

1989 No. 470

POLICE

**Police and Criminal Evidence (Northern Ireland) Order 1989
(Codes of Practice) (No. 1) Order 1989**

Made 6th December 1989

Coming into operation 1st January 1990

To be laid before Parliament

Whereas—

(1) in pursuance of Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989(a) (hereinafter referred to as “the Order”) the Secretary of State is under a duty to issue codes of practice in connection with the following matters:—

- (a) the exercise by police officers of statutory powers—
 - (i) to search a person without first arresting him; or
 - (ii) to search a vehicle without making an arrest;
- (b) the detention, treatment, questioning and identification of persons by police officers;
- (c) searches of premises by police officers; and
- (d) the seizure of property found by police officers on persons or premises:

(2) in pursuance of Article 66(1) of the Order the Secretary of State has prepared and published draft codes of practice in connection with the said matters and has considered representations made to him thereon and modified the draft codes of practice accordingly:

(3) in pursuance of Article 66(3) of the Order the Secretary of State has laid a draft of each code of practice before both Houses of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by Article 66(4) of the Order, hereby makes the following order:—

Citation and commencement

1. This order may be cited as the Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 1) Order 1989 and shall come into operation on 1st January 1990.

(a) S.I. 1989/1341 (N.I. 12)

Codes of practice

2. Subject to Article 3, the codes of practice laid in draft before Parliament on 5th December 1989 in connection with the matters referred to in Article 65 of the Order shall come into operation on 1st January 1990.

Transitional provisions

3.—(1) The code of practice for the exercise by police officers of statutory powers to stop and search shall apply to any search by a police officer which commences after midnight on 31st December 1989, notwithstanding that the person or vehicle in question may have been detained by him in that behalf before that time.

(2) The code of practice for the searching of premises by police officers and the seizure of property found by police officers on persons or premises shall apply—

(a) to any application for a warrant to search premises made after 31st December 1989; and

(b) to any search of premises or seizure of property taking place after midnight on 31st December 1989, notwithstanding that the search or seizure in question may have taken place in the pursuance of a warrant granted or applied for before that time.

(3) The code of practice for the detention, treatment and questioning of persons by police officers shall apply—

(a) in so far as it relates to the exercise of powers conferred by Part V of the Order, to persons who are in police detention where the period of police detention commenced after 31st December 1989; and

(b) as to its other provisions, to persons in police detention after midnight on 31st December 1989, notwithstanding that their period of detention may have commenced before that time.

(4) The code of practice for the identification of persons by police officers shall apply to any procedures to which the code relates which are carried out after 31st December 1989.

Northern Ireland Office
6th December 1989

P. L. Brooke
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order.)

This order appoints 1st January 1990 as the date on which the codes of practice under Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 will come into operation.

The codes of practice are:—

- (a) Code of Practice for the Exercise by Police Officers of Statutory Powers of Stop and Search;
- (b) Code of Practice for the Searching of Premises by Police Officers and the Seizure of Property found by Police Officers on Persons or Premises;
- (c) Code of Practice for the Detention, Treatment and Questioning of Persons by Police Officers;
- (d) Code of Practice for the Identification of Persons by Police Officers.

The codes of practice are published by Her Majesty's Stationery Office; copies may be obtained from Government bookshops.