STATUTORY RULES OF NORTHERN IRELAND

1996 No. 261

POLICE

Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 2) Order 1996

Made - - - -	*28th June 1996*
To be laid before Parliament	
Coming into operation	*29th July 1996*

Whereas—

(1) in pursuance of Article 60 of the Police and Criminal Evidence (Northern Ireland) Order 1989(**1**) (hereinafter referred to as "the Order") the Secretary of State is under a duty to issue a code of practice in connection with the tape recording of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations:

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

(3) in pursuance of Article 65 of the Order the Secretary of State 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; 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;

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 matters specified in paragraph (3) 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 drafts of the code of practice referred to in paragraph(2) and of each revised code of practice referred to in paragraph (4) before both Houses of Parliament:

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

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. 2) Order 1996 and shall come into operation on 29th July 1996.

Codes of practice

2. Subject to Article 3, the code of practice in connection with the matter referred to in Article 60 of the Order and the revised codes of practice in connection with the matters referred to in Article 65 of the Order laid in draft before Parliament on 27th June 1996 shall come into operation on 29th July 1996.

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 July 1996 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 July 1996; and

(b) to any search of premises or seizure of property taking place after 28th July 1966, notwithstanding that the search or seizure in question may have taken place in 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 July 1996; and

(b) as to its other provisions, to persons in police detention after 28th July 1996, 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 July 1996.

(5) The 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 shall apply to any procedures to which the code relates which are carried out after 28th July 1996 notwithstanding that such a procedure may have commenced before that time.

(6) The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) (No. 1) Order 1989(**2**) is hereby revoked.

(**2**) S.R. 1989 No. 470