
STATUTORY INSTRUMENTS

1989 No. 1341

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

PART VI

QUESTIONING AND TREATMENT OF PERSONS BY POLICE

Intimate searches

56.—(1) Subject to the following provisions of this Article, if an officer of at least the rank of superintendent has reasonable grounds for believing—

- (a) that a person who has been arrested and is in police detention may have concealed on him anything which—
 - (i) he could use to cause physical injury to himself or others; and
 - (ii) he might so use while he is in police detention or in the custody of a court; or
- (b) that such a person—
 - (i) may have a Class A drug concealed on him; and
 - (ii) was in possession of it with the appropriate criminal intent before his arrest,

he may authorise an intimate search of that person.

(2) An officer may not authorise an intimate search of a person for anything unless he has reasonable grounds for believing that it cannot be found without his being intimately searched.

(3) An officer may give an authorisation under paragraph (1) orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as practicable.

(4) An intimate search which is only a drug offence search shall be by way of examination by a suitably qualified person.

(5) Except as provided by paragraph (4), an intimate search shall be by way of examination by a suitably qualified person unless an officer of at least the rank of superintendent considers that this is not practicable.

(6) An intimate search which is not carried out as mentioned in paragraph (5) shall be carried out by a constable.

(7) A constable may not carry out an intimate search of a person of the opposite sex.

(8) No intimate search may be carried out except—

- (a) at a police station;
- (b) at a hospital;
- (c) at a medical practitioner's surgery; or
- (d) at some other place used for medical purposes.

(9) An intimate search which is only a drug offence search may not be carried out at a police station.

- (10) If an intimate search of a person is carried out, the custody record relating to him shall state—
- (a) which parts of his body were searched; and
 - (b) why they were searched.

(11) The information required to be recorded by paragraph (10) shall be recorded as soon as practicable after the completion of the search.

(12) The custody officer at a police station may seize and retain anything which is found on an intimate search of a person, or cause any such thing to be seized and retained—

- (a) if he believes that the person from whom it is seized may use it—
 - (i) to cause physical injury to himself or any other person;
 - (ii) to damage property;
 - (iii) to interfere with evidence; or
 - (iv) to assist him to escape; or
- (b) if he has reasonable grounds for believing that it may be evidence relating to an offence.

(13) Where anything is seized under this Article, the person from whom it is seized shall be told the reason for the seizure unless he is—

- (a) violent or likely to become violent; or
- (b) incapable of understanding what is said to him.

(14) Every annual report under section 15(1) of the Police Act (Northern Ireland) 1970⁽¹⁾ shall contain information about searches under this Article which have been carried out during the period to which the report relates.

(15) The information about such searches shall include—

- (a) the total number of searches;
- (b) the number of searches conducted by way of examination by a suitably qualified person;
- (c) the number of searches not so conducted but conducted in the presence of such a person; and
- (d) the result of the searches carried out.

(16) The information shall also include, as separate items—

- (a) the total number of drug offence searches; and
- (b) the result of those searches.

(17) In this Article—

“the appropriate criminal intent” means an intent to commit an offence under—

- (a) section 5(3) of the Misuse of Drugs Act 1971⁽²⁾ (possession of controlled drug with intent to supply to another); or
- (b) section 68(2) of the Customs and Excise Management Act 1979⁽³⁾ (exportation etc. with intent to evade a prohibition or restriction);

“Class A drug” has the meaning assigned to it by section 2(1)(b) of the Misuse of Drugs Act 1971;

“drug offence search” means an intimate search for a Class A drug which an officer has authorised by virtue of paragraph (1)(b); and

“suitably qualified person” means—

(1) 1989 c. 4
(2) 1970 c. 9 (N.I.)
(3) 1971 c. 38

- (a) a medical practitioner; or
- (b) a nurse registered as such under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979⁽⁴⁾.