STATUTORY INSTRUMENTS

1987 No. 463

The Public Order (Northern Ireland) Order 1987

PART V

MISCELLANEOUS AND GENERAL

[F1 Temporary powers to deal with activities in a locality

F1 2001 c. 24

Powers to require removal of disguises

23A.—(1) Where—

(a) an authorisation under paragraph (3) that the powers conferred by paragraph (2) shall be exercisable at any place in a locality is in force for any period, or

(b) an authorisation under Article 23B is for the time being in force in relation to any locality for any period,

those powers shall be exercisable at any place in that locality at any time in that period.

(2) This paragraph confers power on any constable in uniform—

(a) to require any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity;

(b) to seize any item which the constable reasonably believes any person intends to wear wholly or mainly for that purpose.

(3) If a police officer of or above the rank of inspector reasonably believes—

(a) that activities may take place in any locality that are likely (if they take place) to involve the commission of offences, and

(b) that it is expedient, in order to prevent or control the activities, to give an authorisation under this paragraph,

he may give an authorisation that the powers conferred by this Article shall be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(4) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

(5) If an officer below the rank of superintendent gives an authorisation under paragraph (3), he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.

(6) Any authorisation under this Article—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this Article are exercisable;

(iii) the period during which those powers are exercisable;

and a direction under paragraph (4) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(7) A person who fails to remove an item worn by him when required to do so by a constable in the exercise of his power under this Article shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(8) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.

Powers to stop and search in anticipation of violence

23B.—(1) If a police officer of or above the rank of inspector reasonably believe—

(a) that incidents involving serious violence may take place in any locality, and that it is expedient to give an authorisation under this Article to prevent or control their occurrence, or

(b) that persons are carrying dangerous instruments or offensive weapons in any locality without good reason,

he may give an authorisation that the powers conferred by this Article are to be exercisable at any place within that locality for a specified period not exceeding twenty-four hours.

(2) This Article confers power on any constable in uniform—

(a) to stop any pedestrian and search him or anything carried by him for offensive weapons or dangerous instruments;

(b) to stop any vehicle and search the vehicle, its driver and any passenger for offensive weapons or dangerous instruments;

and a constable may in the exercise of those powers stop any person or vehicle and make any search he thinks fit whether or not he has any grounds for suspecting that the person or vehicle is carrying weapons or dangerous instruments.

(3) If it appears to an officer of or above the rank of superintendent that it is expedient to do so, having regard to offences which—

(a) have been committed in connection with the activities in respect of which the authorisation was given, or

(b) are reasonably suspected to have been so committed,

he may direct that the authorisation shall continue in force for a further twenty-four hours.

(4) If an officer below the rank of superintendent gives an authorisation under paragraph (1) he must, as soon as it is practicable to do so, cause an officer of or above that rank to be informed.

(5) If in the course of a search under this Article a constable discovers a dangerous instrument or an article which he has reasonable grounds for suspecting to be an offensive weapon, he may seize it.

(6) This Article applies (with the necessary modifications) to ships, aircraft and hovercraft as it applies to vehicles.

(7) A person who fails to stop or (as the case may be) fails to stop a vehicle when required to do so by a constable in the exercise of his powers under this Article shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.

(8) Any authorisation under this Article—

(a) shall be in writing and signed by the officer giving it; and

(b) shall specify—

(i) the grounds on which it is given;

(ii) the locality in which the powers conferred by this Article are exercisable;

(iii) the period during which those powers are exercisable;

and a direction under paragraph (3) shall also be given in writing or, where that is not practicable, recorded in writing as soon as it is practicable to do so.

(9) Where a vehicle is stopped by a constable under this Article the driver shall be entitled to obtain a written statement that the vehicle was stopped under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which the vehicle was stopped.

(10) A person who is searched by a constable under this Article shall be entitled to obtain a written statement that he was searched under the powers conferred by this Article if he applies for such a statement not later than the end of the period of 12 months from the day on which he was searched.

(11) The powers conferred by this Article are in addition to, and not in derogation of, any power otherwise conferred.

(12) For the purposes of this Article, a person carries a dangerous instrument or an offensive weapon if he has it in his possession.

(13) In this Article—

"caravan" has the meaning given by section 25(1) of the Caravans Act (Northern Ireland) 1963 (N.I. c. 17);

"dangerous instrument" means an instrument which has a blade or is sharply pointed;

"offensive weapon" has the meaning given by Article 22(1);

"vehicle" includes a caravan.

Retention and disposal of things seized under Article 23A and 23B

23C.—(1) Anything seized by a constable under Article 23A or 23B may be retained in accordance with regulations made by the **[**[F2]Department of Justice**]** under this Article.

(2) The **[**[F3]Department of Justice**]** may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.

(3) Regulations made under this Article shall be subject to **[**[F4]negative resolution**].]**

F2 Words in art. 23C(1) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F3 Words in art. 23C(2) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(a)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

F4 Words in art. 23C(3) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 5, **Sch. 3 para. 4(b)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

General provisions relating to offences

Powers of arrest

24.—(1) [F5]. . . . . .

(2) [F5]. . . . . .

(3) If a constable reasonably suspects any person of committing or being about to commit or having committed an offence under**[**[F6] Article 7(2)**]**, 20(1) or 21(1), he may require that person to declare to him immediately his name and address, and if that person refuses or fails to do so or gives a false name or address he shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3) shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

F5 Art. 24(1)(2) repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 25, **Sch. 2**
F6 1998 c. 2

Consent to prosecution

25. A prosecution for an offence under Part III or Article 21(1) shall not be instituted except by or with the consent of the Attorney General.

Forfeiture

26.—(1) A court by or before which a person is convicted of an offence under Article 9, 10, 11, 13, 19(1)**[**[F7] 22(1) or section 139 of the Criminal Justice Act 1988**]** may make an order for the forfeiture, destruction or disposal of any relevant article.

(2) In paragraph (1) "relevant article" means—

(a) in relation to an offence under Article 9, 10, 11 or 13, any written material or recording shown to the satisfaction of the court to be written material or a recording to which the offence relates;

(b) in relation to an offence under Article 19(1), any thing in respect of which the offence was committed;

(c) in relation to an offence under Article 22(1)**[**[F8] or section 139 of the Criminal Justice Act 1988**]**, any weapon**[**[F8] or article, as the case may be,**]** in respect of which the offence was committed.

(3) An order made under paragraph (1) shall not take effect until the expiry of the ordinary time within which an appeal may be instituted or, where an appeal is duly instituted, until it is finally decided or abandoned; and for this purpose—

(a) an application for a case to be stated or for leave to appeal shall be treated as the institution of an appeal; and

(b) where a decision on appeal is subject to a further appeal, the appeal is not finally decided until the expiry of the ordinary time within which a further appeal may be instituted or,

where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

F7 1988 c. 33
F8 1988 c. 33

Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954

Repeal of Flags and Emblems (Display) Act (Northern Ireland) 1954

27. The Flags and Emblems (Display) Act (Northern Ireland) 1954 shall cease to have effect.

Supplementary

Amendments, savings, transitional provisions and repeals

Para. (1)—Amendments

(2) Nothing in this Order affects the common law powers in Northern Ireland to deal with or prevent a breach of the peace.

(3) Nothing in this Order applies in relation to an offence committed or act done before this Order comes into operation.

Para. (4) rep. 1998 c. 2

Para. (5)—Repeals

Changes to legislation:
The Public Order (Northern Ireland) Order 1987, PART V is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to :

– Instrument amended by 1998 c. 2 s.18(1)Sch.3 para.3

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

– art.2(3)(b) amended by 1996 c. 26 s. 2(3)(4)
– art.2(3)(b) amended by 1996 c. 26 s. 2(3)(4)
– arts.5(2)66A7(1) revoked by 1998 c. 2 s.18(2)Sch.4