

SCHEDULES

SCHEDULE 1

Article 9

AMENDMENTS RELATED TO PART II

The 1989 Order

1. In Article 20 (entry and search after arrest), for paragraph (5) substitute—
“(5) A constable may conduct a search under paragraph (1)—
 - (a) before the person is taken to a police station or released on bail under Article 32A; and
 - (b) without obtaining an authorisation under paragraph (4),if the condition in paragraph (5A) is satisfied.
(5A) The condition is that the presence of the person at a place (other than a police station) is necessary for the effective investigation of the offence.”
2. In Article 35 (limitations on police detention), for paragraph (8) substitute—
“(8) For the purposes of this Part a person who—
 - (a) attends a police station to answer to bail granted under Article 32A;
 - (b) returns to a police station to answer to bail granted under this Part; or
 - (c) is arrested under Article 32D or 47A,is to be treated as arrested for an offence and that offence is the offence in connection with which he was granted bail under Article 32A or this Part.”
3. In Article 36(1) (designated police stations), for “Article 32(3), (5) and (6)” substitute “Articles 32(3), (5) and (6), 32A(5) and 32D(2)”.
4. In Article 37 (custody officers at police stations), after paragraph (7) insert—
“(7A) Subject to paragraph (7B), paragraph (7) applies where a person attends a police station which is not a designated station to answer to bail granted under Article 32A as it applies where a person is taken to such a station.
(7B) Where paragraph (7) applies because of paragraph (7A), the reference in paragraph (7)(b) to the officer who took him to the station is to be read as a reference to the officer who granted him bail under Article 32A.”
5. In Article 42(2) (calculation of periods of time), after sub-paragraph (b) insert—
“(ba) in the case of a person who attends a police station to answer to bail granted under Article 32A, the time when he arrives at the police station;”.

The Police (Northern Ireland) Act 2003 (c. 6)

6. In Schedule 2, in paragraph 22 (powers of escort officer to take arrested person to prison) in sub-paragraph (1)(a), for “paragraph (1) of Article 32” substitute “paragraph (1A) of Article 32”.

SCHEDULE 2

Article 21

QUALIFYING OFFENCES FOR PURPOSES OF ARTICLE 21

Offences Against the Person

Murder

1. Murder.

Attempted murder

2. An offence under Article 3 of the [Criminal Attempts and Conspiracy \(Northern Ireland\) Order 1983 \(NI 13\)](#) of attempting to commit murder.

Soliciting murder

3. An offence under section 4 of the Offences against the Person Act [1861 \(c. 100\)](#).

Manslaughter

4. Manslaughter.

Wounding or causing grievous bodily harm with intent

5. An offence under section 18 of the Offences against the Person Act [1861 \(c. 100\)](#).

Kidnapping

6. Kidnapping.

Sexual Offences

Rape

7. Rape.

Attempted rape

8. An offence under section 2 of the Attempted Rape, etc., Act (Northern Ireland) [1960 \(c. 3\)](#).

Intercourse with a girl under fourteen

9. An offence under section 4 of the Criminal Law Amendment Act [1885 \(c. 69\)](#) of unlawfully and carnally knowing a girl under fourteen.

Incest by a man with a girl under fourteen

10. An offence under section 1(1) of the Punishment of Incest Act [1908 \(c. 45\)](#) alleged to have been committed with a girl under fourteen.

Drugs Offences

Unlawful importation of Class A drug

11. An offence under section 50(2) of the Customs and Excise Management Act 1979 (c. 2) alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38)).

Unlawful exportation of Class A drug

12. An offence under section 68(2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Fraudulent evasion in respect of Class A drug

13. An offence under section 170(1) or (2) of the Customs and Excise Management Act 1979 alleged to have been committed in respect of a Class A drug (as defined by section 2 of the Misuse of Drugs Act 1971).

Producing or being concerned in production of Class A drug

14. An offence under section 4(2) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Supplying or offering to supply Class A drug

15. An offence under section 4(3) of the Misuse of Drugs Act 1971 alleged to have been committed in relation to a Class A drug (as defined by section 2 of that Act).

Theft Offences

Robbery

16. An offence under section 8(1) of the Theft Act (Northern Ireland) 1969 (c. 16) where it is alleged that, at some time during the commission of the offence, the defendant had in his possession a firearm or imitation firearm (as defined by Article 2(2) of the Firearms (Northern Ireland) Order 2004 (NI 3)).

Criminal Damage Offences

Arson endangering life

17. An offence under Article 3(2) of the Criminal Damage (Northern Ireland) Order 1977 (NI 4) alleged to have been committed by destroying or damaging property by fire.

Causing explosion likely to endanger life or property

18. An offence under section 2 of the Explosive Substances Act 1883 (c. 3).

Intent or conspiracy to cause explosion likely to endanger life or property

19. An offence under section 3(1)(a) of the Explosive Substances Act 1883.

War Crimes and Terrorism

Genocide, crimes against humanity and war crimes

- 20.** An offence under section 51 or 52 of the International Criminal Court Act 2001 (c. 17).

Grave breaches of the Geneva Conventions

- 21.** An offence under section 1 of the Geneva Conventions Act 1957 (c. 52).

Directing terrorist organisation

- 22.** An offence under section 56 of the Terrorism Act 2000 (c. 11).

Hostage-taking

- 23.** An offence under section 1 of the Taking of Hostages Act 1982 (c. 28).

Hijacking and Other Offences Relating to Aviation, Maritime and Rail Security

Hijacking of aircraft

- 24.** An offence under section 1 of the Aviation Security Act 1982 (c. 36).

Destroying, damaging or endangering the safety of aircraft

- 25.** An offence under section 2 of the Aviation Security Act 1982.

Hijacking of ships

- 26.** An offence under section 9 of the Aviation and Maritime Security Act 1990 (c. 31).

Seizing or exercising control of fixed platforms

- 27.** An offence under section 10 of the Aviation and Maritime Security Act 1990.

Destroying ships or fixed platforms or endangering their safety

- 28.** An offence under section 11 of the Aviation and Maritime Security Act 1990.

Hijacking of Channel Tunnel trains

- 29.** An offence under Article 4 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

Seizing or exercising control of Channel Tunnel system

- 30.** An offence under Article 5 of the Channel Tunnel (Security) Order 1994 (S.I.1994/570).

Conspiracy

Conspiracy

- 31.** An offence under Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 of conspiracy to commit an offence listed in this Schedule.

SCHEDULE 3

Article 35

REPEALS

Short Title	Extent of repeal
The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12).	In Article 3(8), the word “and” at the end of sub-paragraph (d). In Article 55(1) the words “and record or cause to be recorded”. Article 61(5). In Article 63(3)(a), the words “is in police detention or”.
The Police (Amendment) (Northern Ireland) Order 1995 (NI 17).	Article 7(2).
The Anti-terrorism, Crime and Security Act 2001 (c. 24).	Section 91(2).
The Police (Northern Ireland) Act 2003 (c. 6).	In Schedule 3, paragraph 2.