

*Changes to legislation:* Police (Northern Ireland) Act 1998, Cross Heading: Assistance by members of the police force is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULES

### SCHEDULE 3

#### THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

##### Extent Information

**E1** For the extent of Sch. 3 see s. 76(1)(2).

##### *Assistance by members of the police force*

- 5 (1) The Ombudsman and the Chief Constable may enter into arrangements for members of the police force to be engaged for a period of temporary service with the Ombudsman.
- (2) Arrangements under this paragraph shall provide for the payment by the Ombudsman to the [F1Board] of such contribution as may be determined by or in accordance with the arrangements.
- (3) In this paragraph and paragraph 6 “member of the police force” does not include the Chief Constable.

##### Textual Amendments

**F1** Words in Sch. 3 para. 5(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(7)(a); S.R. 2001/396, art. 2, Sch.

- 6 (1) The Chief Constable may, on the application of the Ombudsman, provide members of the police force or other assistance for the purpose of enabling the Ombudsman to meet any special demand on his resources.
- (2) If it appears to the [F2Department of Justice]—
- (a) that it is expedient that members of the police force or other assistance should be provided for the purpose of enabling the Ombudsman to meet any special demand on his resources; and
- (b) that satisfactory arrangements under sub-paragraph (1) cannot be made, or cannot be made in time,
- [F3the Department of Justice] may direct the Chief Constable to provide such members of the police force or other assistance for that purpose as may be specified in the direction.
- (3) Directions given under sub-paragraph (2) may be amended or revoked by the [F4Department of Justice].
- (4) Before giving, amending or revoking any directions under this paragraph, the [F4Department of Justice] shall consult the Chief Constable and the Ombudsman.

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#### Textual Amendments

- F2** Words in Sch. 3 para. 6(2) 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. 39(6)(a)(i)** (with arts. 28-31)
- F3** Words in Sch. 3 para. 6(2) 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. 39(6)(a)(ii)** (with arts. 28-31)
- F4** Words in Sch. 3 para. 6(3)(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. 39(6)(b)** (with arts. 28-31)

- 7 (1) In this paragraph “relevant service” means—
- (a) temporary service with the Ombudsman on which a member of the police force is engaged in accordance with arrangements under paragraph 5; and
  - (b) service by a member of the police force providing assistance to the Ombudsman under paragraph 6.
- (2) A member of the police force on relevant service shall—
- (a) notwithstanding [F5section 33 of the Police (Northern Ireland) Act 2000], be under the direction and control of the Ombudsman; but
  - (b) have the same powers and privileges and be treated in all other respects as if he were not on relevant service.
- (3) The Ombudsman shall be liable in respect of [F6any unlawful conduct of] members of the police force on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of [F6any unlawful conduct of] his servants in the course of their employment, and shall [F6, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (4) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—
- (a) any damages or costs awarded against a member of the police force in proceedings for [F7any unlawful conduct of] that member while on relevant service;
  - (b) any costs incurred and not recovered by a member of the police force in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) The Ombudsman may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in sub-paragraph (4).

#### Textual Amendments

- F5** Words in Sch. 3 para. 7(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(7)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F6** Words in Sch. 3 para. 7(3) substituted (1.10.2002) by 2002 c. 30, s. 102(1)(2)(g); S.I. 2002/2306, **art. 2(f)(xi)**
- F7** Words in Sch. 3 para. 7(4)(a) substituted (1.10.2002) by 2002 c. 30, s. 102(4)(5)(e); S.I. 2002/2306, **art. 2(f)(xi)**

**Changes to legislation:**

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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](#)