2007 No. 58

POLICE

Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 3) Order 2007

Made - - - - -	*2nd February 2007*
Laid before Parliament	*6th February 2007*
Coming into operation	*1st March 2007*

Whereas—

(1) In pursuance of Articles 60A and 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 visual recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations and the statutory power of arrest by police officers.

(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 duty and has considered representations made to him thereon and modified the draft codes of practice accordingly.

(3) In pursuance of Articles 60 and 65 of the Order the Secretary of State has issued 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;

(ii) to search a vehicle without making an arrest; or

(b) the detention, treatment, questioning and identification of persons by police officers;

(c) searches of premises by police officers;

(d) the seizure of property found by police officers on persons or premises;

(e) the audio recording of interviews with suspects at police stations;

and may in pursuance of Article 66(6) of the Order revise the whole or part of such a code of practice and issue a revised code.

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

(5) 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:—

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

Citation and Commencement

1. This Order may be cited as the Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 3) Order 2007 and shall come into operation on 1st March 2007.

Codes of Practice

2. Subject to Article 3, the code of practice referred to in Article 60A and the code of practice for the statutory power of arrest referred to in Article 65 of the Order, and the revised codes of practice referred to in Articles 60 and 65 of the Order laid in draft before Parliament on 6th February 2007 shall come into operation on 1st March 2007.

Transitional Provisions

3.—(1) The revised 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 28th February 2007 notwithstanding that the person or vehicle in question may have been detained by him in that behalf before that time.

(2) The revised 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 28th February 2007; and

(b) to any search of premises or seizure of property taking place after 28th February 2007, 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 revised 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 28th February 2007; and

(b) as to its other provisions, to persons in police detention after 28th February 2007, notwithstanding that their period of detention may have commenced before that time.

(4) The revised 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 28th February 2007.

(5) The revised code of practice for the audio recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations shall apply to any procedures to which the code relates which are carried out after 28th February 2007 notwithstanding that such a procedure may have commenced before that time.

(6) The code of practice for the visual recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations shall apply to any procedures to which the code relates which are carried out after 28th February 2007 notwithstanding that such a procedure may have commenced before that time.

(7) The code of practice for the statutory power of arrest by police of persons suspected of the commission of criminal offences shall apply to procedures to which the code relates which are carried out after 28th February 2007.

4. The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 2) Order 1996(**a**) is hereby revoked.

Paul Goggins

Parliamentary Under Secretary of State

Northern Ireland Office
2nd February 2007

(**a**) S.R. 1996 No. 261

EXPLANATORY NOTE

(This note is not part of the Order)

This order appoints 1st March 2007 as the date on which the codes of practice under Article 60, 60A and 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;

(e) Code of Practice for the tape recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations;

(f) Code of Practice on visual recording with sound of interview with suspect;

(g) Code of Practice for the statutory power of arrest by police officers.

The codes of practice are published by the Stationery Office; copies may be obtained from their bookshops.

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