



Justice (Northern Ireland) Act 2004

2004 CHAPTER 4

Prosecutors

6 Duty of Director of Public Prosecutions to refer certain matters to Police Ombudsman

- (1) Section 55 of the Police (Northern Ireland) Act 1998 (c. 32) (referral of matters to Ombudsman) is amended as set out in subsections (2) to (5).
- (2) In subsection (1) (power of Policing Board, Director or Secretary of State to refer certain matters) omit the words “, the Director” (wherever they occur).
- (3) After subsection (4) insert—
 - “(4A) The Director shall refer to the Ombudsman any matter which—
 - (a) appears to the Director to indicate that a police officer—
 - (i) may have committed a criminal offence; or
 - (ii) may, in the course of a criminal investigation, have behaved in a manner which would justify disciplinary proceedings; and
 - (b) is not the subject of a complaint,unless it appears to the Director that the Ombudsman is already aware of the matter.
 - (4B) In subsection (4A) “criminal investigation” has the same meaning as in Part 2 of the Criminal Procedure and Investigations Act 1996 (c. 25).”
- (4) In subsection (5) (power of Ombudsman to investigate matters referred under subsection (4)) after “(4)” insert “, or (4A) ”.
- (5) In subsection (7) (duty on Ombudsman to notify outcome of criminal or disciplinary proceedings) omit “, the Director”.
- (6) In section 64(2A)(b) of the Police (Northern Ireland) Act 1998 (Ombudsman not to investigate matter referred under section 55(1), (2) or (4) if it took place more than the prescribed period before the date of referral) for “or (4)” substitute “, (4) or (4A) ”.

Changes to legislation:

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Section 6.