

SCHEDULES

SCHEDULE 3

Section 32

POLICE POWERS: AMENDMENTS

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 1 In Article 2 of the 1989 Order (general interpretation) after paragraph (4) insert—
 - “(4A) Where a person is in another’s lawful custody by virtue of paragraph 8, 22(1) or 23(2) of Schedule 2 to the Police (Northern Ireland) Act 2003, he shall be treated as being in police detention for the purposes of this Order.”
- 2 In Article 20(5) of the 1989 Order (power of constable to conduct search of arrested person’s premises before taking him to a police station) for “taking the person” substitute “the person is taken”.
- 3 In Article 55A(6) of the 1989 Order (persons entitled to carry out search or examination or to take photographs) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.
- 4 In Article 61 of the 1989 Order (fingerprinting) after paragraph (8) insert—
 - “(8A) The fingerprints of a person detained at a police station may be taken without the appropriate consent by a constable.”
- 5 In Article 63 of the 1989 Order (non-intimate samples) after paragraph (9) insert—
 - “(9A) The power to take a non-intimate sample from a person without the appropriate consent is exercisable by a constable.”
- 6 In Article 64A(3) of the 1989 Order (persons entitled to photograph detainees) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.
- 7 (1) Article 66 of the 1989 Order (codes of practice: supplementary) is amended as follows.
 - (2) After paragraph (8) insert—
 - “(8A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this Article applies in—
 - (a) the exercise of the powers conferred on him by the designation;
 - (b) the performance of the duties imposed on him by the designation.”
 - (3) In paragraph (9) after sub-paragraph (b) insert—
 - “; or

Status: This is the original version (as it was originally enacted).

- (c) of a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with paragraph (8A).”.

Terrorism Act 2000 (c. 11)

- 8 (1) Section 101 of the [Terrorism Act 2000 \(c. 11\)](#) (codes of practice: supplementary) is amended as follows.

- (2) After subsection (5) insert—

“(5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—

- (a) the exercise of the powers conferred on him by the designation;
(b) the performance of the duties imposed on him by the designation.”

- (3) After subsection (7) insert—

“(7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.”