
STATUTORY INSTRUMENTS

1989 No. 1341 (N.I. 12)

The Police and Criminal Evidence
(Northern Ireland) Order 1989 ^{F1}

- - - - 2nd August 1989

THE POLICE AND CRIMINAL EVIDENCE
(NORTHERN IRELAND) ORDER 1989

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Status: Point in time view as at 01/01/2006.

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SCHEDULES

SCHEDULE 1 — SPECIAL PROCEDURE

— Making of orders by county court judge

1. If on an application made by a constable a county court judge is satisfied that
 2. The first set of access conditions is fulfilled if—
 3. The second set of access conditions is fulfilled if—
 4. An order under this paragraph is an order that the person who appears to the
 5. Where the material consists of information
 6. For the purposes of Articles 23 and 24 material produced in pursuance of an order
 - Notices of applications for orders
7. An application for an order under paragraph 4 shall be made inter partes.
8. Where notice of an application for an order under paragraph 4 has been served on

Issue of warrants by county court judge

9. If on an application made by a constable a county court judge—
- 9A The judge may not issue an all premises warrant unless he is satisfied—
10. A constable may seize and retain anything for which a search has been authorised under
11. The further conditions mentioned in paragraph 9(a)(ii) are—
12. If a person fails to comply with an order under paragraph 4, a county court
 - Costs
13. The costs of any application under this Schedule and of anything done or to be

SCHEDULE 2 — PRESERVED POWERS OF ARREST

SCHEDULE 2A — Fingerprinting and samples: power to require attendance at police station

Part 1 — Fingerprinting

Persons arrested and released

1. A constable may require a person to attend a police station for the purpose of

Persons charged etc

2. A constable may require a person to attend a police station for the purpose of

Persons convicted etc of an offence in Northern Ireland

3. A constable may require a person to attend a police station for the purpose of

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Persons subject to a control order

4.

Persons convicted etc of an offence outside Northern Ireland

5. A constable may require a person to attend a police station for the purpose of

Multiple attendance

6. Where a person's fingerprints have been taken under Article 61 on two occasions in relation
Part 2 — Intimate samples

Persons suspected to be involved in an offence

7. A constable may require a person to attend a police station for the purpose of

Persons convicted etc of an offence outside Northern Ireland

8. A constable may require a person to attend a police station for the purpose of
Part 3 — Non-intimate samples

Persons arrested and released

9. A constable may require a person to attend a police station for the purpose of

Persons charged etc

10. A constable may require a person to attend a police station for the purpose of

Persons convicted etc of an offence in Northern Ireland

11. A constable may require a person to attend a police station for the purpose of

Persons subject to a control order

12.

Persons convicted etc of an offence outside Northern Ireland

13. A constable may require a person to attend a police station for the purpose of

Multiple exercise of power

14. Where a non-intimate sample has been taken from a person under Article 63 on two
Part 4 — General and supplementary

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Requirement to have power to take fingerprints or sample

15. A power conferred by this Schedule to require a person to attend a police station

Date and time of attendance

16. A requirement under this Schedule—

Enforcement

17. A constable may arrest without warrant a person who has failed to comply with a

SCHEDULE 3 — PROVISIONS SUPPLEMENTARY TO ARTICLE 68(4)

1. In any criminal proceedings where it is desired to give a statement in evidence in
2. Notwithstanding paragraph 1, a court may require oral evidence to be given of anything of
3. Any person who in a certificate tendered under paragraph 1 in a magistrates' court, a
4. In estimating the weight, if any, to be attached to a statement regard shall be
5. For the purposes of paragraph 4 information shall be taken to be supplied to a
6. For the purpose of deciding whether or not a statement is admissible in evidence the
7. Provision may be made by the rules mentioned in paragraph (3) of Article 68 supplementing

— Schedule 4—Amendments

SCHEDULE 5 — SERIOUS ARRESTABLE OFFENCES

PART I — OFFENCES MENTIONED IN ARTICLE 87(2)(a)

1. Treason.
2. Murder.
3. Manslaughter.
4. Rape.
5. Kidnapping.
6. Incest with a girl under the age of 14.
7. Buggery with a person under the age of 16.
8. Indecent assault which constitutes an act of gross indecency.
9. An offence under section 170 of the Customs and Excise Management Act 1979 (c. 2)

PART II — OFFENCES MENTIONED IN ARTICLE 87(2)(b)

Explosive Substances Act 1883 (c. 3)

1. Section 2 (causing explosion likely to endanger life or property).

Criminal Law Amendment Act 1885 (c. 69)

2. Section 4 (unlawful carnal knowledge of a girl under the age of 14).

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The Road Traffic (Northern Ireland) Order 1981

- 2A Article 172B (aggravated vehicle#taking causing death or grievous bodily injury).

Para. 3 rep. by 1995

Paras. 4#6 rep. by 2004

Taking of Hostages Act 1982 (c. 28)

7. Section 1 (hostage#taking).

Aviation Security Act 1982 (c. 36)

8. Section 1 (hijacking).

Criminal Justice Act 1988 (c. 33)

9. Section 134 (torture).

Aviation and Maritime Security Act 1990 (c. 31)

10. Section 1 (endangering safety at aerodromes).
11. Section 9 (hijacking of ships).
12. Section 10 (seizing or exercising control of fixed platforms).

Protection of Children (Northern Ireland) Order 1978 (1978 N.I. 17)

13. Article 3 (indecent photographs and pseudo-photographs of children).

Channel Tunnel (Security) Order 1994 No. 570

13. Article 4 (hijacking of Channel Tunnel trains).
14. Article 5 (seizing or exercising control of the tunnel system).

Road Traffic (Northern Ireland) Order 1995

- 13A Article 9 (causing death, or grievous bodily injury, by dangerous driving).
14. Article 14 (causing death, or grievous bodily injury, by careless driving when under the influence)

Domestic Violence, Crime and Victims Act 2004

15. Section 5 (causing or allowing the death of a child or vulnerable adult).

Firearms (Northern Ireland) Order 2004

16. Article 58(1) (possession of firearm with intent to endanger life,
17. Article 59(1) (use of firearm or imitation firearm to resist arrest).
18. Article 60 (carrying firearm or imitation firearm with criminal intent).

— Schedule 6—Minor and Consequential Amendments

— Schedule 7—Repeals

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