

SCHEDULE 3

Article 6(1)

Modifications in the application of the Police and Criminal Evidence (Northern Ireland) Order 1989 to designated persons

1. Except where the contrary intention appears, in the Police and Criminal Evidence (Northern Ireland) Order 1989(1) any reference to a police officer or officer (in the context of a police officer) is to be read as, or including, a reference to a designated person.
2. In article 2 (general interpretation)(2), in paragraph (2)—
 - (a) before the definition of “designated police station” insert—

““designated person” means an NCA officer designated as a person having the powers and privileges of a constable under section 10(1)(a) of CCA 2013;”;
 - (b) after the definition of “items subject to legal privilege” insert—

““NCA office” means a place for the time being occupied by the National Crime Agency;”.
3. In article 4 (provisions relating to search under article 3 and other powers)(3)—
 - (a) for paragraph (2)(i) substitute—

“(i) documentary evidence that he is a designated person; and”;
 - (b) in paragraph (2)(ii) omit “whether he is in uniform or not,”;
 - (c) in paragraphs (4)(a) and (7)(b)—
 - (i) for “police number” substitute “staff number”;
 - (ii) for “of the police station” substitute “and location of the NCA office”;
 - (d) in paragraph (7)(c) for “police station” substitute “NCA office”.
4. In article 5 (duty to make records concerning searches)(4), in paragraph (6)(b) for “police number” substitute “staff number”.
5. Omit article 6 (road checks)(5).
6. In article 18 (execution of warrants)(6)—
 - (a) in paragraphs (3A) and (3B) for “police officer of at least the rank of inspector” substitute “designated person of at least grade 3”;
 - (b) in paragraph (5)(a) for “, if not in uniform, shall produce to him documentary evidence that he is a constable” substitute “shall produce to him documentary evidence that he is a designated person”.
7. In article 20 (entry and search after arrest)(7)—
 - (a) in paragraphs (4) and (6) for “an officer of the rank of inspector or above” substitute “a designated person of at least grade 3”;
 - (b) in paragraph (5A) for “police station” substitute “NCA office”.

(1) S.I. 1989/1341 (N.I. 12).

(2) There are amendments but none relevant to this instrument.

(3) Article 4 is amended by article 4 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007, S.I. 2007/288 (N.I. 2); there are other amendments but none relevant to this instrument.

(4) Article 5 is amended by article 5 of S.I. 2007/288 (N.I. 2).

(5) There are amendments which are not relevant to this instrument.

(6) Article 18 is amended by article 10 of S.I. 2007/288 (N.I. 2).

(7) Article 20 is amended by article 12 of S.I. 2007/288 (N.I. 2) and paragraph 1 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2004, S.I. 2004/1500 (N.I. 9).

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8. In article 23 (access and copying)(8), in paragraph (3)(b) for “police” substitute “National Crime Agency”.
9. In article 24 (retention)(9), in paragraph (6) for “police” substitute “National Crime Agency”.
10. In article 29 (fingerprinting of certain offenders)(10)—
 - (a) in paragraph (1)(c)(i) for “police” substitute “National Crime Agency”;
 - (b) in the words after sub-paragraph (c)(ii) for “police station” substitute “NCA office”.
11. In article 44 (warrants of further detention)(11), in paragraphs (7)(b) and (13)(c) for “police” substitute “National Crime Agency”.
12. In article 60 (tape-recording of interviews)(12), in paragraph (1)(a) after “police stations” insert “or NCA offices”.
13. In article 60A (visual recording of interviews)(13), in sub-paragraph (a) after “police stations” insert “or NCA offices”.
14. In article 61 (fingerprinting)(14)—
 - (a) in paragraphs (3)(b), (4)(b), (4A) and (6C) for “police” substitute “National Crime Agency”;
 - (b) in paragraph (4AA) for “an officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.
15. In article 61A (impressions of footwear), in paragraphs (3)(b) and (4) for “police” substitute “National Crime Agency”.
16. In article 62 (intimate samples), in paragraphs (1)(a) and (1A) for “a police officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.
17. In article 63 (other samples)—
 - (a) in paragraphs (2A)(b), (3)(a) and (3A) for “police” substitute “National Crime Agency”;
 - (b) in paragraph (3)(b) for “an officer of at least the rank of inspector” substitute “a designated person of at least grade 3”.
18. In article 63A (fingerprints and samples: supplementary provisions)—
 - (a) in paragraphs (4) and (5) after “police station” insert “or NCA office”;
 - (b) in paragraph (4)(a) for “police” substitute “National Crime Agency”;
 - (c) in paragraph (8), for sub-paragraph (b) substitute—
 - “(b) in the case of a person falling within paragraph (4)(b), a designated person of at least grade 3.”

(8) There is an amendment to article 23 which is not relevant to this instrument.

(9) Paragraph (6) of article 24 is inserted by paragraph 90(3) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33); there are other amendments to article 24 but none relevant to this instrument.

(10) Article 29 is amended by article 16 of S.I. 2007/288 (N.I. 2) and S.I. 2010/976.

(11) There is an amendment to article 44 which is not relevant to this instrument.

(12) There is an amendment to article 60 which is not relevant to this instrument.

(13) Article 60A is inserted by section 72 of the Police (Northern Ireland) Act 2000 (c. 32) and amended by article 29 of S.I. 2007/288 (N.I. 2).

(14) Article 61 is amended by article 9 of the Police (Amendment) (Northern Ireland) Order 1995, S.I. 1995/2993 (N.I. 17), paragraph 80(4) of Schedule 14 to the Immigration and Asylum Act 1999 (c. 33), paragraph 8(11) of Schedule 15 to the Terrorism Act 2000 (c.11), section 170(3) of the Extradition Act 2003 (c. 41), paragraph 4 of Schedule 3 to the Police (Northern Ireland) Act 2003 (c. 6), article 7 of the Criminal Justice (Northern Ireland) Order 2004, S.I. 2004/1500 (N.I. 9), article 30 of the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007, S.I. 2007/288 (N.I. 2), and paragraph 128(2) of Schedule 7 to the Policing and Crime Act 2009 (c. 26).

19. In article 64 (destruction of fingerprints and samples), in paragraphs (5)(b) and (7) for “Chief Constable” substitute “Director General of the National Crime Agency”.