
STATUTORY INSTRUMENTS

1989 No. 1341

The Police and Criminal Evidence (Northern Ireland) Order 1989

PART VII

CODES OF PRACTICE—GENERAL

Codes of practice

[^{F1}65.—(1)] The Secretary of State shall issue codes of practice in connection with—

- (a) the exercise by police officers of statutory powers—
 - (i) to search a person without first arresting him; ^{F2} . . .
 - (ii) to search a vehicle without making an arrest; [^{F3} or
 - (“ to arrest a person;]
- (b) the detention, treatment, questioning and identification of persons by police officers;
- (c) searches of premises by police officers; and
- (d) the seizure of property found by police officers on persons or premises.

[^{F4}(2) Nothing in this Article requires the issuing of a code of practice in relation to any matter falling within the code of practice issued under section 47AB(2) of the Terrorism Act 2000 (as that code is altered or replaced from time to time) (code of practice in relation to terrorism powers to search persons and vehicles and to stop and search in specified locations).]

F1 Art. 65(1): art. 65 renumbered as art. 65(1) (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 22\(a\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)

F2 Word in art. 65(a)(i) repealed (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), 37(2)(a), 41(2), [Sch. 2](#)

F3 Art. 65(a)(iii) and preceding word inserted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), [37\(2\)\(b\)](#)

F4 Art. 65(2) inserted (10.7.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, [Sch. 9 para. 22\(b\)](#) (with s. 97); S.I. 2012/1205, art. 4(k)

Modifications etc. (not altering text)

- C1** Art. 65 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
- C2** Art. 65 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
- C3** Art. 65 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), art. 5, [Sch. 2 para. 3](#)

Status: Point in time view as at 16/04/2021.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, PART VII is up to date with all changes known to be in force on or before 05 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)

Codes of practice—supplementary

66.—(1) When the Secretary of State proposes to issue a code of practice to which this Article applies, he shall prepare and publish a draft of that code, shall consider any representations made to him about the draft and may modify the draft accordingly.

(2) This Article applies to a code of practice under Article 60^[F5], 60A] or 65.

(3) The Secretary of State shall lay before ^[F6]the Assembly] a draft of any code of practice prepared by him under this Article.

(4) When the Secretary of State has laid the draft of a code before ^[F7]the Assembly], he may bring the code into operation by order, subject to Article 89.

(5) An order bringing a code of practice into operation may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code of practice thereby brought into operation.

(6) The Secretary of State may from time to time revise the whole or any part of a code of practice to which this Article applies and issue that revised code; and the foregoing provisions of this Article shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.

^[F8](6A) Subject to paragraph (6B), the Secretary of State may by order subject to Article 89 provide that a code of practice for the time being in force is to be treated as having effect with such modifications as may be set out in the order.

(6B) The effect of the modifications made by an order under paragraph (6A) must be confined to one or more of the following —

- (a) the effect of the code during such period, not exceeding two years, as may be so specified;
- (b) the effect of the code in relation to such offences or descriptions of offender as may be so specified.]

(7) A police officer shall be liable to disciplinary proceedings for a failure to comply with any provision of such a code, unless such proceedings are precluded by Article 22 of the Police (Northern Ireland) Order 1987^{F9}.

(8) Persons other than police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant provision of such a code.

^[F8](8A) A person on whom powers are conferred or duties are imposed by a designation under section 30 ^[F10], 30A] or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this Article applies in —

- (a) the exercise of the powers conferred on him by the designation;
- (b) the performance of the duties imposed on him by the designation.]

(9) A failure on the part—

- (a) of a police officer to comply with any provision of such a code; or
- (b) of any person other than a police officer who is charged with the duty of investigating offences or charging offenders to have regard to any relevant provision of such a code in the discharge of that duty,^[F8]or]

^[F8](c) of a person designated under section 30 ^[F11], 30A] or 31 of the Police (Northern Ireland) Act 2003 to comply with paragraph (8A),]

shall not of itself render him liable to any criminal or civil proceedings.

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(10) In all criminal and civil proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

[^{F12}(11) In paragraph (10) “criminal proceedings” includes service proceedings.

(11A) In this Article “service proceedings” means proceedings before a court (other than a civilian court) in respect of a service offence; and “service offence” and “civilian court” here have the same meanings as in the Armed Forces Act 2006.]

Para. (12) rep. by 2000 c. 11

- F5** 2000 c. 32
- F6** Words in art. 66(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 13(2)(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F7** Words in art. 66(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 13(2)(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**
- F8** 2003 c. 6
- F9** 1987 NI 10
- F10** Words in art. 66(8A) inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), **7(9)**
- F11** Words in art. 66(9)(c) inserted (22.4.2007) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), **7(9)**
- F12** Art. 66(11)(11A) substituted (28.3.2009 for certain purposes otherwise 31.10.2009) for art. 66(11) by Armed Forces Act 2006 (c. 52), ss. 378(1), 383(2), **Sch. 16 para. 118**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Modifications etc. (not altering text)

- C4** Art. 66 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
- C5** Art. 66(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
- C6** Art. 66(8) excluded by Proceeds of Crime Act 2002 (c. 29), s. 377ZB(b) (as inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 12, **Sch. 14 para. 68** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**)
- C7** Art. 66(9)-(11A) 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

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