
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART V

DETENTION

Detention—conditions and duration

Authorisation of continued detention

43.—(1) Where a police officer of the rank of superintendent or above who is responsible for the police station at which a person is detained has reasonable grounds for believing that—

(a) the detention of that person without charge is necessary to secure or preserve evidence relating to an offence for which he is under arrest or to obtain such evidence by questioning him;

[^{F1}(b) an offence for which he is under arrest is an [^{F2}indictable offence]; and]

(c) the investigation is being conducted diligently and expeditiously,

he may authorise the keeping of that person in police detention for a period expiring at or before 36 hours after the relevant time.

(2) Where an officer such as is mentioned in paragraph (1) has authorised the keeping of a person in police detention for a period expiring less than 36 hours after the relevant time, such an officer may authorise the keeping of that person in police detention for a further period expiring not more than 36 hours after that time if the conditions specified in paragraph (1) are still satisfied when he gives the authorisation.

(3) No authorisation under paragraph (1) shall be given in respect of any person—

(a) more than 24 hours after the relevant time; or

(b) before the second review of his detention under Article 41 has been carried out.

(4) Where an officer authorises the keeping of a person in police detention under paragraph (1), it shall be his duty—

(a) to inform that person of the grounds for his continued detention; and

(b) to record the grounds in that person's custody record.

(5) Before determining whether to authorise the keeping of a person in detention under paragraph (1) or (2), an officer shall give—

(a) that person; or

(b) any solicitor representing him who is available at the time when it falls to the officer to determine whether to give the authorisation,

an opportunity to make representations to him about the detention.

Status: Point in time view as at 01/03/2007.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 43 is up to date with all changes known to be in force on or before 26 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)

(6) Subject to paragraph (7), the person in detention or his solicitor may make representations under paragraph (5) either orally or in writing.

(7) The officer to whom it falls to determine whether to give the authorisation may refuse to hear oral representations from the person in detention if he considers that he is unfit to make such representations by reason of his condition or behaviour.

(8) Where—

- (a) an officer authorises the keeping of a person in detention under paragraph (1); and
- (b) at the time of the authorisation he has not yet exercised a right conferred on him by Article 57 or 59,

the officer—

- (i) shall inform him of that right;
- (ii) shall decide whether he should be permitted to exercise it;
- (iii) shall record the decision in his custody record; and
- (iv) if the decision is to refuse to permit the exercise of the right, shall also record the grounds for the decision in that record.

(9) Where an officer has authorised the keeping of a person who has not been charged in detention under paragraph (1) or (2), he shall be released from detention, either on bail or without bail, not later than 36 hours after the relevant time, unless—

- (a) he has been charged with an offence; or
- (b) his further detention is authorised or otherwise permitted in accordance with Article 44.

(10) A person released under paragraph (9) 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 2004 NI 9

F2 Words in art. 43(1)(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), **21(2)**

F3 1995 NI 17

Modifications etc. (not altering text)

C1 [Art. 43](#) 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

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