

SCHEDULES

SCHEDULE 5

APPLICATION OF ANTI-DISCRIMINATION LEGISLATION TO THE POLICE

Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

3 (1) The Fair Employment and Treatment (Northern Ireland) Order 1998 shall be amended as follows.

(2) For Article 94 substitute—

The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve

“94 (1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable as a police officer shall be treated as employment—

- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
- (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 36—

- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—

- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
- (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
- (c) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.

(4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;

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- (b) any costs incurred and not recovered by a police officer 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 if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).
- (6) This Article—
- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;
 - (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
 - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
 - (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

Other police bodies

- 94A (1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
 - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 36—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
 - (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
 - (c) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

Status: This is the original version (as it was originally enacted).

- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
 - (b) any costs incurred and not recovered by such a person 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) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
 - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
- “police authority” means—
- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
 - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
- “police fund” means—
- (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
 - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.”