

**1989 No. 441 (C. 17)****POLICE****Police and Criminal Evidence (1989 Order)  
(Commencement No. 2) Order (Northern Ireland) 1989**

*Made . . . . . 21st November 1989*

In exercise of the powers conferred on me by Article 1(3) and (4) of the Police and Criminal Evidence (Northern Ireland) Order 1989(a), I hereby make the following Order:—

*Citation*

1. This Order may be cited as the Police and Criminal Evidence (1989 Order) (Commencement No. 2) Order (Northern Ireland) 1989.

*Appointed day*

2. Subject to Article 3 the day appointed for the coming into operation of the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 (hereinafter called "the Order") specified in the Schedule to this Order shall be 1st January 1990.

*Transitional provisions*

3. The following transitional provisions shall have effect:—

- (a) Any warrant issued, arrest made or other thing or procedure done or instituted before 1st January 1990 under an enactment or power which, by virtue of Article 2, is repealed or abolished as from that date, shall continue to have effect, and may be continued or enforced, as if the said enactment or power had not been so repealed or abolished; and
- (b) Part V of the Order (detention) shall apply only where the period of detention commenced on or after 1st January 1990 and, in relation to any person detained by the police on or after that date whose detention commenced before that date, the enactments and rules of law replaced by the said Part V shall continue to have effect.

Northern Ireland Office  
21st November 1989

*P. L. Brooke*  
One of Her Majesty's Principal  
Secretaries of State

PROVISIONS OF THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND)  
ORDER 1989 COMING INTO OPERATION ON 1ST JANUARY 1990

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<i>Provisions of the Order</i>	<i>Subject matter of provisions</i>
Part II.	Powers to stop and search.
Part III.	Powers of entry, search and seizure.
Part IV so far as not already in operation.	Arrest.
Part V.	Detention.
Part VI (except Article 60) so far as not already in operation.	Questioning and treatment of persons by police.
Part X.	Police — general.
Part XI (except Article 86) so far as not already in operation.	Miscellaneous and supplementary.
Schedule 1.	Special procedure.
Schedule 2.	Preserved powers of arrest.
Schedule 5.	Serious arrestable offences.
Schedule 6 so far as not already in operation.	Minor and consequential amendments.
Schedule 7 Part I.	Repeals — Provisions repealed in consequence of Parts II to VI.

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## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order brings into operation on 1st January 1990 ("the operative date"), with the exceptions mentioned in the Schedule, those provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 which are not already in operation.

Article 3 makes transitional provisions. Paragraph (a) provides for the continuing validity of warrants, arrests and other procedures where the enabling power (common law or statutory) is repealed as from the operative date. Paragraph (b) disapplies the provisions of Part V of the 1989 Order regulating the time a person may be kept in detention by the police where his detention began before that date.

## NOTE AS TO EARLIER COMMENCEMENT ORDER

*(This note is not part of the Order.)*

The following provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 have been brought into operation by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Operative Date</i>	<i>S.R. No.</i>
Parts VIII and IX	1.11.89	1989/404
Article 85	”	”
Article 90 (partially)	”	”
Schedule 3	”	”
Schedule 6 (partially) and Schedule 7 (partially)	”	”