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## STATUTORY INSTRUMENTS

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# 1989 No. 1341

## The Police and Criminal Evidence (Northern Ireland) Order 1989

### PART V

#### DETENTION

##### *Detention—conditions and duration*

#### **Custody officers at police stations**

37.—(1) One or more custody officers shall be appointed for each designated police station.

(2) A custody officer for a designated police station shall be appointed—

- (a) by the Chief Constable; or
- (b) by such other police officer as the Chief Constable may direct.

[<sup>F1</sup>(3) No police officer may be appointed a custody officer unless the officer is of at least the rank of sergeant.]

(4) A police officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.

(5) Subject to the following provisions of this Article and to Article 40(2), none of the functions of a custody officer in relation to a person shall be performed by [<sup>F2</sup>an officer] who at the time when the function falls to be performed is involved in the investigation of an offence for which that person is in police detention at that time.

(6) Nothing in paragraph (5) is to be taken to prevent a custody officer—

- (a) performing any function assigned to custody officers—
  - (i) by this Order; or
  - (ii) by a code of practice issued under this Order;
- (b) carrying out the duty imposed on custody officers by Article 40;
- (c) doing anything in connection with the identification of a suspect; or

[<sup>F3</sup>(d) doing anything under Article 18 or 19 of the Road Traffic (Northern Ireland) Order 1995.]

(7) Where an arrested person is taken to a police station which is not a designated police station, the functions in relation to him which at a designated police station would be the functions of a custody officer shall be performed—

- (a) by an officer <sup>F4</sup>. . . who is not involved in the investigation of an offence for which he is in police detention, if [<sup>F5</sup>such an officer] is readily available; and
- (b) if no [<sup>F6</sup>such officer] is readily available, by the officer who took him to the station or any other officer.

*Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 37 is up to date with all changes known to be in force on or before 23 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*

[<sup>F7</sup>(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.]

(8) References to a custody officer in the following provisions of this Order include references to [<sup>F8</sup>an officer] other than a custody officer who is performing the functions of a custody officer by virtue of paragraph (4) or (7).

(9) Where by virtue of paragraph (7) a police officer who took an arrested person to a police station is to perform the functions of a custody officer in relation to him, the officer shall inform an officer who—

- (a) is attached to a designated police station; and
- (b) is of at least the rank of inspector,

that he is to do so.

(10) The duty imposed by paragraph (9) shall be performed as soon as it is practicable to perform it.

(11) <sup>F9</sup> .....

<b>F1</b>	Art. 37(3) substituted (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1), 116(6)(a), <b>Sch. 7 para. 124(2)(a)</b>
<b>F2</b>	Words in art. 37(5) substituted (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1), 116(6)(a), <b>Sch. 7 para. 124(2)(b)</b>
<b>F3</b>	1995 NI 18
<b>F4</b>	Words in art. 37(7)(a) repealed (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1)(2), 116(6), Sch. 7 para. 124(2)(c)(i), <b>Sch. 8 Pt. 13</b>
<b>F5</b>	Words in art. 37(7)(a) substituted (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1), 116(6)(a), <b>Sch. 7 para. 124(2)(c)(i)</b>
<b>F6</b>	Words in art. 37(7)(b) substituted (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1), 116(6)(a), <b>Sch. 7 para. 124(2)(c)(ii)</b>
<b>F7</b>	2004 NI 9
<b>F8</b>	Words in art. 37(8) substituted (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1), 116(6)(a), <b>Sch. 7 para. 124(2)(d)</b>
<b>F9</b>	Art. 37(11) repealed (12.1.2010) by <a href="#">Policing and Crime Act 2009 (c. 26)</a> , ss. 112(1)(2), 116(6), Sch. 7 para. 124(2)(e), <b>Sch. 8 Pt. 13</b>
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	Art. 37 applied (with modifications) (1.12.2007) by <a href="#">Police and Criminal Evidence (Application to Revenue and Customs) Order (Northern Ireland) 2007 (S.R. 2007/464)</a> , arts. 3-15, <b>Sch. 1</b> , Sch. 2

**Changes to legislation:**

The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 37 is up to date with all changes known to be in force on or before 23 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)
- art. 37 applied (with modifications) by 2011 c. 24 (N.I.) s. 76(2)(e)(3)
- art. 37(3) substituted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(2)
- art. 37(5) words substituted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(3)
- art. 37(7)(a) words inserted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(4)(a)(i)
- art. 37(7)(a) words substituted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(4)(a)(ii)
- art. 37(7)(b) words substituted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(4)(b)
- art. 37(8) words inserted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(5)(a)
- art. 37(8) words substituted by S.I. 2007/912 (N.I.) Sch. 4 para. 1(5)(b)
- art. 37(11) added by S.I. 2007/912 (N.I.) Sch. 4 para. 1(6)

**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](#)