



# Police (Northern Ireland) Act 1998

## 1998 CHAPTER 32

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *Supplementary*

#### **71 Expenses of Secretary of State.**

There shall be defrayed out of money provided by Parliament—

- (a) any expenses of the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other statutory provision.

#### **72 Orders and regulations.**

(1) Any power of [<sup>F1</sup>the Department of Justice or] the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979.

(2) Orders or regulations under this Act—

- (a) may make different provision for different cases and circumstances;
- (b) may contain such supplementary and transitional provisions as appear to [<sup>F2</sup>the Department of Justice or (as the case may be)] the Secretary of State to be appropriate.

[<sup>F3</sup>(2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the [<sup>F4</sup>Department of Finance and Personnel].]

(3) .....

(4) [<sup>F5</sup>An order or regulations] made under this Act (other than <sup>F6</sup>... an order under section 75)

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- [<sup>F7</sup>(a) if made by the Department of Justice, shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954);
- (b) if made by the Secretary of State, shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.]

#### Textual Amendments

- F1** Words in s. 72(1) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(2)** (with arts. 28-31)
- F2** Words in s. 72(2) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(3)** (with arts. 28-31)
- F3** S. 72(2A) inserted (22.12.2000) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(6)(a)**; S.R. 2000/412, art. 2, **Sch.**
- F4** Words in s. 72(2A) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(4)** (with arts. 28-31)
- F5** Words in s. 72(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(a)** (with arts. 28-31)
- F6** Words in s. 72(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(b)** (with arts. 28-31)
- F7** Words in s. 72(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(c)** (with arts. 28-31)

#### Marginal Citations

- M1** 1979 NI 12.

#### [<sup>F8</sup>73 Interpretation.

- (1) This Act shall be construed as one with the Police (Northern Ireland) Act 2000; and accordingly any word or expression to which a meaning is given by section 77 of that Act has the same meaning in this Act as in that Act.
- (2) References in this Act to a member of the police force are to be construed as references to a police officer.
- (3) References in this Act in any other context to the police force are to be construed as references to the police.
- (4) In this Act “a police force in Great Britain” means a police force within the meaning of the <sup>M2</sup> Police Act 1996 or the [<sup>F9</sup>Police Service of Scotland (and references to the chief officer of a police force in Great Britain include the chief constable of that Service)] . ]

#### Textual Amendments

- F8** S. 73 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(6)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F9** Words in s. 73(4) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 29(2)**

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#### Marginal Citations

M2 1996 c. 16.

### 74 Amendments, transitional provisions, repeals, etc.

- (1) The statutory provisions mentioned in Schedule 4 shall be amended as provided in that Schedule.
- (2) Schedule 5 (which contains transitional provisions and savings) shall have effect.
- (3) The statutory provisions mentioned in Schedule 6 are repealed to the extent specified in the third column of that Schedule.
- (4) In the <sup>M3</sup>Northern Ireland (Modification of Enactments – No. 1) Order 1973 the following provisions are revoked, namely—
  - (a) Article 6(5) and (6)(c);
  - (b) in Schedule 1, the entries relating to—
    - the <sup>M4</sup>Constabulary (Ireland) Act 1836;
    - the <sup>M5</sup>Police (Property) Act 1897;
    - the <sup>M6</sup>Constabulary and Police (Ireland) Act 1919;
    - the <sup>M7</sup>Police Act 1969;
    - the <sup>M8</sup>Constabulary Act Northern Ireland) 1922;
    - the <sup>M9</sup>Police Act Northern Ireland) 1970;
  - (c) in Schedule 4, the entry relating to the <sup>M10</sup>Police Act Northern Ireland) 1970; and
  - (d) in Schedule 5, paragraphs 11, 21 and 61.

#### Commencement Information

**II** S. 74 partly in force; s. 74 not in force at Royal Assent see s. 75(1), s. 74(1) in force and 74(3) in force for certain purposes at 8.10.1998 by S.R. 1998/346, art. 3; s. 74(1)(2)(3) in force for certain purposes at 9.2.1999 by S.R. 1999/48, art. 3 (with art. 4); s. 74(4) in force and (1)(2)(3) in force for certain purposes at 1.4.1999 by S.R. 1999/176, art. 3 (with art. 4)

#### Marginal Citations

M3 S.I. 1973/2163.

M4 1836 c. 13.

M5 1897 c. 30.

M6 1919 c. 68.

M7 1969 c. 63.

M8 1922 c. 8 (N.I.).

M9 1970 c. 9 (N.I.).

M10 1970 c. 9 (N.I.).

### 75 Commencement.

- (1) This Act shall come into operation on such day as the Secretary of State may by order appoint.

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- (2) An order under this section may appoint different days for different purposes and for different provisions.

#### Subordinate Legislation Made

- P1** S. 75(1) power partly exercised (5.10.1998): 8.10.1998 appointed for specified provisions by S.R. 1998/346, **art. 3** (with **art. 4**)  
 S. 75(1) power partly exercised (8.2.1999): 9.2.1999 appointed for specified provisions by S.R. 1999/48, **art. 3** (with **art. 4**)  
 S. 75(1) power partly exercised (30.3.1999): 1.4.1999 appointed for specified provisions by S.R. 1999/176, **art. 3** (with **art. 4**)  
 S. 75(1) power partly exercised (2.11.2000): 6.11.2000 appointed for specified provisions by S.R. 2000/399, **art. 3** (with transitional provisions in **arts. 4, 5**)

## 76 Extent.

- (1) Except as provided by subsections (2) and (3), this Act extends to Northern Ireland only.
- (2) Paragraph 8 of Schedule 3 extends throughout the United Kingdom.
- (3) The amendment or repeal by this Act of any provision of—
- (a) the <sup>M11</sup>Police (Overseas Service) Act 1945;
  - (b) the <sup>M12</sup>Police (Scotland) Act 1967;
  - (c) the <sup>M13</sup>House of Commons Disqualification Act 1975;
  - (d) the <sup>M14</sup>Northern Ireland Assembly Disqualification Act 1975;
  - (e) the <sup>M15</sup>Ministry of Defence Police Act 1987;
  - (f) the <sup>M16</sup>Official Secrets Act 1989;
  - (g) the <sup>M17</sup>Police Act 1996;
  - (h) the <sup>M18</sup>Police Act 1997,
- has the same extent as that provision.

#### Commencement Information

- I2** S. 76 partly in force; s. 76 not in force at Royal Assent see s. 75(1); s. 76(1) in force at 8.10.1998 by S.R. 1998/346, **art. 3**; s. 76(3) in force at 1.4.1999 by S.R. 1999/176, **art. 3** (with **art. 4**)  
**I3** S. 76(2) in force at 21.2.2003 by S.R. 2003/142, **art. 3**

#### Marginal Citations

- M11** 1945 c. 17.  
**M12** 1967 c. 77.  
**M13** 1975 c. 24.  
**M14** 1975 c. 25.  
**M15** 1987 c. 4.  
**M16** 1989 c. 6.  
**M17** 1996 c. 16.  
**M18** 1997 c. 50.

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**77 Short title.**

This Act may be cited as the Police (Northern Ireland) Act 1998.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50A inserted by [2023 c. 41 s. 45\(1\)](#)
- s. 60ZD inserted by [2023 c. 41 Sch. 13 para. 3](#)
- s. 66(3A) modified by 2003 c. 6 s. 30(11) (as added) by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 4](#)