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STATUTORY INSTRUMENTS

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**2004 No. 1408**

**CRIMINAL LAW, NORTHERN IRELAND**

**The Prisoner Custody Officers (Searching of Prisoners) Rules (Northern Ireland) 2004**

<i>Made</i>	- - - -	<i>20th May 2004</i>
<i>Laid before Parliament</i>		<i>21st May 2004</i>
<i>Coming into force</i>	- -	<i>11th June 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 120(1)(a) of the Criminal Justice and Public Order Act 1994<sup>(1)</sup>, hereby makes the following Rules:

**1.—**(1) These Rules may be cited as the Prisoner Custody Officers (Searching of Prisoners) Rules (Northern Ireland) 2004 and shall come into force on 11 June 2004.

(2) In these Rules—

“full search” means a search during which a prisoner is required to remove any clothing other than an outer coat, hat, jacket, gloves or footwear

“officer” means a prisoner custody officer who is authorised to perform escort functions in accordance with section 122 of the Criminal Justice and Public Order Act 1994

“officer of a prison” means a person appointed under section 2(2) of the Prison Act (Northern Ireland) 1953<sup>(2)</sup>.

**2.—**(1) An officer shall only search a prisoner when it appears necessary to do so in the interests of security, good order or discipline.

(2) These Rules do not permit the search of a body cavity, but a prisoner may be required to open his mouth to permit a visual inspection.

**3.—**(1) This rule does not apply to a prisoner who is being subjected to a full search.

(2) Subject to sub-paragraph (3), a prisoner shall not be searched in any place where he can be seen by any person who is not an officer, a police officer, an officer of a prison or the prisoner escort monitor.

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(1) 1994 c. 33.

(2) 1953 c. 18 (N.I.) as amended by S.I.1973/2163.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(3) Sub-paragraph (2) does not apply where it appears to an officer that it is necessary to search a prisoner in a place where he can be seen by a person who is not an officer, a police officer, an officer of a prison or the prisoner escort monitor.

4. A prisoner shall not be subjected to a full search in any place where he can be seen by any person other than the officers who are present during the search.

5. A minimum of two officers shall be present when a prisoner is being subjected to a full search.

6. A prisoner shall only be subjected to a full search by officers of the same sex as the prisoner.

20th May 2004

*Ian Pearson*  
Parliamentary Under-Secretary of State Northern  
Ireland Office

## **EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules provide the circumstances and manner in which a prisoner custody officer may search a prisoner (as defined in section 125(1) of the Criminal Justice and Public Order Act 1994) for whose custody or delivery he is responsible. The role of prisoner custody officer was created by Chapter 3 of Part 8 of the Criminal Justice and Public Order Act 1994. Under section 118(1) of that Act the Secretary of State may make arrangements for the functions of the delivery of prisoners between premises and the custody of prisoners in any court, or during the delivery of a prisoner between premises to be performed by prisoner custody officers.