
STATUTORY INSTRUMENTS

1989 No. 1341

**The Police and Criminal Evidence
(Northern Ireland) Order 1989**

PART IV

ARREST

[^{F1}Arrest without warrant: constables

^{F2}**26.**—(1) A constable may arrest without a warrant—

- (a) anyone who is about to commit an offence;
- (b) anyone who is in the act of committing an offence;
- (c) anyone whom he has reasonable grounds for suspecting to be about to commit an offence;
- (d) anyone whom he has reasonable grounds for suspecting to be committing an offence.

(2) If a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without a warrant anyone whom he has reasonable grounds to suspect of being guilty of it.

(3) If an offence has been committed, a constable may arrest without a warrant—

- (a) anyone who is guilty of the offence;
- (b) anyone whom he has reasonable grounds for suspecting to be guilty of it.

(4) But the power of summary arrest conferred by paragraph (1), (2) or (3) is exercisable only if the constable has reasonable grounds for believing that for any of the reasons mentioned in paragraph (5) it is necessary to arrest the person in question.

(5) The reasons are—

- (a) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as his name is his real name);
- (b) correspondingly as regards the person's address;
- (c) to prevent the person in question—
 - (i) causing physical injury to himself or any other person;
 - (ii) suffering physical injury;
 - (iii) causing loss of or damage to property;
 - (iv) committing an offence against public decency (subject to paragraph (6)); or
 - (v) causing an unlawful obstruction on a road (within the meaning of the Road Traffic (Northern Ireland) Order 1995 (NI 18));
- (d) to protect a child or other vulnerable person from the person in question;
- (e) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;

Changes to legislation: The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 26 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

- (f) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.
- (6) Paragraph (5)(c)(iv) applies only where members of the public going about their normal business cannot reasonably be expected to avoid the person in question.]

- F1** Arts. 26, 26A substituted (1.3.2007) for art. 26 by [Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288 \(N.I. 2\)\)](#), arts. 1(2), **15(1)** (with art. 15(3))
- F2** mod. by SI 1999/2821; 3133

Modifications etc. (not altering text)

- C1** Art. 26 applied (9.6.2006) by [S.I. 2006/1454](#), **art. 13(7)**
 Art. 26 applied (16.11.2006) by [S.I. 2006/2952](#), **art. 14(7)** (with art. 18)
 Art. 26 applied (16.11.2006) by [S.I. 2006/2958](#), **art. 13(7)** (with art. 17)
- C2** Art. 26 applied (with modifications) (12.10.2006) by [S.I. 2006/2657](#), **art. 14(7)** (with arts. 18, 19)
- C3** Art. 26 applied (9.2.2007) by [Iran \(Financial Sanctions\) Order 2007 \(S.I. 2007/281\)](#), **art. 13(7)** (with art. 17)
- C4** Art. 26 applied (with modifications) (3.5.2007) by virtue of [Iran \(European Community Financial Sanctions\) Regulations 2007 \(S.I. 2007/1374\)](#), **reg. 13(7)** (with reg. 16)
- C5** Art. 26 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. 26 applied (with modifications) (temp.) (28.3.2020 at 11.00 p.m.) by [The Health Protection \(Coronavirus, Restrictions\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/55\)](#), regs. 1(1), **8(5)** (with reg. 15)
- C7** Art. 26 applied (with modifications) (temp.) (8.6.2020) by [The Health Protection \(Coronavirus, International Travel\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/90\)](#), regs. 1, **6(5)** (with reg. 12)
- C8** Art. 26 applied (with modifications) (23.7.2020 at 11.00 p.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/150\)](#), regs. 1(1), **8(5)** (with reg. 15)
- C9** Art. 26 applied (with modifications) (23.7.2020 at 11.00 p.m.) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/151\)](#), regs. 1, **7(5)** (with reg. 15) (as amended (23.7.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(Amendment No. 3\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/216\)](#), regs. 1, **2(2)**)
- C10** Art. 26 applied (with modifications) (temp.) (9.4.2021) by [The Health Protection \(Coronavirus, Restrictions\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/93\)](#), regs. 1(1), **22(5)** (with reg. 31)
- C11** Art. 26 applied (with modifications) (16.4.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/99\)](#), regs. 1(2), **23(7)** (with regs. 37, 40)
- C12** Art. 26(2) 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
- C13** Art. 26(4) 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)(c)**)
- C14** Art. 26(5) 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)(c)**)

Changes to legislation:

The Police and Criminal Evidence (Northern Ireland) Order 1989, Section 26 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.

View outstanding changes

Changes and effects yet to be applied to :

- various legislation applied by [2016 c. 18 \(N.I.\) s. 161\(2\)\(a\)](#)
- art. 26(2)(o) words substituted by [2011 c. 23 Sch. 7 para. 7\(2\)](#) (This amendment not applied to legislation.gov.uk. Art. 26(2)(o) no longer available for substitution of words since substitution of art. 26-26A for art. 26 by S.I. 2007/288 (N.I. 2))
- art. 26(2)(q) substituted by [2010 c. 40 Sch. para. 6](#) (This amendment not applied to legislation.gov.uk. Art. 26(2)(g) no longer available for substitution since substitution of art. 26-26A for art. 26 by S.I. 2007/288 (N.I. 2))
- art. 26(2)(ee) substituted by [S.I. 2007/916 \(N.I.\) Sch. 7 para. 7](#) (This amendment not applied to legislation.gov.uk. Art. 26(2)(ee) no longer available for substitution since substitution of art. 26-26A for art. 26 by S.I. 2007/288 (N.I. 2))

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](#)