STATUTORY RULES OF NORTHERN IRELAND

2009 No. 142

POLICE

The Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009

Made - - - -	*19th March 2009*
To be laid before Parliament	
Coming into operation	*18th May 2009*

The Secretary of State in exercise of the powers conferred on him by section 56(2) of the Police (Northern Ireland) Act 1998(**1**) hereby makes the following Order.

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 and shall come into operation on 18th May 2009.

Interpretation

2. In this Order, unless the context otherwise requires—

"the 1989 Order" means the Police and Criminal Evidence (Northern Ireland) Order 1989(**2**);

"Officer" means an officer of the Ombudsman;

"Ombudsman" means the Police Ombudsman for Northern Ireland established under section 51 of the Police (Northern Ireland) Act 1998.

Application

3.—(1) Subject to the modifications in paragraphs (2) and (3) and Schedule 2, the provisions of the 1989 Order contained in Schedule 1 which relate to the investigations of offences conducted by police officers or to persons detained by the police shall apply to investigations conducted by officers which relate to matters of the Ombudsman under Part VII of the Police (Northern Ireland) Act 1998.

(2) Where in the 1989 Order any act or thing is to be done by a constable or police officers of a rank specified in column 1 Part II of Schedule 2, that act or thing shall be done by an officer of

(**1**) S.I.1998 c. 32
(**2**) S.I. 1989/1341 (N.I. 12)

at least the grade specified in column 2 of Schedule 2 and the 1989 Order shall be applied as if that grade were specified in that Order.

(3) Where any provision of the 1989 Order as applied to an officer—

(a) confers a power on an officer, and

(b) does not provide that that power may only be exercised with the consent of some person other than an officer,

the officer may use reasonable force, if necessary, in the exercise of the power.

Revocation

4. The Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2000(**3**) is hereby revoked.

Northern Ireland Office
19th March 2009

Paul Goggins
Minister of State

(**3**) S.R. 2000/314

SCHEDULE 1

Article 3(1)

Provisions of the 1989 Order applied to an Officer of the Ombudsman

Article 3 (powers to stop and search)(**4**)

Article 4 (powers relating to search under Article 3 and other powers)(**5**)

Article 5 (duty to make records concerning searches)(**6**)

Article 7 (reports of recorded searches)

Article 10 (power of Justice of the Peace to authorise entry and search of premises)(**7**)

Article 11(1) and (2) (special provisions to access) and Schedule 1 (special procedure)(**8**)

Article 12 (meaning of "items subject to legal privilege")

Article 13 (meaning of "excluded material")

Article 14 (meaning of "personal records")

Article 15 (meaning of "journalistic material")

Article 16 (meaning of "special procedure material")

Article 17 (search warrants—safeguards)(**9**)

Article 18 (execution of warrants)(**10**)

Article 19(1)(b), (2) and (3) (entry for purpose of arrest etc.)(**11**)

Article 20(1) to (8) (entry and search after arrest)(**12**)

Article 21 (general power of seizure etc.)(**13**)

Article 22 (extension of powers of seizure to computerised information)(**14**)

Article 23 (access and copying)(**15**)

Article 24(1) to (4) (retention)

Article 25 (meaning of premises)

Article 26 (arrest without warrant)(**16**)

Article 30 (information to be given on arrest)(**17**)

(**4**) S.I. 1989/1341 (N.I. 12) Article 3 was amended by Article 3 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**5**) Article 4 of the 1989 Order was amended by Article 4 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2) and the Terrorism Act 2000 (c. 11).

(**6**) Article 5 of the 1989 Order was amended by Article 5 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**7**) Article 10 of the 1989 Order was amended by Article 7 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)). There are other amendments to Article 10 which are not relevant to this Order.

(**8**) Schedule 1 to the 1989 Order was amended by paragraph 14 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16) and Article 8 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**9**) Article 17 of the 1989 Order was amended by Article 9 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**10**) Article 18 of the 1989 Order was amended by Article 10 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**11**) Article 19(1)(b) of the 1989 Order was amended by Article 11(2) of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**12**) Article 20 of the 1989 Order was amended by paragraph 1 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I. 9)) and Article 12 of the Police and Criminal Evidence (Amendment)(Northern Ireland) order 2007 (S.I. 2007/288 (N.I. 2)).

(**13**) Article 21 of the 1989 Order was amended by paragraph 13 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16).

(**14**) Article 22 of the 1989 Order was amended by paragraph 13 of Schedule 2 to the Criminal Justice and Police Act 2001 (c. 16)

(**15**) Article 23 of the 1989 Order was amended by Article 13 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**16**) Article 26 was amended by Article 15 of the Police and Criminal Evidence (Amendment)(Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)).

(**17**) Article 30 of the 1989 Order was amended by paragraph 8(6) of Schedule 15 to the Terrorism Act 2000 (c. 11).