
STATUTORY INSTRUMENTS

1989 No. 1341

The Police and Criminal Evidence (Northern Ireland) Order 1989

PART II

POWERS TO STOP AND SEARCH

Power of constable to stop and search persons, vehicles etc.

3.—(1) A constable may exercise any power conferred by this Article—

- (a) in any place to which at the time when he proposes to exercise the power the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission; or
- (b) in any other place to which people have ready access at the time when he proposes to exercise the power but which is not a dwelling.

(2) Subject to paragraphs (3) to (5), a constable—

- (a) may search—
 - (i) any person or vehicle;
 - (ii) anything which is in or on a vehicle,

for stolen or prohibited articles [^{F1}, any article to which paragraph (9) applies or any firework to which paragraph (9A) applies]; and

- (b) may detain a person or vehicle for the purpose of such a search.

(3) This Article does not give a constable power to search a person or vehicle or anything in or on a vehicle unless he has reasonable grounds for suspecting that he will find stolen or prohibited articles [^{F2}, any article to which paragraph (9) applies or any firework to which paragraph (9A) applies].

(4) If a person is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search him in the exercise of the power conferred by this Article unless the constable has reasonable grounds for believing—

- (a) that he does not reside in the dwelling; and
- (b) that he is not in the place in question with the express or implied permission of a person who resides in the dwelling.

(5) If a vehicle is in a garden or yard occupied with and used for the purposes of a dwelling or on other land so occupied and used, a constable may not search the vehicle or anything in or on it in the exercise of the power conferred by this Article unless he has reasonable grounds for believing—

- (a) that the person in charge of the vehicle does not reside in the dwelling; and
- (b) that the vehicle is not in the place in question with the express or implied permission of a person who resides in the dwelling.

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 3 is up to date with all changes known to be in force on or before 17 April 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. (See end of Document for details) View outstanding changes

(6) If in the course of such a search a constable discovers an article which he has reasonable grounds for suspecting to be a stolen or prohibited article [^{F3}, an article to which paragraph (9) applies or a firework to which paragraph (9A) below applies], he may seize it.

(7) An article is prohibited for the purposes of this Part if it is—

- (a) an offensive weapon; or
- (b) an article—
 - (i) made or adapted for use in the course of or in connection with an offence to which this sub#paragraph applies; or
 - (ii) intended by the person having it with him for such use by him or by some other person.

(8) The offences to which sub#paragraph (b) of paragraph (7) applies are—

- (a) burglary;
- (b) theft;
- (c) offences under section 12(2) of the Theft Act (Northern Ireland) 1969^{F4} (taking of vehicles and other conveyances without authority);
- [^{F5}(d) fraud (contrary to section 1 of the Fraud Act 2006).]
- (e) offences under Article 172 of the Road Traffic (Northern Ireland) Order 1981^{F6} (taking of motor vehicle, etc. without owner's consent or authority)[^{F7};and]
- [^{F7}(f) offences under Article 3 of the Criminal Damage (Northern Ireland) Order 1977 (NI 4) (destroying or damaging property).]

(9) This paragraph applies to any article in relation to which a person has committed, or is committing or is going to commit an offence under section 139 of the Criminal Justice Act 1988^{F8} (offence of having article with blade or point in public place).

[^{F9}(9A) This paragraph applies to any firework within the meaning of the Explosives (Fireworks) Regulations (Northern Ireland) 2002 (SR 2002 No. 147) which a person possesses in contravention of those Regulations.]

(10) In this Part “offensive weapon” means any article—

- (a) made or adapted for use for causing injury to persons; or
- (b) intended by the person having it with him for such use by him or by some other person.

F1 Words in art. 3(2) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **3(2)**

F2 Words in art. 3(3) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **3(3)**

F3 Words in art. 3(6) substituted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **3(4)**

F4 1969 c. 16 (NI)

F5 Art. 3(8)(d) substituted (15.1.2007) by [Fraud Act 2006 \(c. 35\)](#), ss. 14(1), 15(1), [Sch. 1 para. 23](#); [S.I. 2006/3200](#), [art. 2](#)

F6 1981 NI 1

F7 2004 NI 9

F8 1988 c. 33

F9 Art. 3(9A) inserted (1.3.2007) by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **3(5)**

Changes to legislation: *The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 3 is up to date with all changes known to be in force on or before 17 April 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. (See end of Document for details) View outstanding changes*

Modifications etc. (not altering text)

- C1** Art. 3 extended (prosp.) by Police (Northern Ireland) Act 2003 (c. 6), Sch. 2A para. 17(a) (as inserted (prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2), 7(8), **Sch. 5**)
- C2** Art. 3 applied (with modifications) (18.5.2009) by Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 (S.R. 2009/142), art. 3, **Sch. 1**, Sch. 2
- C3** Art. 3(7)(b) modified (15.1.2007) by Fraud Act 2006 (c. 35), **ss. 8**, 15(1); S.I. 2006/3200, **art. 2**

Changes to legislation:

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Changes and effects yet to be applied to :

- various legislation applied by [2016 c. 18 \(N.I.\) s. 161\(2\)\(a\)](#)
- art. 3 extended by [2003 c. 6 Sch. 2A para. 17\(a\)](#) (as inserted) by [S.I. 2007/912 \(N.I.\) Sch. 5](#)
- art. 3(2)(a) words inserted by [2019 c. 17 s. 12\(2\)](#)
- art. 3(3) words inserted by [2019 c. 17 s. 12\(3\)](#)
- art. 3(6) words inserted by [2019 c. 17 s. 12\(4\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order applied by [2016 c. 18 \(N.I.\) s. 150\(1\)\(a\)](#)
- Order excluded by [2012 c. 9 Sch. 1 para. 7\(5\)](#)
- Order extended by [2003 c. 6 Sch. 4 para. 23A](#) (as inserted) by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 5](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2A para. 1(4) inserted by [2015 c. 9 \(N.I.\) s. 83\(3\)\(a\)\(ii\)](#)
- Sch. 2A para. 2(2)(c) and word inserted by [2015 c. 9 \(N.I.\) s. 83\(3\)\(b\)\(ii\)](#)
- Sch. 2A para. 9(4) inserted by [2015 c. 9 \(N.I.\) s. 83\(3\)\(c\)\(ii\)](#)
- Sch. 2A para. 10(5) inserted by [2015 c. 9 \(N.I.\) s. 83\(3\)\(d\)\(ii\)](#)
- Sch. 2A para. 2(2)(b) words substituted by [2015 c. 9 \(N.I.\) s. 83\(3\)\(b\)\(i\)](#)
- art. 62(10)(ab) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\)](#), Sch. 2 para. 6(3)(b) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- art. 3(9ZA)(9ZB) inserted by [2019 c. 17 s. 12\(5\)](#)
- art. 19(1)(cc) inserted by [S.I. 2007/916 \(N.I.\) art. 18\(2\)](#)
- art. 53(3A)(3B) inserted by [2013 c. 7 \(N.I.\) Sch. 3 para. 1\(3\)](#)
- art. 53(3A) inserted by [2010 c. 17 s. 15\(4\)](#)
- art. 53(4) inserted by [2010 c. 17 s. 9\(6\)](#)
- art. 53B inserted by [2013 c. 7 \(N.I.\) Sch. 3 para. 3](#)
- art. 56(13A)(b)(iii) and word substituted for word by [2015 c. 9 \(N.I.\) Sch. 2 para. 6\(1\)\(b\)](#)
- art. 56(13A)(b)(iii) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\)](#), Sch. 2 para. 6(1)(b) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- art. 56A(9)(b)(iii) and word substituted for word by [2015 c. 9 \(N.I.\) Sch. 2 para. 6\(2\)\(b\)](#)
- art. 56A(9)(b)(iii) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\)](#), Sch. 2 para. 6(2)(b) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- art. 61(5A) inserted by [2010 c. 17 s. 8\(1\)](#)
- art. 61(5A)(b) words substituted by [2015 c. 9 \(N.I.\) s. 83\(1\)\(a\)](#)
- art. 61(5B) inserted by [2010 c. 17 s. 8\(2\)](#)
- art. 61(5B)(b) words substituted by [2015 c. 9 \(N.I.\) s. 83\(1\)\(a\)](#)
- art. 61(5C) inserted by [2015 c. 9 \(N.I.\) s. 83\(1\)\(b\)](#)
- art. 61(6)-(6ZD) substituted for art. 61(6) by [2010 c. 17 s. 8\(3\)](#)
- art. 61(6D)-(6G) inserted by [2010 c. 17 s. 9\(1\)](#)
- art. 61(6BA) inserted by [2008 c. 28 s. 12\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 12 omitted (14.12.2011) by virtue of [2011 c. 23, ss. 29, 31\(2\)](#), Sch. 7 para. 5(3))
- art. 62(2A)(2B) inserted by [2010 c. 17 s. 9\(2\)](#)

- art. 62(10)(ab) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 6\(3\)\(b\)](#)
- art. 62(10)(ab) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 6\(3\)\(b\)](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- art. 63(3A)(c)(i) word substituted by [2013 c. 7 \(N.I.\) Sch. 3 para. 4](#)
- art. 63(3B)-(3BD) substituted for art. 63(3B) by [2010 c. 17 s. 8\(7\)](#)
- art. 63(3C) inserted by [2008 c. 28 s. 12\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 12 omitted (14.12.2011) by virtue of [2011 c. 23, ss. 29, 31\(2\), Sch. 7 para. 5\(3\)](#))
- art. 63(3D)-(3G) inserted by [2010 c. 17 s. 9\(4\)](#)
- art. 63(3AA) inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(c\)](#)
- art. 63(3ZA) inserted by [2010 c. 17 s. 8\(5\)](#)
- art. 63(3ZA)(b)(iii) and word inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 63A(1E)(1F) inserted by [2010 c. 17 s. 11\(1\)](#)
- art. 63A(6A) inserted by [2008 c. 28 s. 12\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 12 omitted (14.12.2011) by virtue of [2011 c. 23, ss. 29, 31\(2\), Sch. 7 para. 5\(3\)](#))
- art. 63B-63R inserted by [2013 c. 7 \(N.I.\) Sch. 2](#)
- art. 63D(1)(a) substituted by [2019 c. 3 Sch. 2 para. 5\(2\)\(a\)](#)
- art. 63D(1)(a)(i) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertions of ss. 63D and 63DA by [2013 c. 7 \(N.I.\), Sch. 2](#) and [2019 c. 3, Sch. 2 para. 5](#) respectively are still prospective)
- art. 63D(14) words inserted by [2019 c. 3 Sch. 2 para. 5\(2\)\(b\)](#)
- art. 63D(14) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertions of ss. 63D and 63DA by [2013 c. 7 \(N.I.\), Sch. 2](#) and [2019 c. 3, Sch. 2 para. 5](#) respectively are still prospective)
- art. 63N substituted by [2015 c. 9 \(N.I.\) s. 86](#)
- art. 63R(4A) inserted by [2019 c. 3 Sch. 4 para. 20\(9\)](#)
- art. 63R(4B) inserted by [2023 c. 32 Sch. 18 para. 5\(8\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of art. 63R by [2013 c. 7 \(N.I.\) Sch. 2](#) remains prospective at 31.12.2023.)
- art. 63R(5) words substituted by [2015 c. 9 \(N.I.\) s. 87\(a\)](#)
- art. 63R(5A)(5B) inserted by [2015 c. 9 \(N.I.\) s. 87\(b\)](#)
- art. 63DA inserted by [2019 c. 3 Sch. 2 para. 5\(3\)](#)
- art. 63DA heading words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertions of ss. 63D and 63DA by [2013 c. 7 \(N.I.\), Sch. 2](#) and [2019 c. 3, Sch. 2 para. 5](#) respectively are still prospective)
- art. 63DA(1)(a) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertions of ss. 63D and 63DA by [2013 c. 7 \(N.I.\), Sch. 2](#) and [2019 c. 3, Sch. 2 para. 5](#) respectively are still prospective)
- art. 63DA(4) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertions of ss. 63D and 63DA by [2013 c. 7 \(N.I.\), Sch. 2](#) and [2019 c. 3, Sch. 2 para. 5](#) respectively are still prospective)
- art. 63GA inserted by [2015 c. 9 \(N.I.\) s. 84](#)
- art. 63KA inserted by [2015 c. 9 \(N.I.\) s. 85](#)
- art. 64(1AA) inserted by [2008 c. 28 s. 12\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 12 omitted (14.12.2011) by virtue of [2011 c. 23, ss. 29, 31\(2\), Sch. 7 para. 5\(3\)](#))
- art. 64(1AB) inserted by [2008 c. 28 s. 15\(5\)](#)
- art. 89(2A) inserted by [2013 c. 7 \(N.I.\) Sch. 3 para. 5](#)