
STATUTORY INSTRUMENTS

1989 No. 1341

The Police and Criminal Evidence (Northern Ireland) Order 1989

PART III

POWERS OF ENTRY, SEARCH AND SEIZURE

Seizure etc.

Retention

24.—(1) Subject to paragraph (4), anything which has been seized by a constable or taken away by a constable following a requirement made by virtue of Article 21 or 22 may be retained so long as is necessary in all the circumstances.

(2) Without prejudice to the generality of paragraph (1)—

(a) anything seized for the purposes of a criminal investigation may be retained, except as provided by paragraph (4)—

(i) for use as evidence at a trial for an offence; or

(ii) for forensic examination or for investigation in connection with an offence; and

(b) anything may be retained in order to establish its lawful owner, where there are reasonable grounds for believing that it has been obtained in consequence of the commission of an offence.

(3) Nothing seized on the ground that it may be used—

(a) to cause physical injury to any person;

(b) to damage property;

(c) to interfere with evidence; or

(d) to assist in escape from police detention or lawful custody,

may be retained when the person from whom it was seized is no longer in police detention or the custody of a court or is in the custody of a court but has been released on bail.

(4) Nothing may be retained for either of the purposes mentioned in paragraph (2)(a) if a photograph or copy would be sufficient for that purpose.

(5) Nothing in this Article affects any power of a court to make an order under^[F1] section 31 of the Police (Northern Ireland) Act 1998]

^[F2](6) This Article also applies to anything retained by the police under section 28H(5) of the Immigration Act 1971.]

^[F3](7) The reference in paragraph (1) to anything seized by a constable includes anything seized by a person authorised under Article 18(2) to accompany a constable executing a warrant.]

Changes to legislation: *The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 24 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F1** 1998 c. 32
F2 1999 c. 33
F3 Art. 24(7) added (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), **14(2)**

Modifications etc. (not altering text)

- C1** Art. 24 applied with modification(s) (1.3.2016) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 (S.R. 2016/33), arts. 1(1), **5(1)**
- C2** Arts. 23, 24 applied by 1994 c. 33, s. **139(10B)(b)** (as inserted (31.1.2017 for specified purposes, 1.3.2018 in so far as not already in operation) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 17 para. 4(9)**; S.I. 2018/227, **art. 2(g)**)
- C3** Art. 24 applied (with modifications) (8.3.2018) by The United Nations (International Residual Mechanism for Criminal Tribunals) Order 2018 (S.I. 2018/187), arts. 1(1), **21(4)(5)** (with art. 3)
- C4** Art. 24(1)-(4) applied (with modifications) (1.12.2007) by Police and Criminal Evidence (Application to Revenue and Customs) Order (Northern Ireland) 2007 (S.R. 2007/464), arts. 3-15, **Sch. 1**, Sch. 2
- C5** Art. 24(1)-(4) applied (with modifications) (18.5.2009) by Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 (S.R. 2009/142), art. 3, **Sch. 1**, Sch. 2
- C6** Art. 24(1)-(4) applied (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 4(3)**; S.I. 2021/748, **reg. 2(k)**
- C7** Art. 24(7) applied (29.4.2021 for specified purposes, 29.6.2021 in so far as not already in force) by Air Traffic Management and Unmanned Aircraft Act 2021 (c. 12), s. 21(1)(a), **Sch. 8 para. 4(3)**; S.I. 2021/748, **reg. 2(k)**
- C8** Art. 24(7) applied (with modifications) by Police and Criminal Evidence (Application to Revenue and Customs) Order (Northern Ireland) 2007 (S.R. 2007/464), Sch. 1 (as amended (19.3.2010) by Police and Criminal Evidence (Application to Revenue and Customs) Order (Northern Ireland) 2007 (Amendment) Order 2010 (S.R. 2010/42), **art. 2(3)(b)**)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- various legislation applied by [2016 c. 18 \(N.I.\) s. 161\(2\)\(a\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order applied by [2016 c. 18 \(N.I.\) s. 150\(1\)\(a\)](#)
- Order excluded by [2012 c. 9 Sch. 1 para. 7\(5\)](#)
- Order extended by [2003 c. 6 Sch. 4 para. 23A \(as inserted\) by S.I. 2007/912 \(N.I.\) Sch. 4 para. 5](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2A para. 1\(4\) inserted by 2015 c. 9 \(N.I.\) s. 83\(3\)\(a\)\(ii\)](#)
- [Sch. 2A para. 2\(2\)\(c\) and word inserted by 2015 c. 9 \(N.I.\) s. 83\(3\)\(b\)\(ii\)](#)
- [Sch. 2A para. 9\(4\) inserted by 2015 c. 9 \(N.I.\) s. 83\(3\)\(c\)\(ii\)](#)
- [Sch. 2A para. 10\(5\) inserted by 2015 c. 9 \(N.I.\) s. 83\(3\)\(d\)\(ii\)](#)
- [Sch. 2A para. 2\(2\)\(b\) words substituted by 2015 c. 9 \(N.I.\) s. 83\(3\)\(b\)\(i\)](#)
- [art. 62\(10\)\(ab\) words substituted in earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 6\(3\)\(b\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- [art. 3\(9ZA\)\(9ZB\) inserted by 2019 c. 17 s. 12\(5\)](#)
- [art. 19\(1\)\(cc\) inserted by S.I. 2007/916 \(N.I.\) art. 18\(2\)](#)
- [art. 53\(3A\)\(3B\) inserted by 2013 c. 7 \(N.I.\) Sch. 3 para. 1\(3\)](#)
- [art. 53\(3A\) inserted by 2010 c. 17 s. 15\(4\)](#)
- [art. 53\(4\) inserted by 2010 c. 17 s. 9\(6\)](#)
- [art. 53B inserted by 2013 c. 7 \(N.I.\) Sch. 3 para. 3](#)
- [art. 56\(13A\)\(b\)\(iii\) and word substituted for word by 2015 c. 9 \(N.I.\) Sch. 2 para. 6\(1\)\(b\)](#)
- [art. 56\(13A\)\(b\)\(iii\) words substituted in earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 6\(1\)\(b\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- [art. 56A\(9\)\(b\)\(iii\) and word substituted for word by 2015 c. 9 \(N.I.\) Sch. 2 para. 6\(2\)\(b\)](#)
- [art. 56A\(9\)\(b\)\(iii\) words substituted in earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 6\(2\)\(b\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- [art. 61\(5A\) inserted by 2010 c. 17 s. 8\(1\)](#)
- [art. 61\(5A\)\(b\) words substituted by 2015 c. 9 \(N.I.\) s. 83\(1\)\(a\)](#)
- [art. 61\(5B\) inserted by 2010 c. 17 s. 8\(2\)](#)
- [art. 61\(5B\)\(b\) words substituted by 2015 c. 9 \(N.I.\) s. 83\(1\)\(a\)](#)
- [art. 61\(5C\) inserted by 2015 c. 9 \(N.I.\) s. 83\(1\)\(b\)](#)
- [art. 61\(6\)-\(6ZD\) substituted for art. 61\(6\) by 2010 c. 17 s. 8\(3\)](#)
- [art. 61\(6D\)-\(6G\) inserted by 2010 c. 17 s. 9\(1\)](#)
- [art. 61\(6BA\) inserted by 2008 c. 28 s. 12\(2\) \(This amendment not applied to legislation.gov.uk. S. 12 omitted \(14.12.2011\) by virtue of 2011 c. 23, ss. 29, 31\(2\), Sch. 7 para. 5\(3\)\)](#)
- [art. 62\(2A\)\(2B\) inserted by 2010 c. 17 s. 9\(2\)](#)
- [art. 62\(10\)\(ab\) inserted by 2015 c. 9 \(N.I.\) Sch. 2 para. 6\(3\)\(b\)](#)
- [art. 62\(10\)\(ab\) words substituted in earlier affecting provision 2015 c. 9 \(N.I.\), Sch. 2 para. 6\(3\)\(b\) by 2022 c. 4 \(N.I.\) s. 4\(9\)\(e\)](#)
- [art. 63\(3A\)\(c\)\(i\) word substituted by 2013 c. 7 \(N.I.\) Sch. 3 para. 4](#)
- [art. 63\(3B\)-\(3BD\) substituted for art. 63\(3B\) by 2010 c. 17 s. 8\(7\)](#)

- art. 63(3C) inserted by [2008 c. 28 s. 12\(3\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 63(3D)-(3G) inserted by [2010 c. 17 s. 9\(4\)](#)
- art. 63(3AA) inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(c\)](#)
- art. 63(3ZA) inserted by [2010 c. 17 s. 8\(5\)](#)
- art. 63(3ZA)(b)(iii) and word inserted by [2015 c. 9 \(N.I.\) s. 83\(2\)\(a\)](#)
- art. 63A(1E)(1F) inserted by [2010 c. 17 s. 11\(1\)](#)
- art. 63A(6A) inserted by [2008 c. 28 s. 12\(4\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 63B-63R inserted by [2013 c. 7 \(N.I.\) Sch. 2](#)
- art. 63D(1)(a) substituted by [2019 c. 3 Sch. 2 para. 5\(2\)\(a\)](#)
- art. 63D(1)(a)(i) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63D(14) words inserted by [2019 c. 3 Sch. 2 para. 5\(2\)\(b\)](#)
- art. 63D(14) words inserted by [S.I. 2023/1386 Sch. para. 9\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63N substituted by [2015 c. 9 \(N.I.\) s. 86](#)
- art. 63R(4A) inserted by [2019 c. 3 Sch. 4 para. 20\(9\)](#)
- art. 63R(4B) inserted by [2023 c. 32 Sch. 18 para. 5\(8\)](#) (This amendment not applied to legislation.gov.uk. The insertion of art. 63R by 2013 c. 7 (N.I.) Sch. 2 remains prospective at 31.12.2023.)
- art. 63R(5) words substituted by [2015 c. 9 \(N.I.\) s. 87\(a\)](#)
- art. 63R(5A)(5B) inserted by [2015 c. 9 \(N.I.\) s. 87\(b\)](#)
- art. 63DA inserted by [2019 c. 3 Sch. 2 para. 5\(3\)](#)
- art. 63DA heading words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63DA(1)(a) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63DA(4) words inserted by [S.I. 2023/1386 Sch. para. 9\(6\)\(c\)](#) (This amendment not applied to legislation.gov.uk. The insertions of ss. 63D and 63DA by 2013 c. 7 (N.I.), Sch. 2 and 2019 c. 3, Sch. 2 para. 5 respectively are still prospective)
- art. 63GA inserted by [2015 c. 9 \(N.I.\) s. 84](#)
- art. 63KA inserted by [2015 c. 9 \(N.I.\) s. 85](#)
- art. 64(1AA) inserted by [2008 c. 28 s. 12\(5\)](#) (This amendment not applied to legislation.gov.uk. S. 12 omitted (14.12.2011) by virtue of 2011 c. 23, ss. 29, 31(2), Sch. 7 para. 5(3))
- art. 64(1AB) inserted by [2008 c. 28 s. 15\(5\)](#)
- art. 89(2A) inserted by [2013 c. 7 \(N.I.\) Sch. 3 para. 5](#)