

SCHEDULES

SCHEDULE 6

Article 90(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Railway Regulation Act 1840 (c. 97)

1. In section 16 (persons obstructing officers of railway company or trespassing upon railway) for the words from “and” (third time) to “justice” (third time) substitute “be guilty of an offence and liable on summary conviction, at the discretion of the court, to”.

The Summary Jurisdiction (Ireland) Act 1851 (c. 92)

2. In section 14, in paragraph 2 for the words from the beginning to “any such person” substitute “If any offender”.

The Game Preservation Act (Northern Ireland) 1928 (c. 25 (N.I.))

3. In section 2(3), at the end add “or for the purpose of arresting a person under Article 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989, for an offence under this Act”.

The Army Act 1955 (c. 18)

The Air Force Act 1955 (c. 19)

4. For section 195(3) of each Act substitute—

“(3) A constable may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence against this section.”.

The Criminal Law Act (Northern Ireland) 1967 (c. 18 (N.I.))

5. In section 4, after subsection (1) insert the following subsection—

“(1A) In this section and section 5 “arrestable offence” has the meaning assigned to it by Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989.”.

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34 (N.I.))

6.—(1) In section 27(2), for the words from “apprehend” to “young person” substitute “detain the child or young person and take him”.

(2) In section 50(1), for the words from the beginning to “constabulary” substitute “Where a person apparently under the age of 14 is arrested without warrant for an offence other than homicide and cannot forthwith be brought before a magistrates' court, the member of the Royal Ulster Constabulary performing the functions of custody officer (within the meaning of Part V of the Police and Criminal Evidence (Northern Ireland) Order 1989) at the police”, and omit paragraph (a).

- (3) In section 50(2), for the word “seventeen” substitute “14”.
- (4) In section 50(3)—
- (a) for the words from the beginning to “offence” substitute “Where a person apparently under the age of 14 is arrested without warrant for an offence other than homicide”, and
 - (b) for the words from “within” (first time) to “1981” substitute “as soon as is practicable and in any case within a period of 36 hours from the time of his arrest”.
- (5) After subsection (3) of section 50 add the following subsection—

“(3A) A child or young person arrested in pursuance of a warrant shall not be released unless he or his parent or guardian (with or without sureties) enters into a recognizance for such amount as the officer at the police station where he is detained considers will secure his attendance at the hearing of the charge; and the recognizance entered into in pursuance of this section may, if the officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the child or young person.”.

The Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))

7. In paragraph 2 of Schedule 1, for the words from “may be” to “he” (second time) substitute “if he fails to satisfy a court of summary jurisdiction that he came lawfully by such carcass, head, skin, part or fleece”.

The Immigration Act 1971 (c. 77)

8. In section 25(3) for the words “A constable or” substitute “An”.

The Customs and Excise Management Act 1979 (c. 2)

9. In section 138(4), after paragraph (b) add the following—

“or

- (c) by virtue of Article 26 of the Police and Criminal Evidence(Northern Ireland) Order 1989 in its application to such offences.”

The Domestic Proceedings (Northern Ireland) Order 1980 (NI 5)

10. In Article 19—

- (a) after paragraph (1) insert the following paragraph—

“(1A) A person arrested under paragraph (1) may be released—

- (a) without bail, or
 - (b) on bail granted in accordance with Article 48 of the Police and Criminal Evidence (Northern Ireland) Order 1989.”;
- (b) in paragraph (2) for the words from “released” to “1981” substitute “so released”; and
 - (c) paragraph (7) shall be omitted.

The Diseases of Animals (Northern Ireland) Order 1981 (NI 22)

11. In Article 42(4), for the words from “whether” to “or not” substitute “whether stopping or detaining a person as mentioned in paragraph (2) or arresting under Article 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989 a person stopped or detained under that paragraph, or not”.

The Food and Environment Protection Act 1985 (c. 48)

12. In paragraph 7 of Schedule 2, in sub-paragraph (4) after the words “execution of warrants)” insert “and, in relation to Northern Ireland, Articles 17 and 18 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (which make provision corresponding to those sections)”.

The Wildlife (Northern Ireland) Order 1985 (NI 2)

13. In Article 25(2) (enforcement powers), after the words “paragraph (1)” insert “or for the purpose of arresting a person under Article 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989, for an offence under Part II or Part III”.

The Betting, Gaming, Lotteries and Amusements(Northern Ireland) Order 1985 (NI 11)

14. In Article 5(2), for the words from the beginning to “Article and” substitute—
“Where a person is found committing an offence under this Article, any constable”.

The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (NI 16)

15. In Article 8(6) for the words from “by section 1” to “1972” substitute—
“(a) by section 1 of the Evidence of Alibi Act (Northern Ireland) 1972; or
(b) by Article 80 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (expert evidence),”.

The Criminal Justice (Evidence, Etc.) (Northern Ireland) Order 1988 (NI 17)

16.—(1) In Articles 3(1) and 4(1), in each place after sub-paragraph (b) insert the following—
“and
(c) to Article 68 of the Police and Criminal Evidence (Northern Ireland) Order 1989,”.
(2) In Articles 3(4) and 4(3), in each place for the words from “otherwise” onwards substitute the words “be admissible under Article 74 of the Police and Criminal Evidence (Northern Ireland) Order 1989”.

The Criminal Evidence (Northern Ireland) Order 1988 (NI 20)

17. For paragraph (10) of Article 4 substitute the following—
“(10) In section 1 of the Criminal Evidence Act (Northern Ireland) 1923, in provisos (e), (f) and (g) references to that Act shall be construed as including references to this Order.”.

The Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4)

18. In section 15(7), for paragraph (b) substitute—
“(b) Article 47 of the Police and Criminal Evidence (Northern Ireland) Order 1989;”.

The Official Secrets Act 1989 (c. 6)

19. In section 11—
(a) omit subsection (2); and
(b) after subsection (3) insert the following—

- “(3A) In the application of subsection (3) above to Northern Ireland—
- (a) the reference to the Police and Criminal Evidence Act 1984 shall be construed as a reference to the Police and Criminal Evidence (Northern Ireland) Order 1989;
 - (b) the reference to section 9(2) of that Act shall be construed as a reference to Article 11(2) of that Order; and
 - (c) the reference to paragraph 3(b) of Schedule 1 to that Act shall be construed as a reference to paragraph 3(b) of Schedule 1 to that Order.”.