



Northern Ireland (Emergency Provisions) Act 1991

1991 CHAPTER 24

PART VIII

MISCELLANEOUS

61 Codes of practice: police powers

- (1) The Secretary of State shall make codes of practice in connection with the detention, treatment, questioning and identification of persons detained under the Prevention of Terrorism (Temporary Provisions) Act 1989 and may make codes of practice in connection with—
 - (a) the exercise by police officers of any power conferred by Part II of this Act or by that Act; and
 - (b) the seizure and retention of property found by police officers when exercising powers of search conferred by any provision of this Act or that Act.
- (2) When the Secretary of State proposes to issue a code of practice under this section he shall prepare and publish a draft of the code, shall consider any representations made to him about the draft and may modify the draft accordingly.
- (3) The Secretary of State shall lay before both Houses of Parliament a draft of any code of practice prepared by him under this section; and when he has laid the draft of the code before both Houses he may bring the code into operation by an order made by him.
- (4) An order bringing a code of practice into operation may contain such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the code which the order brings into operation.
- (5) The Secretary of State may from time to time revise the whole or any part of a code of practice issued by him under this section and issue the code as revised; and the foregoing provisions of this section shall apply (with appropriate modifications) to such a revised code as they apply to the first issue of a code.

Status: This is the original version (as it was originally enacted).

- (6) A police officer shall be liable to disciplinary proceedings for failure to comply with any provision of such a code unless such proceedings are precluded by Article 22 of the Police (Northern Ireland) Order 1987.
- (7) A failure on the part of a police officer to comply with any provision of such a code shall not of itself render him liable to any criminal or civil proceedings.
- (8) In all criminal and civil proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.
- (9) In this section—
- “criminal proceedings” includes proceedings in Northern Ireland before a court-martial constituted under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 or a disciplinary court constituted under section 50 of the said Act of 1957 and proceedings in Northern Ireland before the Courts-Martial Appeal Court;
- “police officer” means a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve.