

## SCHEDULES

### SCHEDULE 2

#### POWERS EXERCISABLE BY DESIGNATED PERSONS

##### PART 1

##### INVESTIGATING OFFICERS

###### *Entry and search for purposes of arrest*

- 1 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under section 42 of the [Terrorism Act 2000 \(c. 11\)](#) (warrants for entry and search for purposes of arrest);
  - (b) the persons authorised by a warrant issued under section 42 of that Act to enter and search premises include the designated person;
  - (c) Article 17 of the 1989 Order (safeguards) has effect in relation to the issue of a warrant under section 42 of that Act to the designated person as it has effect in relation to the issue of a warrant under that section to a constable;
  - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under section 42 of that Act (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person.

###### *Entry and search for evidence etc.*

- 2 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under Article 10 of the 1989 Order (warrants for entry and search for evidence etc.);
  - (b) the persons authorised by a warrant issued under Article 10 of that Order to enter and search premises include the designated person;
  - (c) the designated person has the power of a constable under Article 10(2) of that Order to seize and retain things for which a search has been authorised under paragraph (1) of that Article;
  - (d) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under Article 10 of that Order to the designated person as it has effect in relation to the issue of a warrant under that Article to a constable;
  - (e) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under Article 10 of that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
  - (f) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated

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- person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything under Article 10(2) of that Order by a constable;
- (g) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (c) as it applies to the power of seizure conferred on a constable by Article 10(2) of that Order;
  - (h) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable included references to the designated person;
  - (i) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 10(2) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;
    - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

*Access to excluded and special procedure material*

- 3       Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Article 11(1) of the 1989 Order (special provisions for access) to obtain access to excluded material and special procedure material, in accordance with Schedule 1 to that Order and the following provisions of this paragraph;
  - (b) Schedule 1 to that Order has effect as if the references in paragraphs 1, 4, 5, 9 and 10 of that Schedule to a constable were references to the designated person;
  - (c) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under paragraph 9 of Schedule 1 to that Order to the designated person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
  - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under paragraph 9 of Schedule 1 to that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
  - (e) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as it has effect in relation to the seizure of anything under that paragraph by a constable;
  - (f) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by paragraph 10 of Schedule 1 to that Order as it applies to the power of seizure conferred on a constable by that paragraph;

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- (g) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as if the references to a constable included references to the designated person;
- (h) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order or taken away by him following the imposition of a requirement by virtue of sub-paragraph (f), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Order—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 10 of Schedule 1 to that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule;
  - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

#### *Entry and search after arrest*

- 4 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Article 20 of the 1989 Order (entry and search after arrest) to enter and search premises and to seize and retain anything for which a constable may search under that Article;
  - (b) paragraphs (5) and (6) of that Article (power to carry out search before arrested person taken to police station and duty to inform senior officer) have effect in relation to any exercise by the designated person of those powers as if the references in those paragraphs to a constable were references to the designated person;
  - (c) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 20(2) of that Order by a constable;
  - (d) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (a) as it applies to the power of seizure conferred on a constable by Article 20(2) of that Order;
  - (e) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;
  - (f) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 20(2) of that

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Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;

- (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

#### *General power of seizure*

5 Where a designation applies this paragraph to a person—

- (a) when lawfully on any premises, he has the same powers as a constable under Article 21 of the 1989 Order (general powers of seizure) to seize things;
- (b) he has the powers of a constable to impose a requirement by virtue of paragraph (4) of that Article in relation to information accessible from premises;
- (c) paragraph (6) of that Article (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 21 of that Order by a constable;
- (d) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;
- (e) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 21(2) or (3) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 21(4) of that Order;
  - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

#### *Access and copying in the case of things seized by constables*

6 Where a designation applies this paragraph to a person, Article 23 of the 1989 Order (access and copying) has effect in relation to anything seized by a constable as if the second reference to a constable in paragraph (3) of Article 23 and the references to a constable in paragraphs (4) and (5) of that Article (supervision of access and photographing of seized items) included references to the designated person.

#### *Arrest at a police station for another offence*

7 (1) Where a designation applies this paragraph to a person, he has the power to make an arrest at a police station in any case where an arrest—

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- (a) is required to be made under Article 33 of the 1989 Order (arrest for a further offence of a person already at a police station), or
  - (b) would be so required if the reference in that Article to a constable included a reference to a person to whom this paragraph applies.
- (2) Article 5 of the Criminal Evidence (Northern Ireland) Order 1988 (S.I. 1988/ 1987 (N.I. 20)) (consequences of failure by arrested person to account for objects etc.) applies (without prejudice to the effect of any designation applying paragraph 9) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

*Power to transfer persons into custody of investigating officers*

- 8 (1) Where a designation applies this paragraph to a person, the custody officer for a designated police station may—
- (a) transfer a person falling within sub-paragraph (2) to the designated person, or
  - (b) permit the transfer of a person falling within sub-paragraph (2) to the designated person.
- (2) A person falls within this sub-paragraph if—
- (a) he is in police detention for an offence;
  - (b) the offence is being investigated by the designated person.
- (3) If a person is transferred under sub-paragraph (1) into the custody of the designated person, the designated person—
- (a) must be treated for all purposes as having the person in his lawful custody;
  - (b) is under a duty to prevent the person's escape;
  - (c) is entitled to use reasonable force to keep the person in his custody.
- (4) If a person is transferred under sub-paragraph (1) into the custody of the designated person, paragraphs (2) and (3) of Article 40 of the 1989 Order have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the designated person;
  - (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the designated person.

*Power to require arrested person to account for certain matters*

- 9 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Articles 5(1)(c) and 6(1)(c) of the Criminal Evidence (Northern Ireland) Order 1988 to request a person who has been arrested by a constable or by a person to whom paragraph 7 applies to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
  - (b) the references to a constable in Articles 5(1)(b) and (c) and (4) and 6(1)(b) and (c) and (3) of that Order accordingly include references to the person to whom this paragraph is applied.

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*Extended powers of seizure*

- 10 (1) Where a designation applies this paragraph to a person—
- (a) the powers of a constable under Part 2 of the [Criminal Justice and Police Act 2001 \(c. 16\)](#) (extension of powers of seizure) that are exercisable by a constable by reference to a relevant power are exercisable by the designated person by reference to the relevant power to the same extent as they would be by a constable;
  - (b) section 56 of that Act (retention of property seized by a constable) has effect as if the property referred to in subsection (1) of that section included property seized by the designated person at any time when he was lawfully on any premises.
- (2) A relevant power is a power of a constable that is conferred on the designated person by virtue of the provisions of this Part of this Schedule.