
STATUTORY INSTRUMENTS

2007 No. 288

**The Police and Criminal Evidence
(Amendment) (Northern Ireland) Order 2007**

PART V

DETENTION

Use of telephone for review of detention

20. After Article 41 of PACE insert—

“Use of telephone for review under Article 41

41A.—(1) A review under Article 41(1)(b) may be carried out by means of a discussion, conducted on the telephone, with one or more persons at the police station where the arrested person is held.

(2) But paragraph (1) does not apply if—

- (a) the review is of a kind authorised by regulations under Article 46A to be carried out using video conferencing facilities; and
- (b) it is reasonably practicable to carry it out in accordance with those regulations.

(3) Where any review is carried out under this Article by an officer who is not present at the station where the arrested person is held—

- (a) any obligation of that officer to make a record in connection with the carrying out of the review shall have effect as an obligation to cause another officer to make the record;
- (b) any requirement for the record to be made in the presence of the arrested person shall apply to the making of that record by that other officer; and
- (c) the requirements under Article 41(12) and (13) for—
 - (i) the arrested person, or
 - (ii) a solicitor representing him,

to be given any opportunity to make representations (whether in writing or orally) to that officer shall have effect as a requirement for that person, or such a solicitor, to be given an opportunity to make representations in a manner authorised by paragraph (4).

(4) Representations are made in a manner authorised by this paragraph—

- (a) in a case where facilities exist for the immediate transmission of written representations to the officer carrying out the review, if they are made either—
 - (i) orally by telephone to that officer; or
 - (ii) in writing to that officer by means of those facilities; and

- (b) in any other case, if they are made orally by telephone to that officer.
- (5) In this Article “video-conferencing facilities” has the same meaning as in Article 46A.”.