
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART II

POWERS TO STOP AND SEARCH

Provisions relating to search under Article 3 and other powers

- 4.—(1) A constable who detains a person or vehicle in the exercise—
- (a) of the power conferred by Article 3; or
 - (b) of any other power—
 - (i) to search a person without first arresting him; or
 - (ii) to search a vehicle without making an arrest,
- need not conduct a search if it appears to him subsequently—
- (i) that no search is required; or
 - (ii) that a search is impracticable.
- (2) If a constable contemplates a search, other than a search of an unattended vehicle, in the exercise—
- (a) of the power conferred by Article 3; or
 - (b) of any other power, except a power conferred by any of the provisions referred to in paragraph (3)—
 - (i) to search a person without first arresting him; or
 - (ii) to search a vehicle without making an arrest,
- it shall be his duty, subject to paragraph (5), to take reasonable steps before he commences the search to bring to the attention of the appropriate person—
- (i) if the constable is not in uniform, documentary evidence that he is a constable; and
 - (ii) whether he is in uniform or not, the matters specified in paragraph (4);
- and the constable shall not commence the search until he has performed that duty.
- (3) The provisions referred to for the purposes of paragraph (2)(b) are—
- (a) Article 8,
 - (b) section 15, section 16 (in so far as the powers under that section are exercisable by a constable) and section 20 of the Northern Ireland (Emergency Provisions) Act 1978⁽¹⁾, and
 - (c) section 27(2) of the Aviation Security Act 1982⁽²⁾.

(1) 1978 c. 5
(2) 1982 c. 36

- (4) The matters referred to in paragraph (2)(ii) are—
- (a) the constable’s police number and the name of the police station to which he is attached;
 - (b) the object of the proposed search;
 - (c) the constable’s grounds for proposing to make it; and
 - (d) the effect of Article 5(7) or (8), as may be appropriate.
- (5) A constable need not bring the effect of Article 5(7) or (8) to the attention of the appropriate person if it appears to the constable that it will not be practicable to make the record in Article 5(1).
- (6) In this Article “the appropriate person” means—
- (a) if the constable proposes to search a person, that person; and
 - (b) if he proposes to search a vehicle, or anything in or on a vehicle, the person in charge of the vehicle.
- (7) On completing a search of an unattended vehicle or anything in or on such a vehicle in the exercise of any such power as is mentioned in paragraph (2), other than a search under any of the provisions mentioned in paragraph (3), a constable shall leave a notice—
- (a) stating that the vehicle has been searched by the police;
 - (b) giving his police number and the name of the police station to which he is attached;
 - (c) stating that an application for compensation for any damage caused by the search may be made to that police station; and
 - (d) stating the date on which the search was carried out and the effect of Article 5(8).
- (8) The constable shall leave the notice inside the vehicle unless it is not reasonably practicable to do so without damaging the vehicle.
- (9) The time for which a person or vehicle may be detained for the purposes of such a search is such time as is reasonably required to permit a search to be carried out either at the place where the person or vehicle was first detained or nearby.
- (10) Neither the power conferred by Article 3 nor any other power to detain and search a person without first arresting him or to detain and search a vehicle without making an arrest is to be construed—
- (a) as authorising a constable to require a person to remove any of his clothing in public other than an outer coat, jacket, headgear or gloves; or
 - (b) as authorising a constable not in uniform to stop a vehicle.
- (11) This Article and Article 3 apply to vessels, aircraft and hovercraft as they apply to vehicles.