
STATUTORY INSTRUMENTS

1989 No. 1341

**The Police and Criminal Evidence
(Northern Ireland) Order 1989**

PART IV

ARREST

Arrest elsewhere than at police station

32.—(1) Subject to the following provisions of this Article, where a person—

- (a) is arrested by a constable for an offence; or
- (b) is taken into custody by a constable after being arrested for an offence by a person other than a constable,

at any place other than a police station, he shall be taken to a police station by a constable as soon as practicable after the arrest.

(2) Subject to paragraphs (3) and (6), the police station to which an arrested person is taken under paragraph (1) shall be a designated police station.

(3) A constable to whom this paragraph applies may take an arrested person to any police station unless it appears to the constable that it may be necessary to keep the arrested person in police detention for more than six hours.

(4) Paragraph (3) applies—

- (a) to a constable who is working in a locality covered by a police station which is not a designated police station; and
- (b) to a constable belonging to a constabulary not maintained by the Police Authority.

(5) Any constable may take an arrested person to any police station if—

- (a) either of the following conditions is satisfied—
 - (i) the constable has arrested him without the assistance of any other constable and no other constable is available to assist him;
 - (ii) the constable has taken him into custody from a person other than a constable without the assistance of any other constable and no other constable is available to assist him; and
- (b) it appears to the constable that he will be unable to take the arrested person to a designated police station without the arrested person injuring himself, the constable or some other person.

(6) Any constable may take an arrested person to any police station if it appears to the constable that he will be unable to take the arrested person to a designated police station without exposing the arrested person or himself to an unacceptable risk of injury.

(7) If the first police station to which an arrested person is taken after his arrest is not a designated police station, he shall be taken to a designated police station not more than six hours after his arrival at the first police station unless—

- (a) he is released previously; or
- (b) the arrest was made by a police officer and the continued detention at the first police station is authorised by an officer not below the rank of superintendent.

(8) For the purposes of paragraph (7)(b) such an officer may authorise the continued detention of a person at the first police station to which the person is taken only if that officer is satisfied on reasonable grounds that it would expose the person, and those accompanying him, to an unacceptable risk of injury if he were to be taken from the first police station.

(9) Where the continued detention of a person at the first police station is authorised under paragraph (8), the police officer who gave the authorisation shall—

- (a) as soon as practicable thereafter, make a record of—
 - (i) the time at which the authorisation was given, and
 - (ii) the reasons for giving it; and
- (b) revoke that authorisation as soon as he is satisfied that the reasons for giving it no longer apply.

(10) A person arrested by a constable at a place other than a police station shall be released if a constable is satisfied, before the person arrested reaches a police station, that there are no grounds for keeping him under arrest.

(11) A constable who releases a person under paragraph (10) shall record the fact that he has done so.

(12) The constable shall make the record as soon as is practicable after the release.

(13) Nothing in paragraph (1) shall prevent a constable delaying taking a person who has been arrested to a police station if the presence of that person elsewhere is necessary in order to carry out such investigations as it is reasonable to carry out immediately.

(14) Where there is delay in taking a person who has been arrested to a police station after his arrest, the reasons for the delay shall be recorded when he first arrives at a police station.

(15) Nothing in paragraph (1) shall be taken to affect—

- (a) paragraph 16(3) or 18(1) of Schedule 2 to the Immigration Act 1971⁽¹⁾; or
- (b) section 15(6) and (9) of the Prevention of Terrorism (Temporary Provisions) Act 1989⁽²⁾ and paragraphs 7(4) and 8(4) and (5) of Schedule 2 and paragraphs 6(6) and 7(4) and (5) of Schedule 5 to that Act.

(16) Nothing in paragraph (13) shall be taken to affect paragraph 18(3) of Schedule 2 to the Immigration Act 1971.

(1) 1971 c. 77

(2) 1989 c. 4