constable to a police station without having been arrested,^[F1] or

^[F1](iii) is taken to a police station in pursuance of a direction under section 16 of the Prison Act (Northern Ireland) 1953;]

and is arrested at the police station, shall be the time of his arrest;

^[F2](ba) in the case of a person who attends a police station to answer to bail granted under Article 32A, the time when he arrives at the police station;]

(c) in any other case, shall be the time at which the person arrested arrives at the first police station to which he is taken after his arrest.

(3) Paragraph (2) shall have effect in relation to a person arrested under Article 33 as if every reference in it to his arrest or his being arrested were a reference to his arrest or his being arrested for the offence for which he was originally arrested.

(4) When a person who is in police detention is removed to hospital because he is in need of medical treatment, any time during which he is being questioned in hospital or on the way there or back by a police officer for the purpose of obtaining evidence relating to an offence shall be included in any period which falls to be calculated for the purposes of this Part, but any other time while he is in hospital or on his way there or back shall not be so included.

Status: Point in time view as at 01/03/2007.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 42 is up to date with all changes known to be in force on or before 06 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)

(5) Subject to paragraph (6), a person who at the expiry of 24 hours after the relevant time is in police detention and has not been charged shall be released at that time either on bail or without bail.

(6) Paragraph (5) does not apply to a person whose detention for more than 24 hours after the relevant time has been authorised or is otherwise permitted in accordance with Article 43 or 44.

(7) A person released under paragraph (5) shall not be re#arrested without a warrant for the offence for which he was previously arrested unless new evidence justifying a further arrest has come to light since his release^[F3];but this paragraph does not prevent an arrest under Article 47A].

F1 1995 NI 17

F2 2004 NI 9

F3 1995 NI 17

Modifications etc. (not altering text)

C1 Art. 42 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

Status:

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