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**Changes to legislation:** Police (Northern Ireland) Act 2003, Cross Heading: Power to take an arrested person to a police station is up to date with all changes known to be in force on or before 19 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) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

#### POWERS EXERCISABLE BY DESIGNATED PERSONS

#### PART 3

#### ESCORT OFFICERS

##### *Power to take an arrested person to a police station*

- 22 (1) Where a designation applies this paragraph to a person—
- (a) the persons who, in the case of a person arrested by a constable, are authorised for the purposes of [<sup>F1</sup>paragraph (1A) of Article 32]of the 1989 Order (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station include the designated person;
  - (b) that Article has effect in relation to the exercise by the designated person of the power conferred by virtue of paragraph (a) as if the references to a constable in paragraphs (3), (4)(a) and (13) (but not the references in paragraphs (5) to (12)) included references to the designated person;
  - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) must be treated for all purposes as having the other person in his lawful custody;
    - (ii) is under a duty [<sup>F2</sup>to keep that person under control and ] to prevent the other person's escape;
    - (iii) is entitled to use reasonable force to keep the other person in his charge [<sup>F3</sup>and under his control ] .
  - [<sup>F4</sup>(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;
    - (ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
    - (iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
    - (iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).]

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- (2) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person;
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

#### **Textual Amendments**

- F1** Words in Sch. 2 para. 22(1)(a) substituted (1.1.2005) by [The Criminal Justice \(Northern Ireland\) Order 2004 \(S.I. 2004/1500\)](#), art. 1(3), **Sch. 1 para. 6**; S.R. 2004/391, art. 3
- F2** Words in Sch. 2 para. 22(1)(c)(ii) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(2)(a)**
- F3** Words in Sch. 2 para. 22(1)(c)(iii) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(2)(b)**
- F4** Sch. 2 para. 22(1)(d) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(3)**

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[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 30(1)(d) added by [S.I. 2007/912 \(N.I.\) art. 6\(1\)](#)
- s. 30(1)(d) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(a\)Sch. 8 Pt. 13](#)
- s. 30(6)(d) inserted by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 3](#)
- s. 30(6)(d) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(b\)Sch. 8 Pt. 13](#)
- s. 30(11) added by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 4](#)
- s. 30(11) repealed by [2009 c. 26 Sch. 7 para. 126\(2\)\(c\)Sch. 8 Pt. 13](#)
- [Sch. 2 Pt. 3A](#) repealed by [2009 c. 26 Sch. 7 para. 126\(3\)Sch. 8 Pt. 13](#)
- [Sch. 2A para. 17A](#) inserted by [2019 c. 17 s. 12\(6\)](#)
- [Sch. 4 Pt. 3A](#) inserted by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 5](#)