



# Justice (Northern Ireland) Act 2004

## 2004 CHAPTER 4

### *Prosecutors*

#### **6 Duty of Director of Public Prosecutions to refer certain matters to Police Ombudsman**

- (1) Section 55 of the Police (Northern Ireland) Act 1998 (c. 32) (referral of matters to Ombudsman) is amended as set out in subsections (2) to (5).
- (2) In subsection (1) (power of Policing Board, Director or Secretary of State to refer certain matters) omit the words “, the Director” (wherever they occur).
- (3) After subsection (4) insert—
  - “(4A) The Director shall refer to the Ombudsman any matter which—
    - (a) appears to the Director to indicate that a police officer—
      - (i) may have committed a criminal offence; or
      - (ii) may, in the course of a criminal investigation, have behaved in a manner which would justify disciplinary proceedings; and
    - (b) is not the subject of a complaint,unless it appears to the Director that the Ombudsman is already aware of the matter.
  - (4B) In subsection (4A) “criminal investigation” has the same meaning as in Part 2 of the Criminal Procedure and Investigations Act 1996 (c. 25).”
- (4) In subsection (5) (power of Ombudsman to investigate matters referred under subsection (4)) after “(4)” insert “, or (4A) ”.
- (5) In subsection (7) (duty on Ombudsman to notify outcome of criminal or disciplinary proceedings) omit “, the Director”.
- (6) In section 64(2A)(b) of the Police (Northern Ireland) Act 1998 (Ombudsman not to investigate matter referred under section 55(1), (2) or (4) if it took place more than the prescribed period before the date of referral) for “or (4)” substitute “, (4) or (4A) ”.

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*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Cross Heading: Prosecutors. (See end of Document for details)*

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## 7 **Influencing a prosecutor**

After section 32 of the 2002 Act insert—

### **“32A Influencing a prosecutor**

- (1) A person commits an offence if, with the intention of perverting the course of justice, he seeks to influence the Director, the Deputy Director or a Public Prosecutor in any decision as to whether to institute or continue criminal proceedings.
- (2) A person commits an offence if, with the intention of perverting the course of justice, he seeks to influence a barrister or solicitor to whom the Director has under section 36(2) assigned the institution or conduct of any criminal proceedings in any decision as to whether to institute or continue those proceedings.
- (3) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both, and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine, or to both.
- (4) Proceedings for an offence under this section shall not be instituted without the consent of the Director.”

**Changes to legislation:**

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004,  
Cross Heading: Prosecutors.