

SCHEDULES

SCHEDULE 4

Article 6

STAFF CUSTODY OFFICERS

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

- 1.—(1) Article 37 is amended as follows.
- (2) For paragraph (3) substitute—
 - “(3) No person may be appointed a custody officer unless—
 - (a) he is a police officer of at least the rank of sergeant; or
 - (b) he is a staff custody officer.”.
 - (3) In paragraph (5) for “an officer” substitute “an individual”.
 - (4) In paragraph (7)—
 - (a) in sub-paragraph (a)—
 - (i) after “by an officer” insert “or a staff custody officer”;
 - (ii) for “such an officer” substitute “such a person”;
 - (b) in sub-paragraph (b) for “such officer” substitute “such person”.
 - (5) In paragraph (8)—
 - (a) after “in” insert “Article 35 or in”;
 - (b) for “an officer” substitute “a person”.
 - (6) After paragraph (10) add—
 - “(11) In this Article “staff custody officer” means a person who has been designated as such under section 30 of the Police (Northern Ireland) Act 2003.”.
2. In Article 40—
 - (a) in paragraph (6)(a) after “custody officer” insert “(or, if the custody officer is a staff custody officer, any police officer or any member of the police support staff)”;
 - (b) after paragraph (6) add—
 - “(7) In paragraph (6)—
 - “police support staff” has the meaning given by section 4(6) of the Police (Northern Ireland) Act 2000;
 - “staff custody officer” has the same meaning as in Part 2 of the Police (Northern Ireland) Act 2003.”.

The 2003 Act

3. In section 30(6) after paragraph (c) insert—
 - “(d) Part 3A, in the case of a person designated under this section as a staff custody officer.”.

Status: This is the original version (as it was originally made).

4. In section 30 after subsection (10) add—

“(11) References in this section, section 33 or section 66(3A) of the Police (Northern Ireland) Act 1998 to powers and duties conferred or imposed on a designated person, or to a designated person’s being authorised or required to do anything by virtue of a designation under this section, or to a power or duty exercisable by a designated person in reliance on or by virtue of a designation under this section are, in the case of a staff custody officer at a police station designated under Article 36(1) of the 1989 Order, references to those things in relation to him after his appointment as a custody officer for that police station under Article 37(2) of that Order.”.

5. After Part 3 of Schedule 2 insert—

“PART 3A

STAFF CUSTODY OFFICERS

Exercise of functions of custody officer

23A.—(1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1989 Order (except those under Article 46A(4) of that Order) and under any other statutory provision which confers functions on such a custody officer.

(2) But in relation to a police station designated under Article 36(1) of the 1989 Order, the person must first also be appointed a custody officer for that police station under Article 37(2) of that Order.

(3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.

(4) Except in Articles 37 and 46A(4) of the 1989 Order, references in any statutory provision to a custody officer within the meaning of that Order include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.

Powers in respect of detained persons

23B. Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
- (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
- (c) to prevent the escape of any such person as is mentioned in sub-paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

Powers in relation to information about intimate search, x-ray and ultrasound

23C. Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

- (a) Article 56 of the 1989 Order of informing a person who is to be subject to an intimate search under that Article of the matters of which he is required to be informed in pursuance of paragraph (3B) of that Article;
- (b) Article 56A of that Order of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that Article of the matters of which he is required to be informed in pursuance of paragraph (3) of that Article.”.