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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 142**

**The Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009**

**Citation and commencement**

1. This Order may be cited as the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 and shall come into operation on 18th May 2009.

**Interpretation**

2. In this Order, unless the context otherwise requires—

“the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989(1);

“Officer” means an officer of the Ombudsman;

“Ombudsman” means the Police Ombudsman for Northern Ireland established under section 51 of the Police (Northern Ireland) Act 1998.

**Application**

3.—(1) Subject to the modifications in paragraphs (2) and (3) and Schedule 2, the provisions of the 1989 Order contained in Schedule 1 which relate to the investigations of offences conducted by police officers or to persons detained by the police shall apply to investigations conducted by officers which relate to matters of the Ombudsman under Part VII of the Police (Northern Ireland) Act 1998.

(2) Where in the 1989 Order any act or thing is to be done by a constable or police officers of a rank specified in column 1 Part II of Schedule 2, that act or thing shall be done by an officer of at least the grade specified in column 2 of Schedule 2 and the 1989 Order shall be applied as if that grade were specified in that Order.

(3) Where any provision of the 1989 Order as applied to an officer—

(a) confers a power on an officer, and

(b) does not provide that that power may only be exercised with the consent of some person other than an officer,

the officer may use reasonable force, if necessary, in the exercise of the power.

**Revocation**

4. The Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2000(2) is hereby revoked.

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(1) S.I.1989/1341 (N.I. 12)

(2) S.R. 2000/314

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Northern Ireland Office  
19th March 2009

*Paul Goggins*  
Minister of State