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DRAFT STATUTORY INSTRUMENTS

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**1998 No.**

**The Fair Employment and Treatment  
(Northern Ireland) Order 1998**

**PART X**

**APPLICATION TO THE CROWN, THE POLICE AND PUBLIC AUTHORITIES**

**Application to the police**

**94.**—(1) For the purposes of this Order (except Part VII) the holding of the office of constable shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to a constable or that office;
  - (b) by the police authority as respects any act done by it in relation to a constable or that office.
- (2) There shall be defrayed as expenses of the police authority—
- (a) any damages or costs awarded against a chief officer of police in any proceedings under Part VI, any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings, and any 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
  - (b) any sum required by a chief officer of police in connection with the settlement of any complaint made or action brought against him under Part VI, if the settlement is approved by the police authority.

(3) Any proceedings under Part VI which, by virtue of paragraph (1), would lie against a chief officer of police shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of that office; and references in paragraphs (2) and (4) to the chief officer of police shall be construed accordingly.

(4) The police authority may make arrangements for the legal representation of the chief officer of police in any proceedings under Part VI.

(5) In the application of this Article to the police force—

- (a) in paragraph (2) for the words “as expenses of the police authority” there shall be substituted the words “out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 1998”; and
- (b) paragraph (4) shall be omitted.

(6) In this Article—

“chief officer of police”—

- (a) in relation to a person appointed, or an appointment falling to be made, to the police force, means the Chief Constable of the Royal Ulster Constabulary;

- (b) in relation to any other person or appointment means the officer who has the direction and control of the body of constables in question;

“police authority”—

- (a) in relation to a person appointed, or an appointment falling to be made, to the police force, means the Police Authority for Northern Ireland;

- (b) in relation to any other person or appointment, means the authority by which the person in question is, or on appointment would be, paid;

“police force” has the same meaning as in the Police (Northern Ireland) Act 1998.