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STATUTORY INSTRUMENTS

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**2007 No. 288**

**The Police and Criminal Evidence  
(Amendment) (Northern Ireland) Order 2007**

**PART IV**

**ARREST**

**Powers of arrest**

**15.**—(1) For Article 26 of PACE (arrest without warrant for arrestable offences) substitute—

**“Arrest without warrant: constables**

**26.**—(1) A constable may arrest without a warrant—

- (a) anyone who is about to commit an offence;
- (b) anyone who is in the act of committing an offence;
- (c) anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
- (d) anyone whom he has reasonable grounds for suspecting to be committing an offence.

(2) If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.

(3) If an offence has been committed, a constable may arrest without a warrant—

- (a) anyone who is guilty of the offence;
- (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

(4) But the power of summary arrest conferred by paragraph (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in paragraph (5) it is necessary to arrest the person in question.

(5) The reasons are—

- (a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person’s name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);
- (b) correspondingly as regards the person’s address;
- (c) to prevent the person in question—
  - (i) causing physical injury to himself or any other person;
  - (ii) suffering physical injury;
  - (iii) causing loss of or damage to property;

- (iv) committing an offence against public decency (subject to paragraph (6)); or
  - (v) causing an unlawful obstruction on a road (within the meaning of the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#));
  - (d) to protect a child or other vulnerable person from the person in question;
  - (e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;
  - (f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.
- (6) Paragraph (5)(c)(iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.

#### **Arrest without warrant: other persons**

- 26A.**—(1) A person other than a constable may arrest without a warrant—
- (a) anyone who is in the act of committing an indictable offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be committing an indictable offence.
- (2) Where an indictable offence has been committed, a person other than a constable may arrest without a warrant—
- (a) anyone who is guilty of the offence;
  - (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.
- (3) But the power of summary arrest conferred by paragraph (1) or (2) is exercisable only if—
- (a) the person making the arrest has reasonable grounds for believing that for any of the reasons mentioned in paragraph (4) it is necessary to arrest the person in question; and
  - (b) it appears to the person making the arrest that it is not reasonably practicable for a constable to make it instead.
- (4) The reasons are to prevent the person in question—
- (a) causing physical injury to himself or any other person;
  - (b) suffering physical injury;
  - (c) causing loss of or damage to property; or
  - (d) making off before a constable can assume responsibility for him.”.
- (2) Article 27 of PACE (general arrest conditions) shall cease to have effect.
- (3) The Articles 26 and 26A of PACE substituted by paragraph (1) are to have effect in relation to any offence whenever committed.
- (4) Schedule 1, which supplements this Article by providing for the amendment or repeal of certain statutory provisions (including some which are spent), has effect.

#### **Fingerprinting of certain offenders**

- 16.**—(1) Article 29 of PACE (fingerprinting of certain offenders) is amended as follows.
- (2) After paragraph (1) insert—
- “(1A) Where a person convicted of a recordable offence has already had his fingerprints taken as mentioned in sub-paragraph (c) of paragraph (1), that fact (together with any time

when he has been in police detention for the offence) shall be disregarded for the purposes of that paragraph if—

- (a) the fingerprints taken on the previous occasion do not constitute a complete set of his fingerprints; or
- (b) some or all of the fingerprints taken on the previous occasion are not of sufficient quality to allow satisfactory analysis, comparison or matching.

(1B) Paragraphs (1) and (1A) apply where a person has been given a caution in respect of a recordable offence which, at the time of the caution, he has admitted as they apply where a person has been convicted of an offence, and references in this Article to a conviction shall be construed accordingly.”.

### **Search upon arrest**

17.—(1) Article 34 (search upon arrest) of PACE is amended as follows.

(2) In paragraph (2) for sub-paragraph (b) substitute—

- “(b) if the offence for which he has been arrested is an indictable offence, to enter and search any premises in which he was when arrested or immediately before he was arrested for evidence relating to the offence.”

### **Arrested juveniles**

18.—(1) Article 38 (duties of custody officers before charge) is amended as follows.

(2) In paragraph (14), in the definition of “arrested juvenile”, for “17” substitute “18”.