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STATUTORY INSTRUMENTS

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**1989 No. 1341**

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

**PART I  
INTRODUCTORY**

**Title and commencement**

**1.**—(1) This Order may be cited as the Police and Criminal Evidence (Northern Ireland) Order 1989.

(2) This Article and Articles 2, 29(4), 60(a), 65, 66 and 89 shall come into operation on the expiration of one month from the day on which the Order is made.

(3) The other provisions of this Order shall come into operation on such day or days as the Secretary of State may by order appoint.

(4) An order under paragraph (3) may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation.

**General interpretation**

**2.**—(1) The Interpretation Act (Northern Ireland) 1954<sup>(1)</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“arrestable offence” has the meaning assigned to it by Article 26;

“designated police station” has the meaning assigned to it by Article 36;

“document” has the same meaning as in Part I of the Civil Evidence Act (Northern Ireland) 1971<sup>(2)</sup>;

“intimate search” means a search which consists of the physical examination of a person’s body orifices;

“items subject to legal privilege” has the meaning assigned to it by Article 12;

“parent or guardian” means—

(a) in the case of a child or young person in the care of the Department of Health and Social Services, that Department; and

(b) in the case of a child or young person in the care of a Health and Social Services Board, that Board;

“Police Authority” means the Police Authority for Northern Ireland;

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(1) 1954 c. 33 (N.I.)

(2) 1971 c. 36 (N.I.)

“police officer” means a member of the Royal Ulster Constabulary or of the Royal Ulster Constabulary Reserve;

“premises” has the meaning assigned to it by Article 25;

“recordable offence” means any offence to which regulations under Article 29 apply;

“serious arrestable offence” has the meaning assigned to it by Article 87;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954<sup>(3)</sup>;

“the terrorism provisions” means section 14(1) of the Prevention of Terrorism (Temporary Provisions) Act 1989<sup>(4)</sup> and any provision of Schedule 2 or 5 to that Act conferring a power of arrest or detention;

“terrorism” has the meaning assigned to it by section 20(1) of that Act;

“vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

- (3) Subject to paragraph (4), a person is in police detention for the purposes of this Order if—
- (a) he has been taken to a police station after being arrested for an offence or after being arrested under section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 or under paragraph 6 of Schedule 5 to that Act by an examining officer who is a constable; or
  - (b) he is arrested at a police station after attending voluntarily at the station or accompanying a constable to it,

and is detained there or is detained elsewhere in the charge of a constable.

- (4) A person—
- (a) who is at a court after being charged; or
  - (b) who has been taken from a custodial establishment and held in police custody pending his appearance at a court,

is not in police detention for those purposes.

(5) In paragraph (4) “custodial establishment” includes a prison, a young offenders centre, a training school, a remand centre and a remand home.

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<sup>(3)</sup> 1954 c. 33 (N.I.)

<sup>(4)</sup> 1989 c. 4