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STATUTORY INSTRUMENTS

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**1989 No. 1341**

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

**PART V**

**DETENTION**

*Detention—conditions and duration*

**Custody officers at police stations**

- 37.**—(1) One or more custody officers shall be appointed for each designated police station.
- (2) A custody officer for a designated police station shall be appointed—
- (a) by the Chief Constable; or
  - (b) by such other police officer as the Chief Constable may direct.
- (3) No police officer may be appointed a custody officer unless he is of at least the rank of sergeant.
- (4) A police officer of any rank may perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- (5) Subject to the following provisions of this Article and to Article 40(2), none of the functions of a custody officer in relation to a person shall be performed by an officer who at the time when the function falls to be performed is involved in the investigation of an offence for which that person is in police detention at that time.
- (6) Nothing in paragraph (5) is to be taken to prevent a custody officer—
- (a) performing any function assigned to custody officers—
    - (i) by this Order; or
    - (ii) by a code of practice issued under this Order;
  - (b) carrying out the duty imposed on custody officers by Article 40;
  - (c) doing anything in connection with the identification of a suspect; or
  - (d) doing anything under Article 144, 146 or 147 of the Road Traffic (Northern Ireland) Order 1981(1).
- (7) Where an arrested person is taken to a police station which is not a designated police station, the functions in relation to him which at a designated police station would be the functions of a custody officer shall be performed—
- (a) by an officer who is not involved in the investigation of an offence for which he is in police detention, if such an officer is readily available; and

(b) if no such officer is readily available, by the officer who took him to the station or any other officer.

(8) References to a custody officer in the following provisions of this Order include references to an officer other than a custody officer who is performing the functions of a custody officer by virtue of paragraph (4) or (7).

(9) Where by virtue of paragraph (7) a police officer who took an arrested person to a police station is to perform the functions of a custody officer in relation to him, the officer shall inform an officer who—

(a) is attached to a designated police station; and

(b) is of at least the rank of inspector,

that he is to do so.

(10) The duty imposed by paragraph (9) shall be performed as soon as it is practicable to perform it.