
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 5

MISCELLANEOUS AND SUPPLEMENTARY

PACE

Entry for purposes of arrest

86. In Article 19 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) (entry for purposes of arrest) for paragraph (1)(c) substitute—

- “(c) of arresting a person for an offence under—
- (i) section 42 of the Offences against the Person Act 1861 (c. 100);
 - (ii) Article 18(3) or 21 of the Public Order (Northern Ireland) Order 1987 (NI 7);
 - (iii) Article 4 of the Protection from Harassment (Northern Ireland) Order 1997 (NI 9);
 - (iv) Article 25 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (NI 6);”.

Pre-charge bail

87.—(1) Article 48 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) is amended as follows.

(2) In paragraph (3D) (bail conditions on release under Article 39(1)) for “Article 39(1)” substitute “Article 38(2) or (7)(b) or Article 39(1)”.

(3) After paragraph (3H) insert—

“(4) A magistrates' court may, on an application by or on behalf of a person released on bail under Article 38(2) or (7)(b), vary the conditions of bail.

(5) A person who has been released on bail under Article 38(2) or (7)(b) may be arrested without warrant by a constable if the constable—

- (a) has reasonable grounds for believing that the person is likely to break any of the conditions of his bail; or
- (b) has reasonable grounds suspecting that the person has broken any of those conditions.

(5A) A person arrested under paragraph (5) must be taken to a police station (which may be the station where the conditions of bail were set or varied or any other police station) as soon as practicable after the arrest.”

Changes to legislation: *The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: PACE is up to date with all changes known to be in force on or before 19 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*

(4) In Article 132A of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) in paragraph (1)(a) after “Part V of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)” insert “ (other than under Article 38(2) or (7)(b)) ”.

Authorisation of X-rays and ultrasound scans

88. In Article 56A(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) (authorisation of x-rays and ultrasound scans) for “superintendent” substitute “ inspector ”.

Police officers performing duties of higher rank

89. For Article 84 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) substitute—

“Police officers performing duties of higher rank

84.—(1) For the purpose of any provision of this Order or any other statutory provision under which a power in respect of the investigation of offences or the treatment of persons in police custody is exercisable only by or with the authority of a police officer of at least the rank of superintendent, an officer of the rank of chief inspector shall be treated as holding the rank of superintendent if—

- (a) he has been authorised by an officer holding a rank above the rank of superintendent to exercise the power or, as the case may be, to give his authority for its exercise; or
- (b) he is acting during the absence of an officer holding the rank of superintendent who has authorised him, for the duration of that absence, to exercise the power or, as the case may be, to give his authority for its exercise.

(2) For the purpose of any provision of this Order or any other statutory provision under which such a power is exercisable only by or with the authority of an officer of at least the rank of inspector, an officer of the rank of sergeant shall be treated as holding the rank of inspector if he has been authorised by an officer of at least the rank of superintendent to exercise the power or, as the case may be, to give his authority for its exercise.”.

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: PACE is up to date with all changes known to be in force on or before 19 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 the whole Order associated Parts and Chapters:

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

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)