
Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Cross Heading: Power to exclude, remove or restrain persons. (See end of Document for details)

SCHEDULES

SCHEDULE 3

COURT SECURITY

Modifications etc. (not altering text)

- C1** Sch. 3: functions transferred (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), 15(1), **Sch. 17 para. 20** (with arts. 28-31)

Power to exclude, remove or restrain persons

- 3 (1) A court security officer acting in the execution of his duty may exclude or remove from a relevant building any person who refuses—
- (a) to permit a search under paragraph 2(1), or
 - (b) to surrender any article in his possession when asked to do so under paragraph 4(1).
- (2) A court security officer acting in the execution of his duty may—
- (a) restrain any person who is in a relevant building, or
 - (b) exclude or remove any person from a relevant building,
- if it is reasonably necessary to do so for one of the purposes given in sub-paragraph (3).
- (3) The purposes are—
- (a) enabling the business of any court or office-holder mentioned in paragraph 1(6) to be carried on without interference or delay,
 - (b) maintaining order,
 - (c) securing the safety of any person in the building.
- (4) The powers conferred by sub-paragraphs (1) and (2) include power to use reasonable force, where necessary.
- (5) In the execution of his duty in any relevant building, a court security officer must act in accordance with any general or specific instructions which have been given to him (whether orally or in writing) by a person in authority.
- (6) “Person in authority” means—
- (a) a judge, coroner or magistrate who is exercising any functions in the building,
 - (b) a statutory officer (within the meaning of section 70 of the Judicature (Northern Ireland) Act 1978) who is exercising functions in the building,
 - (c) an office-holder mentioned in paragraph 1(6)(b) or (c) who is exercising any functions in the building, or

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(d) any [^{F1}civil servant in the Department of Justice] authorised by [^{F2}that Department] to give the court security officer instructions.

(7) Every court security officer is to be regarded as an officer of the court for the purposes of—

- (a) Article 55 of the County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3)),
- (b) section 34 of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)), and
- (c) Article 160 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)),

(which provide for the detention by court officers, and punishment, of persons misbehaving in court).

Textual Amendments

- F1** Words in Sch. 3 para. 3(6)(d) substituted (12.4.2010) by [The Northern Ireland \(Abolition and Transfer of Functions\) Order \(Northern Ireland\) 2010 \(S.I. 2010/133\)](#), art. 4, **Sch. Pt. 1 para. 10(3)(c)** (with arts. 5-7)
- F2** Words in Sch. 3 para. 3(6)(d) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 15(5), **Sch. 18 para. 71(4)** (with arts. 28-31)

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