

*Status: Point in time view as at 15/12/2011.*

*Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, PART I 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)*

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## STATUTORY INSTRUMENTS

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# 1989 No. 1341

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

### PART I

#### INTRODUCTORY

##### **Title and commencement**

1.—(1) This Order may be cited as the Police and Criminal Evidence (Northern Ireland) Order 1989.

(2) This Article and Articles 2, 29(4), 60(a), 65, 66 and 89 shall come into operation on the expiration of one month from the day on which the Order is made.

(3) The other provisions of this Order shall come into operation on such day or days as the Secretary of State may by order appoint<sup>F1</sup>.

(4) An order under paragraph (3) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation.

<b>F1</b> partly exercised by SR 1989/404, SR 1989/441
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##### **General interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F2</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

<sup>F3</sup> .....

“designated police station” has the meaning assigned to it by Article 36;

“document”<sup>F4</sup> means anything in which information of any description is recorded];

“intimate search” means a search which consists of the physical examination of a person's body orifices;

“items subject to legal privilege” has the meaning assigned to it by Article 12;

“parent or guardian” means—

*Sub#para. (a) rep. by 1995 NI 2*

(b) in the case of a child<sup>F5</sup> . . . in the care of a Health and Social Services Board<sup>F6</sup> or [<sup>F7</sup>Health and Social Care trust]], that Board<sup>F6</sup> or [<sup>F7</sup>Health and Social Care trust]];

*Definitions rep. by 2000 c. 32*

“premises” has the meaning assigned to it by Article 25;

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“recordable offence” means any offence to which regulations under Article 29 apply;

<sup>F8</sup> .....

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954<sup>F9</sup>;

[<sup>F10</sup>“the terrorism provisions” means section 41 of the Terrorism Act 2000, and any provision of Schedule 7 to that Act conferring a power of detention;]

[<sup>F10</sup>“terrorism” has the meaning given in section 1 of that Act.]

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(3) Subject to [<sup>F11</sup>paragraphs (4) and (4A)], a person is in police detention for the purposes of this Order if—

(a) he has been taken to a police station after being arrested for an offence or after being arrested under [<sup>F12</sup>section 41 of the Terrorism Act 2000]; or

(b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it, [<sup>F13</sup> or]

[<sup>F13</sup>(c) he is arrested at a police station after being taken to the station in pursuance of a direction under section 16 of the Prison Act (Northern Ireland) 1953,] and is detained there or is detained elsewhere in the charge of a constable.

(4) A person—

(a) who is at a court after being charged; or

(b) who has been taken from a custodial establishment and held in police custody pending his appearance at a court,

is not in police detention for those purposes.

[<sup>F14</sup>(4A) Where a person is in another's lawful custody by virtue of paragraph 8, 22(1) or 23(2) of Schedule 2 to the Police (Northern Ireland) Act 2003, he shall be treated as being in police detention for the purposes of this Order.]

[<sup>F15</sup>(5) In this Order “custodial establishment” includes a prison, a young offenders centre, a juvenile justice centre and a remand centre.]

**F2** 1954 c. 33 (NI)

**F3** Art. 2(2): definition of "arrestable offence" repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 26(1), **Sch. 2**

**F4** 1997 NI 21

**F5** rep. by 1998 NI 9

**F6** 1995 NI 2

**F7** Art. 2(2): words in definition of "parent or guardian" substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**F8** Art. 2(2): definition of "serious arrestable offence" repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 26(1), **Sch. 2**

**F9** 1954 c. 33 (NI)

**F10** 2000 c. 11

**F11** Words in art. 2(3) substituted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **41(1)**

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- F12** 2000 c. 11
- F13** 1995 NI 17
- F14** 2003 c. 6
- F15** 1998 NI 9

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