

2008 No. 408

POLICE

**The Police and Criminal Evidence (Northern Ireland) Order
1989 (Codes of Practice) (No. 4) Order 2008**

Made - - - - - *2nd October 2008*

Laid before Parliament *13th October 2008*

Coming into operation *10th November 2008*

This Order is made in exercise of the powers conferred by Article 66(4) and (5) of the Police and Criminal Evidence (Northern Ireland) Order 1989(a) (“the Order”).

The Secretary of State:

(1) has, in accordance with Article 66(3) of the Order, laid a draft code of practice in connection with the detention, treatment and questioning by police officers of persons under section 41 of, and Schedule 8 to, the Terrorism Act 2000(b) (Code H), before both Houses of Parliament; and

(2) has prepared and published a draft of the code of practice and has considered representations made in accordance with Article 66(1) of the Order.

Accordingly, the Secretary of State 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.4) Order 2008 and shall come into force on 10th November 2008.

Code of Practice H

2. Subject to Article 3, the code of practice in connection with the detention, treatment and questioning by police officers of persons under section 41 of, and Schedule 8 to, the Terrorism Act 2000 (Code H) laid in draft before Parliament on 13th October 2008 shall come into operation on 10th November 2008.

Transitional provisions

3. The code of practice referred to in Article 2 shall apply to any person arrested under section 41 of the Terrorism Act 2000 and who is in police detention after midnight on 9th November 2008, notwithstanding that he may have been arrested before that time.

(a) S.I. 1989/1341 (N.I. 12)
(b) 2000 c. 11

Paul Goggins
Minister of State

Northern Ireland Office
2nd October 2008

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order appoints 10th November 2008 as the date on which a new code of practice pursuant to Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 will come into operation. The new code of practice (Code H) makes specific provision for the detention, treatment and questioning by police officers of persons arrested under section 41 of the Terrorism Act 2000.

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The Police and Criminal Evidence (Northern Ireland) Order
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£4.00

Dd. N3770. C2. 10/08. Gp. 130. 14567.

ISBN 978-0-337-97537-0



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