

---

## STATUTORY INSTRUMENTS

---

# 1989 No. 1341

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

### PART III **N.I.**

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### *Entry and search without search warrant*

##### **Entry for purpose of arrest etc. **N.I.****

**19.**—(1) Subject to the following provisions of this Article, and without prejudice to any other statutory provision, a constable may enter and search any premises for the purpose—

(a) of executing—

(i) a warrant of arrest issued in connection with or arising out of criminal proceedings;  
or

(ii) a warrant of commitment issued under Article 92 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>F1</sup>;

(b) of arresting a person for an [<sup>F2</sup>indictable] offence;

[<sup>F3</sup>(ba) of arresting a person for an offence under Article 15 of the Road Traffic (Northern Ireland) Order 1995 (driving while under influence of drink or drugs) or Article 180(1) of the Road Traffic (Northern Ireland) Order 1981 (NI 1);

(bb) of arresting a person for an offence to which Article 42(8) of the Diseases of Animals (Northern Ireland) Order 1981 applies;]

(c) of arresting a person for an offence under Article 9 or 21 of the Public Order (Northern Ireland) Order 1987<sup>F4</sup>;

[<sup>F5</sup>(ca) of recapturing a person who is, or is deemed for any purpose to be, unlawfully at large while liable to be detained in a prison, young offenders centre, [<sup>F6</sup> juvenile justice centre or in any other place in pursuance of Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998];

(cb) of arresting a person in pursuance of section 49(1) of the Prison Act 1952 or section 40(1) of the Prisons (Scotland) Act 1989;]

(d) of recapturing a person who is unlawfully at large and whom he is pursuing; or

(e) of saving life or limb or preventing serious damage to property.

(2) Except for the purpose specified in paragraph (1)(e), the powers of entry and search conferred by this Article—

(a) are only exercisable if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises; and

**Status:** Point in time view as at 01/03/2007.

**Changes to legislation:** The Police and Criminal Evidence (Northern Ireland) Order 1989, Cross Heading: Entry and search without search warrant is up to date with all changes known to be in force on or before 21 June 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)

- (b) are limited, in relation to premises consisting of two or more separate dwellings, to powers to enter and search—
- (i) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other such dwelling; and
  - (ii) any such dwelling in which the constable has reasonable grounds for believing that the person whom he is seeking may be.
- (3) The power of search conferred by this Article is only a power to search to the extent that is reasonably required for the purpose for which the power of entry is exercised.
- (4) Subject to paragraph (5), all the rules of common law under which a constable has power to enter premises without a warrant are hereby abolished.
- (5) Nothing in paragraph (4) affects any power of entry to deal with or prevent a breach of the peace.

<b>F1</b>	1981 NI 26
<b>F2</b>	Word in art. 19(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), <b>11(2)</b>
<b>F3</b>	Art. 19(1)(ba)(bb) inserted (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), <b>11(3)</b>
<b>F4</b>	1987 NI 7
<b>F5</b>	1995 NI 17
<b>F6</b>	1998 NI 9

#### Modifications etc. (not altering text)

- C1** Art. 19 extended (22.4.2007) by Police (Northern Ireland) Act 2003 (c. 6), Sch. 2A para. 10 (as inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d)(3), 7(8), **Sch. 5**)
- C2** Art. 19(1)(b) 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
- C3** Art. 19(2) 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
- C4** Art. 19(3) 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

### Entry and search after arrest **N.I.**

**20.**—(1) Subject to the following provisions of this Article, a constable may enter and search any premises occupied or controlled by a person who is under arrest for an [<sup>F7</sup>indictable] offence, if he has reasonable grounds for suspecting that there is on the premises evidence, other than items subject to legal privilege, that relates—

- (a) to that offence; or
- (b) to some other [<sup>F7</sup>indictable] offence which is connected with or similar to that offence.

(2) A constable may seize and retain anything for which he may search under paragraph (1).

(3) The power to search conferred by paragraph (1) is only a power to search to the extent that is reasonably required for the purpose of discovering such evidence.

(4) Subject to paragraph (5), the powers conferred by this Article may not be exercised unless an officer of the rank of inspector or above has authorised them in writing.

[<sup>F8</sup>(5) A constable may conduct a search under paragraph (1)—

- (a) before the person is taken to a police station or released on bail under Article 32A; and

(b) without obtaining an authorisation under paragraph (4),  
if the condition in paragraph (5A) is satisfied.

(5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.]

(6) If a constable conducts a search by virtue of paragraph (5), he shall inform an officer of the rank of inspector or above that he has made the search as soon as practicable after he has made it.

(7) An officer who—

(a) authorises a search; or

(b) is informed of a search under paragraph (6),

shall make a record in writing—

(i) of the grounds for the search; and

(ii) of the nature of the evidence that was sought.

(8) If the person who was in occupation or control of the premises at the time of the search is in police detention at the time the record is to be made, the officer shall make the record as part of his custody record.

(9) In the application of this Article to a member of a constabulary not maintained by the Police Authority, references to an officer of the rank of inspector or above shall be construed as references to a member of that constabulary whose rank is above that of constable.

**F7** Words in art. 20(1) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **12(2)**

**F8** 2004 NI 9

**Modifications etc. (not altering text)**

**C5** Art. 20(1)-(8) 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

**C6** Art. 20(1)-(8) applied (with modifications) (18.5.2009) by [Police and Criminal Evidence \(Application to the Police Ombudsman\) Order \(Northern Ireland\) 2009 \(S.R. 2009/142\)](#), art. 3, **Sch. 1**, Sch. 2

**Status:**

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

**Changes to legislation:**

The Police and Criminal Evidence (Northern Ireland) Order 1989, Cross Heading: Entry and search without search warrant is up to date with all changes known to be in force on or before 21 June 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.