

**2003 No. 376**

**POLICE**

**The Police (Northern Ireland) Act 1998 (Modification)  
Order 2003**

*Made* - - - - - *12th August 2003*

*Laid before Parliament* *13th August 2003*

*Coming into operation* *8th September 2003*

The Secretary of State, in exercise of the powers conferred on him by section 36A(4) of the Police (Northern Ireland) Act 2000<sup>(a)</sup> and after consulting, in accordance with section 36A(5) of the Police (Northern Ireland) Act 2000, the Northern Ireland Policing Board and the Police Association for Northern Ireland, hereby makes the following Order:

**1.**—(1) This Order may be cited as the Police (Northern Ireland) Act 1998 (Modification) Order 2003 and shall come into operation on 8th September 2003.

(2) In Article 2, “relevant person” means a person appointed to the Police Service of Northern Ireland under section 36A(1) of the Police (Northern Ireland) Act 2000 (Fixed-term appointments to the Police Service of Northern Ireland), who was a member of the Garda Síochána immediately before his appointment under section 36A(1), whose appointment under that section has ended, but who remains a member of the Garda Síochána.

**2.** Section 25 of the Police (Northern Ireland) Act 1998<sup>(b)</sup> (Regulations for the Police Service of Northern Ireland) shall have effect as if it enabled provision to be made in relation to a relevant person in respect of conduct by such person at a time when that person was a member of the Police Service of Northern Ireland.

**3.** Section 35 of the Police (Northern Ireland) Act 1998 (Membership of trade unions) shall have effect in its application to members of the Garda Síochána appointed under section 36A(1) of the Police (Northern Ireland) Act 2000 (Fixed-term appointments to the Police Service of Northern Ireland) as if in section 35(4) after “membership of the Police Association” there were inserted “or of an association established under Irish legislation for the purpose of representing members of the Garda Síochána”<sup>(c)</sup>.

Northern Ireland Office  
12th August 2003

*Jane Kennedy*  
Minister of State

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(a) 2000 c. 32; section 36A was inserted by section 24 of the Police (Northern Ireland) Act 2003 (c. 6)

(b) 1998 c. 32

(c) Relevant legislation is section 13 of the Garda Síochána Act 1924 (1924, No. 25) (section 13 was substituted by section 1 of the Garda Síochána Act, 1977, No. 24); the Garda Síochána (Associations) Regulations 1978 (as amended) (No. 135/1978); and the Garda Síochána (Associations) (Superintendents and Chief Superintendents) Regulations 1987 (as amended) (No. 200/1987). The Garda Síochána Acts 1924 and 1977 are Acts of the Oireachtas, the Parliament of Ireland, and the Regulations referred to above are Irish statutory instruments

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes two modifications to the Police (Northern Ireland) Act 1998 (“the 1998 Act”) in its application to members of the Garda Síochána who are seconded to the Police Service of Northern Ireland under section 36A(1) of the Police (Northern Ireland) Act 2000. First, it modifies section 25 of the 1998 Act. Regulations under section 25 may, among other things, deal with matters of conduct. The effect of the modification is that regulations made by the Secretary of State under section 25 of the 1998 Act may provide for investigations and hearings in relation to conduct of a former secondee during his secondment to continue after his secondment has come to an end, provided that he is still a member of the Garda Síochána. Second, it modifies section 35 of the 1998 Act, which is concerned with membership of trade unions and other police staff associations. The effect of the modification is that section 35 will not prevent a seconded member of the Garda Síochána from continuing as a member of a Garda association during the period of his secondment. The Acts and the Regulations referred to in the footnote to Article 3 can be found at [www.bailii.org](http://www.bailii.org).

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