

STATUTORY INSTRUMENTS

2007 No. 912

The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007

Police powers.

Closure of roads, etc.

12.—(1) If a constable considers it immediately necessary for the preservation of the peace or the maintenance of order, he may—

- (a) wholly or partly close a road;
- (b) divert or otherwise interfere with a road or the use of a road;
- (c) prohibit or restrict the exercise of a right of way;
- (d) prohibit or restrict the use of a waterway.

(2) A person commits an offence if he interferes with—

- (a) works executed in connection with the exercise of the power conferred by paragraph (1); or
- (b) any apparatus, equipment or other thing used in connection with the exercise of that power.

(3) It is a defence for a person charged with an offence under paragraph (2) to prove that he had a reasonable excuse for his interference.

(4) A person guilty of an offence under paragraph (2) shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding 6 months,
- (b) a fine not exceeding level 5 on the standard scale, or
- (c) both.

(5) Proceedings for an offence under this Article shall not be instituted without the consent of the Director of Public Prosecutions for Northern Ireland.

(6) In this Article —

“road” has the same meaning as in the Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2);

“waterway” has the same meaning as in the Water (Northern Ireland) Order 1999 (NI 6).

Commencement Information

II [Art. 12](#) in operation at 25.3.2013 by [S.R. 2013/75](#), [art. 2](#)

PROSPECTIVE

Police powers to examine documents or records

13.—(1) A constable who performs a lawful search of any premises or person—

- (a) may examine any document or record found in order to ascertain whether it contains information relating to the commission or proposed commission of serious crime; and
 - (b) if necessary or expedient for the purpose of sub-paragraph (a), may remove the document or record to another place and retain it there until the examination is completed.
- (2) Paragraph (1) shall not permit a person to examine a document or record if he has reasonable cause to believe that it is an item subject to legal privilege.
- (3) Where the document or record examined under paragraph (1)(a) is stored in any electronic form, the constable may require it to be produced in a form in which it can be removed under paragraph (1)(b) and in which it is visible and legible or from which it can readily be produced in a visible and legible form.
- (4) Subject to paragraphs (5) and (6), a document or record may not be retained by virtue of paragraph (1)(b) for more than 48 hours.
- (5) A police officer who is of at least the rank of chief inspector may authorise a constable to retain a document or record for a further period or periods.
- (6) Paragraph (5) does not permit the retention of a document or record after the end of the period of 96 hours beginning with the time when it was removed for examination under paragraph (1)(b).
- (7) Where a document or record is examined under this Article—
- (a) it shall not be photographed or copied, and
 - (b) the person who examines it shall make a written record of the examination as soon as is reasonably practicable.
- (8) The record shall—
- (a) describe the document or record,
 - (b) specify the object of the examination,
 - (c) state the address of the premises where the document or record was found,
 - (d) where the document or record was found in the course of a search of a person, state the person's name,
 - (e) where the document or record was found in the course of a search of any premises, state the name of a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found,
 - (f) where the document or record is removed for examination from the place where it was found, state the date and time when it was removed;
 - (g) where the document or record was examined at the place where it was found, state the date and time of examination; and
 - (h) identify the constable by whom the examination was carried out by reference to his police number.
- (9) Where a person makes a record of an examination in accordance with this Article, he shall as soon as is reasonably practicable supply a copy—
- (a) in a case where the document or record was found in the course of a search of a person, to that person, and
 - (b) in a case where the document or record was found in the course of a search of any premises, to a person appearing to the person making the record to be the occupier of the premises or to have had custody or control of the document or record when it was found.
- (10) In this Article—
- “item subject to legal privilege” and “premises” have the same meanings as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12);

“serious crime” has the meaning given by section 85(2) and (3) of the Regulation of Investigatory Powers Act 2000 (c. 23);

“document or record” includes a document or record stored in any electronic form.

Status:

Point in time view as at 25/03/2013. This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007, Police powers..