

SCHEDULES

SCHEDULE 1

SPECIAL PROCEDURE

Making of orders by county court judge

1. If on an application made by a constable a county court judge is satisfied that one or other of the sets of access conditions is fulfilled, he may make an order under paragraph 4.

2. The first set of access conditions is fulfilled if—

(a) there are reasonable grounds for believing—

(i) that [^{F1}an indictable offence] has been committed;

(ii) that there is material which consists of special procedure material or includes special procedure material and does not also include excluded material on premises specified in the application [^{F2}, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify)];

(iii) that the material is likely to be of substantial value (whether by itself or together with other material) to the investigation in connection with which the application is made; and

(iv) that the material is likely to be relevant evidence;

(b) other methods of obtaining the material—

(i) have been tried without success; or

(ii) have not been tried because it appeared that they were bound to fail; and

(c) it is in the public interest, having regard—

(i) to the benefit likely to accrue to the investigation if the material is obtained; and

(ii) to the circumstances under which the person in possession of the material holds it, that the material should be produced or that access to it should be given.

F1 Words in Sch. 1 para. 2(a)(i) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **8(2)**

F2 Words in Sch. 1 para. 2(a)(ii) added (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **8(3)**

3. The second set of access conditions is fulfilled if—

(a) there are reasonable grounds for believing that there is material which consists of or includes excluded material or special procedure material on premises specified in the application [^{F3}, or on premises occupied or controlled by a person specified in the application (including all such premises on which there are reasonable grounds for believing that there is such material as it is reasonably practicable so to specify)];

Changes to legislation: *The Police and Criminal Evidence (Northern Ireland) Order 1989, Making of orders by county court judge is up to date with all changes known to be in force on or before 04 April 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*

- (b) but for Article 11(2) a search of [^{F4}such premises] for that material could have been authorised by the issue of a warrant to a constable under a statutory provision other than this Schedule; and
- (c) the issue of such a warrant would have been appropriate.

F3 Words in Sch. 1 para. 3(a) added (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **8(3)**

F4 Words in Sch. 1 para. 3(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), **8(4)**

4. An order under this paragraph is an order that the person who appears to the county court judge to be in possession of the material to which the application relates shall—

- (a) produce it to a constable for him to take away; or
- (b) give a constable access to it,

not later than the end of the period of seven days from the date of the order or the end of such longer period as the order may specify.

5. Where the material consists of information [^{F5}stored in any electronic form]

- (a) an order under paragraph 4(a) shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible [^{F6}or from which it can readily be produced in a visible and legible form]; and
- (b) an order under paragraph 4(b) shall have effect as an order to give a constable access to the material in a form in which it is visible and legible.

F5 2001 c. 16

F6 2001 c. 16

6. For the purposes of Articles 23 and 24 material produced in pursuance of an order under paragraph 4(a) shall be treated as if it were material seized by a constable.

Changes to legislation:

The Police and Criminal Evidence (Northern Ireland) Order 1989, Making of orders by county court judge is up to date with all changes known to be in force on or before 04 April 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.

View outstanding changes

Changes and effects yet to be applied to :

- various legislation applied by 2016 c. 18 (N.I.) s. 161(2)(a)

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

- Order applied by 2016 c. 18 (N.I.) s. 150(1)(a)
- Order excluded by 2012 c. 9 Sch. 1 para. 7(5)
- Order extended by 2003 c. 6 Sch. 4 para. 23A (as inserted) by S.I. 2007/912 (N.I.) Sch. 4 para. 5

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

- Sch. 2A para. 1(4) inserted by 2015 c. 9 (N.I.) s. 83(3)(a)(ii)
- Sch. 2A para. 2(2)(c) and word inserted by 2015 c. 9 (N.I.) s. 83(3)(b)(ii)
- Sch. 2A para. 9(4) inserted by 2015 c. 9 (N.I.) s. 83(3)(c)(ii)
- Sch. 2A para. 10(5) inserted by 2015 c. 9 (N.I.) s. 83(3)(d)(ii)
- Sch. 2A para. 2(2)(b) words substituted by 2015 c. 9 (N.I.) s. 83(3)(b)(i)
- art. 62(10)(ab) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 6(3)(b) by 2022 c. 4 (N.I.) s. 4(9)(e)
- art. 3(9ZA)(9ZB) inserted by 2019 c. 17 s. 12(5)
- art. 19(1)(cc) inserted by S.I. 2007/916 (N.I.) art. 18(2)
- art. 53(3A)(3B) inserted by 2013 c. 7 (N.I.) Sch. 3 para. 1(3)
- art. 53(3A) inserted by 2010 c. 17 s. 15(4)
- art. 53(4) inserted by 2010 c. 17 s. 9(6)
- art. 53B inserted by 2013 c. 7 (N.I.) Sch. 3 para. 3
- art. 56(13A)(b)(iii) and word substituted for word by 2015 c. 9 (N.I.) Sch. 2 para. 6(1)(b)
- art. 56(13A)(b)(iii) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 6(1)(b) by 2022 c. 4 (N.I.) s. 4(9)(e)
- art. 56A(9)(b)(iii) and word substituted for word by 2015 c. 9 (N.I.) Sch. 2 para. 6(2)(b)
- art. 56A(9)(b)(iii) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 6(2)(b) by 2022 c. 4 (N.I.) s. 4(9)(e)
- art. 61(5A) inserted by 2010 c. 17 s. 8(1)
- art. 61(5A)(b) words substituted by 2015 c. 9 (N.I.) s. 83(1)(a)
- art. 61(5B) inserted by 2010 c. 17 s. 8(2)
- art. 61(5B)(b) words substituted by 2015 c. 9 (N.I.) s. 83(1)(a)
- art. 61(5C) inserted by 2015 c. 9 (N.I.) s. 83(1)(b)
- art. 61(6)-(6ZD) substituted for art. 61(6) by 2010 c. 17 s. 8(3)
- art. 61(6D)-(6G) inserted by 2010 c. 17 s. 9(1)
- art. 61(6BA) inserted by 2008 c. 28 s. 12(2) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 62(2A)(2B) inserted by 2010 c. 17 s. 9(2)
- art. 62(10)(ab) inserted by 2015 c. 9 (N.I.) Sch. 2 para. 6(3)(b)
- art. 62(10)(ab) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 6(3)(b) by 2022 c. 4 (N.I.) s. 4(9)(e)
- art. 63(3A)(c)(i) word substituted by 2013 c. 7 (N.I.) Sch. 3 para. 4
- art. 63(3B)-(3BD) substituted for art. 63(3B) by 2010 c. 17 s. 8(7)

- art. 63(3C) inserted by [2008 c. 28 s. 12\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 63(3D)-(3G) inserted by [2010 c. 17 s. 9\(4\)](#)
- art. 63(3AA) inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(c\)](#)
- art. 63(3ZA) inserted by [2010 c. 17 s. 8\(5\)](#)
- art. 63(3ZA)(b)(iii) and word inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 63A(1E)(1F) inserted by [2010 c. 17 s. 11\(1\)](#)
- art. 63A(6A) inserted by [2008 c. 28 s. 12\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 63B-63R inserted by [2013 c. 7 \(N.I.\) Sch. 2](#)
- art. 63D(1)(a) substituted by [2019 c. 3 Sch. 2 para. 5\(2\)\(a\)](#)
- art. 63D(1)(a)(i) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63D(14) words inserted by [2019 c. 3 Sch. 2 para. 5\(2\)\(b\)](#)
- art. 63D(14) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63N substituted by [2015 c. 9 \(N.I.\) s. 86](#)
- art. 63R(4A) inserted by [2019 c. 3 Sch. 4 para. 20\(9\)](#)
- art. 63R(4B) inserted by [2023 c. 32 Sch. 18 para. 5\(8\)](#) (This amendment not applied to legislation.gov.uk. The insertion of art. 63R by 2013 c. 7 (N.I.) Sch. 2 remains prospective at 31.12.2023.)
- art. 63R(5) words substituted by [2015 c. 9 \(N.I.\) s. 87\(a\)](#)
- art. 63R(5A)(5B) inserted by [2015 c. 9 \(N.I.\) s. 87\(b\)](#)
- art. 63DA inserted by [2019 c. 3 Sch. 2 para. 5\(3\)](#)
- art. 63DA heading words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63DA(1)(a) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63DA(4) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63GA inserted by [2015 c. 9 \(N.I.\) s. 84](#)
- art. 63KA inserted by [2015 c. 9 \(N.I.\) s. 85](#)
- art. 64(1AA) inserted by [2008 c. 28 s. 12\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 64(1AB) inserted by [2008 c. 28 s. 15\(5\)](#)
- art. 89(2A) inserted by [2013 c. 7 \(N.I.\) Sch. 3 para. 5](#)