



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02575

**Keyword:** Operational Policing

**Subject:** When is a PSNI Officer Permitted to Enter a Private Property?

### Request and Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. This response should be prefaced by stating that it would be beyond the scope of an FoI request for PSNI to confirm every possible situation when a police officer would be lawfully permitted to enter premises as there are a significant number of powers to do so and it depends on the individual circumstances. However, the response below represents a summary of some common powers and has been provided pursuant to PSNI's Section 16 obligation to provide assistance to requesters and in an effort to answer the questions.

### Question 1

When is a PSNI officer permitted to enter a private property without invitation?

### Answer

Police have numerous statutory and common law powers to enter private property both with or without a warrant - for example to arrest persons, in connection with the investigation of crime, to prevent offences, to search and secure evidence, to save persons in danger to life and limb and to prevent a breach of the peace. Common statutory powers relied upon are contained in legislation such as Part III of the Police and Criminal Evidence (Northern Ireland) Order 1989 (see also the guidance in Code B of the 2007 Code of Practice). An example of other legislation would be the Terrorism Act 2000. There is also the common law power of entry to deal with breaches of the peace. Further information can be found at the following links;

<http://www.legislation.gov.uk/nisi/1989/1341/contents/made>

<http://www.legislation.gov.uk/ukpga/2000/11/contents>

### Question 2

If an officer has been invited into a private property and then asked to leave as they are no longer welcome, what are the rules on how long it should be seen as reasonable before they leave. It does not state in the Code Of Ethics or give clear regulations so please let me know as to the proper rules.

### Answer

If an officer is on private property by an invitation which is subsequently withdrawn then the officer will be trespassing unless there is a power to remain on the property. How soon an officer must leave

will depend on the circumstances existing at that time.

Officers are required to work within the law and this is reflected in Article 1 of the PSNI Code of Ethics.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.