
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART II

POWERS TO STOP AND SEARCH

Road checks

6.—(1) This Article shall have effect in relation to the conduct of road checks by police officers for the purpose of ascertaining whether a vehicle is carrying—

- (a) a person who has committed an offence other than a road traffic offence or a vehicles excise offence;
- (b) a person who is a witness to such an offence;
- (c) a person intending to commit such an offence; or
- (d) a person who is unlawfully at large.

(2) For the purposes of this Article a road check consists of the exercise in a locality of the power conferred by Article 180(1) of the Road Traffic (Northern Ireland) Order 1981⁽¹⁾ in such a way as to stop during the period for which its exercise in that way in that locality continues all vehicles or vehicles selected by any criterion.

(3) Subject to paragraph (5), there may only be such a road check if a police officer of the rank of superintendent or above authorises it in writing.

(4) An officer may only authorise a road check under paragraph (3)—

- (a) for the purpose specified in paragraph (1)(a), if he has reasonable grounds—
 - (i) for believing that the offence is a serious arrestable offence; and
 - (ii) for suspecting that the person is, or is about to be, in the locality in which vehicles would be stopped if the road check were authorised;
- (b) for the purpose specified in paragraph (1)(b), if he has reasonable grounds for believing that the offence is a serious arrestable offence;
- (c) for the purpose specified in paragraph (1)(c), if he has reasonable grounds—
 - (i) for believing that the offence would be a serious arrestable offence; and
 - (ii) for suspecting that the person is, or is about to be, in the locality in which vehicles would be stopped if the road check were authorised;
- (d) for the purpose specified in paragraph (1)(d), if he has reasonable grounds for suspecting that the person is, or is about to be, in that locality.

(5) An officer below the rank of superintendent may authorise such a road check if it appears to him that it is required as a matter of urgency for one of the purposes specified in paragraph (1).

(6) If an authorisation is given under paragraph (5), it shall be the duty of the officer who gives it—

- (a) to make a written record of the time at which he gives it; and
- (b) to cause an officer of the rank of superintendent or above to be informed that it has been given.

(7) The duties imposed by paragraph (6) shall be performed as soon as it is practicable to do so.

(8) An officer to whom a report is made under paragraph (6) may, in writing, authorise the road check to continue.

(9) If such an officer considers that the road check should not continue, he shall record in writing—

- (a) the fact that it took place; and
- (b) the purpose for which it took place.

(10) An officer giving an authorisation under this Article shall specify the locality in which vehicles are to be stopped.

(11) An officer giving an authorisation under this Article, other than an authorisation under paragraph (5)—

- (a) shall specify a period, not exceeding seven days, during which the road check may continue; and
- (b) may direct that the road check—
 - (i) shall be continuous; or
 - (ii) shall be conducted at specified times, during that period.

(12) If it appears to an officer of the rank of superintendent or above that a road check ought to continue beyond the period for which it has been authorised he may, from time to time, in writing specify a further period, not exceeding seven days, during which it may continue.

(13) Every written authorisation shall specify—

- (a) the name of the officer giving it;
- (b) the purpose of the road check; and
- (c) the locality in which vehicles are to be stopped.

(14) The duties to specify the purposes of a road check imposed by paragraphs (9) and (13) include duties to specify any relevant serious arrestable offence.

(15) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped shall be entitled to obtain a written statement of the purpose of the road check if he applies for such a statement not later than the end of the period of twelve months from the day on which the vehicle was stopped.

(16) Nothing in this Article affects the exercise by police officers of any power to stop vehicles for purposes other than those specified in paragraph (1).