

SCHEDULES

SCHEDULE 1

Article 3

INVESTIGATING OFFICERS

1. Part 1 of Schedule 2 to the 2003 Act is amended as follows.
2. After paragraph 2 insert—
 - “**2A.** Where a designation applies this paragraph to any person—
 - (a) the persons to whom a warrant may be addressed under section 25 of the Theft Act (Northern Ireland) 1969 (search for stolen goods) shall include that person; and
 - (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.
 - 2B.** Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if the reference to a constable included a reference to that person.”
3. In paragraph 6 (access and copying in case of things seized by constables) after “by a constable” insert “ or by a person authorised to accompany him under Article 18(2) of that Order ”.
4. In paragraph 8 (power to transfer persons into custody of investigating officers) in subparagraph (3)—
 - (a) in paragraph (b) after “duty” insert “ to keep that person under control and ”;
 - (b) in paragraph (c) at the end add “ and under his control ”.
5. After paragraph 8 insert—

“Powers in respect of detained persons

“8A. Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

 - (a) to assist any officer or other designated person to keep any person detained at the police station under control; and
 - (b) to prevent the escape of any such person,

and for those purposes shall be entitled to use reasonable force.”
6. After paragraph 10 insert—

“Persons accompanying investigating officers

10A.—(1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of Article 18(2) of the 1989 Order to accompany an investigating officer designated for the purposes of paragraph 2 (or 3) in the execution of a warrant.

Changes to legislation: There are currently no known outstanding effects for the *The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007, SCHEDULE 1*. (See end of Document for details)

(2) The reference in paragraph 2(h) (or 3(g)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.

(3) In relation to any such seizure, paragraph 2(h) (or 3(g)) is to be read as if it provided for the references to a constable in Article 23(1) and (2) of the 1989 Order to include references to the authorised person.

(4) The reference in paragraph 2(i) (or 3(h)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.

(5) In relation to anything so seized, paragraph 2(i)(ii) (or 3(h)(ii)) is to be read as if it provided for—

(a) the references to the supervision of a constable in paragraphs (3) and (4) of Article 23 of the 1989 Order to include references to the supervision of a person designated for the purposes of paragraph 2 (or paragraph 3), and

(b) the reference to a constable in paragraph (5) of that Article to include a reference to such a person or an authorised person accompanying him.

(6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 10, the references in sub-paragraphs (1)(a) and (b) of that paragraph to the designated person include references to the authorised person.”.

Changes to legislation:

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