
Status: Point in time view as at 26/06/2017.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

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

PART I

INTRODUCTORY

1. Title and commencement
2. General interpretation

PART II

POWERS TO STOP AND SEARCH

3. Power of constable to stop and search persons, vehicles etc.
4. Provisions relating to search under Article 3 and other powers
5. Duty to make records concerning searches
6. Road checks
7. Reports of recorded searches and of road checks
8. Statutory undertakers etc.
9. Part II—supplementary

PART III

POWERS OF ENTRY, SEARCH AND SEIZURE

Search warrants

10. Power of justice of the peace to authorise entry and search of premises
11. Special provisions as to access
12. Meaning of “items subject to legal privilege”
13. Meaning of “excluded material”
14. Meaning of “personal records”
15. Meaning of “journalistic material”
16. Meaning of “special procedure material”
17. Search warrants—safeguards
18. Execution of warrants

Status: Point in time view as at 26/06/2017.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

Entry and search without search warrant

- 19. Entry for purpose of arrest etc.
- 20. Entry and search after arrest

Seizure etc.

- 21. General power of seizure etc.
- 22. Extension of powers of seizure to computerised information
- 23. Access and copying
- 24. Retention

Supplementary

- 25. Meaning of “premises” etc.

PART IV

ARREST

- 26. Arrest without warrant: constables
- 26A Arrest without warrant: other persons
- 27. General arrest conditions
- 28. Repeal of statutory powers of arrest without warrant or order
- 29. Fingerprinting of certain offenders
- 30. Information to be given on arrest
- 31. Voluntary attendance at police station etc.
- 32. Arrest elsewhere than at police station
- 32A Bail elsewhere than at police station
- 32B Bail under Article 32A: notices
- 32C Bail under Article 32A: supplemental
- 32D Failure to answer to bail under Article 32A
- 33. Arrest for further offence
- 34. Search upon arrest

PART V

DETENTION

Detention—conditions and duration

- 35. Limitations on police detention
- 36. Designated police stations
- 37. Custody officers at police stations
- 38. Duties of custody officer before charge
- 39. Duties of custody officer after charge
- 40. Responsibilities in relation to persons detained
- 41. Review of police detention
- 41A Use of telephone for review under Article 41
- 42. Limits on period of detention without charge
- 43. Authorisation of continued detention
- 44. Warrants of further detention
- 45. Extension of warrants of further detention
- 46. Detention before charge—supplementary
- 46A Use of video-conferencing facilities for decisions about detention

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

Detention—miscellaneous

- 47. Detention after charge
- 47A **Power of arrest for failure to answer to police bail**
- 48. Bail after arrest
- 48A Forfeiture of security
- 49. Police detention to count towards custodial sentence
- 50. Records of detention
- 51. Savings
- 52. Children

PART VI

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

- 53. Interpretation of Part VI
- 53A Qualifying offence” etc
- 54. Abolition of certain powers of constables to search persons
- 55. Searches of detained persons
- 55A Searches and examination to ascertain identity
- 56. Intimate searches
- 56A X-rays and ultrasound scans
- 57. Right to have someone informed when arrested
Art. 58 rep. by 1998 NI 9
- 59. Access to legal advice
- 60. Tape#recording of interviews
- 60A Video recording of interviews
- 61. Fingerprinting
- 61A Impressions of footwear
- 62. Intimate samples
- 63. Other samples
- 63A Fingerprints and samples: supplementary provisions
- 64. Destruction of fingerprints and samples
- 64ZA Destruction of samples
- 64ZB Destruction of data given voluntarily
- 64ZC Destruction of data relating to a person subject to a control order
- 64ZD Destruction of data relating to persons not convicted
- 64ZE Destruction of data relating to persons under 18 not convicted: recordable offences other than qualifying offences
- 64ZF Destruction of data relating to persons under 16 not convicted: qualifying offences
- 64ZG Destruction of data relating to persons aged 16 or 17 not convicted: qualifying offences
- 64ZH Destruction of data relating to persons under 18 convicted of a recordable offence other than a qualifying offence
- 64ZI Articles 64ZB to 64ZH: supplementary provision
- 64ZJ Destruction of fingerprints taken under Article 61(6A)
- 64ZK Retention for purposes of national security
- 64ZL Retention with consent
- 64ZM Destruction of copies, and notification of destruction
- 64ZN Use of retained material
- 64A Photographing of suspects etc.

Status: Point in time view as at 26/06/2017.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

PART VII

CODES OF PRACTICE—GENERAL

- 65. Codes of practice
- 66. Codes of practice—supplementary

PART VIII

DOCUMENTARY EVIDENCE IN CRIMINAL PROCEEDINGS

- 67. Interpretation of Part VIII
Art. 68 rep. by 1999 NI 8
- 69. Microfilm copies

PART IX

EVIDENCE IN CRIMINAL PROCEEDINGS—GENERAL

- 70. Interpretation of Part IX

Convictions and acquittals

- 71. Proof of convictions and acquittals
- 72. Conviction as evidence of commission of offence
- 73. Provisions supplementary to Article 72

Confessions

- 74. Confessions
- 74A Confessions may be given in evidence for co-accused
- 75. Confessions by mentally handicapped persons

Miscellaneous

- 76. Exclusion of unfair evidence
- 77. Time for taking accused's evidence
- 78. Abolition of right of accused to make unsworn statement
- 79. Competence and compellability of accused's spouse or civil partner
- 79A Rule where accused's spouse or civil partner not compellable
- 80. Advance notice of expert evidence in Crown Court
- 80A Evidence through live links
- 81. Evidence through television links
- 81A Video recordings of testimony from child witnesses
Art. 81B rep. by 1999 NI 8

PART X

POLICE—GENERAL

- Arts. 82#83 rep. by 1998 c. 32
- 84. Police officers performing duties of higher rank

PART XI

MISCELLANEOUS AND SUPPLEMENTARY

- 85. **Application of Order to Revenue and Customs**
Article 86—Amendments

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

87. Meaning of “serious arrestable offence”
88. Power of constable to use reasonable force
89. Orders and regulations
90. Amendments and repeals

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

Status: Point in time view as at 26/06/2017.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

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

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

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 —

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).

Status: Point in time view as at 26/06/2017.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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)

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

Status:

Point in time view as at 26/06/2017.

Changes to legislation:

The Police and Criminal Evidence (Northern Ireland) Order 1989 is up to date with all changes known to be in force on or before 27 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.