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Police (Northern Ireland) Act 1998

1998 CHAPTER 32

An Act to make provision about policing in Northern Ireland; and for connected purposes. [24th July 1998]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Act extends to Northern Ireland only, but for exceptions see s. 76(1)(2)(3).

Modifications etc. (not altering text)

C1 Act: transfer of certain functions (4.11.2001) by 2000 c. 32, s. 2, **Sch. 2 para. 2**; S.R. 2001/396, art. 2, **Sch.**

PART I

THE POLICE AUTHORITY FOR NORTHERN IRELAND

1 The Police Authority for Northern Ireland.

(1) There shall continue to be a body corporate known as the Police Authority for Northern Ireland.

(2) Section 19 of the [M1]Northern Ireland Constitution Act 1973 (discrimination by public authorities) shall apply to the Police Authority.

(3) Schedule 1 shall have effect in relation to the Police Authority.

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Commencement Information

I1 S. 1 wholly in force at 1.4.1999; s. 1 not in force at Royal Assent see s. 75(1); s. 1(2) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4); s. 1 in force at 1.4.1999 insofar as not already in force by S.R. 1999/176, **art. 3** (with art. 4)

Marginal Citations

M1 1973 c. 36.

2 General functions of the Police Authority.

(1) The Police Authority shall secure the maintenance of the police force in Northern Ireland which shall continue to consist of—
  (a) the Royal Ulster Constabulary; and
  (b) the Royal Ulster Constabulary Reserve.

(2) The police force, traffic wardens and the police service staff of the Police Authority shall form a single service which shall be known as the Northern Ireland Police Service.

(3) The Police Authority shall secure that the Northern Ireland Police Service is efficient and effective.

(4) In carrying out its duty under subsection (3), the Police Authority shall keep itself informed as to—
  (a) the workings of Part VII (police complaints and disciplinary proceedings); and
  (b) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 70.

(5) In discharging its functions the Police Authority shall have regard to—
  (a) any objectives determined by the Secretary of State under section 14;
  (b) the objectives determined, and performance targets established, by the Authority under section 15;
  (c) the annual policing plan issued by the Authority under section 17;
  (d) the statement of principles issued under section 37;
  (e) any code of practice issued by the Secretary of State under section 38.

Commencement Information

I2 S. 2 partly in force; s. 2 not in force at Royal Assent see s. 75(1); s. 2(5)(a)-(c) in force at 8.10.1998 by S.R. 1998/346, **art. 3**; s. 2(5)(d)(e) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4); s. 2(1)(2)(3)(4)(b) in force at 1.4.1999 insofar as not already in force by S.R. 1999/176, **art. 3** (with art. 4)

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VALID FROM 01/04/1999

3 Staff of the Police Authority.

(1) The Police Authority, with the approval of the Secretary of State, shall appoint a chief executive officer who shall be secretary to the Authority and carry out such other functions as may be assigned to him by the Authority.

(2) The terms and conditions of service of the chief executive officer of the Police Authority shall be such as the Authority may, with the approval of the Secretary of State, determine.

(3) The Police Authority may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to assist the police force or otherwise to enable the Authority to discharge its functions.

(4) The Police Authority may make arrangements for administrative, secretarial or other assistance to be provided for the Authority by persons employed in the civil service.

(5) Subject to subsection (6), the following functions of the Police Authority shall be exercised, on behalf of and in the name of the Police Authority, by the Chief Constable, namely—

(a) the power to engage and dismiss employees under subsection (3), the power to direct and control such employees and all other powers and duties of the Authority as employer of such employees; and

(b) the power to direct and control persons providing assistance to the Authority in pursuance of arrangements under subsection (4).

(6) Subsection (5) does not apply to such of the persons employed by, or engaged in pursuance of arrangements under subsection (4) in providing assistance to, the Police Authority as may be determined by the Authority with the approval of the Secretary of State.

(7) Persons who—

(a) are employed by, or engaged in pursuance of arrangements under subsection (4) in providing assistance to, the Police Authority; and

(b) are by virtue of subsection (5) subject to the direction and control of the Chief Constable,

are referred to in this Act as the "police service staff" of the Authority.

VALID FROM 01/04/1999

4 Power to transfer staff to employment of Police Authority.

(1) The Secretary of State may by regulations provide for the transfer to the employment of the Police Authority of any person to whom this section applies.

(2) Subject to subsection (3), this section applies to any person who immediately before such date as may be prescribed in regulations under subsection (1) ("the prescribed date") is—

(a) employed in the civil service; and

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(b) engaged, in pursuance of arrangements under section 3(4), in providing assistance to the Police Authority.

(3) This section does not apply to a person if—

(a) his employment in the civil service terminates on the day immediately before the prescribed date; or

(b) he is withdrawn from work with the Authority with effect from the prescribed date.

(4) Subsections (5) and (6) of section 3 shall apply in relation to persons transferred to the employment of the Authority under this section as they apply in relation to persons employed by the Authority under subsection (3) of that section.

(5) Before making any regulations under this section the Secretary of State shall consult—

(a) the Police Authority;

(b) the Chief Constable; and

(c) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

VALID FROM 01/04/1999

5 Provision and maintenance of buildings and equipment.

(1) Subject to the following provisions of this section, the Police Authority may for the purposes of its functions provide and maintain buildings and equipment.

(2) Subject to the following provisions of this section, the powers of the Police Authority under this section in so far as they relate to the provision or maintenance of buildings and equipment wholly or mainly for police purposes shall be exercised, on behalf of and in the name of the Authority, by the Chief Constable.

(3) Subsection (2) does not apply—

(a) to such buildings or equipment, or buildings or equipment of such description, as the Secretary of State may direct; or

(b) in such circumstances or cases as the Secretary of State may direct.

(4) For the purposes of this section the decision of the Secretary of State as to whether any building or equipment is provided or maintained wholly or mainly for police purposes shall be final.

(5) The Police Authority may enter into arrangements with any other person for the maintenance, on such terms as the Authority with the approval of the Secretary of State may determine, of equipment used by that person; and maintenance of equipment carried out in pursuance of any such arrangements shall be treated for the purposes of this section as maintenance of equipment wholly for police purposes.

(6) Nothing in this section confers power to acquire or hold land.

(7) The power conferred by this section to provide buildings shall not be exercised except with the consent of the Secretary of State.

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(8) The power conferred by this section to provide equipment is subject to any regulations under section 40.

(9) The power conferred by this section to provide buildings or equipment includes power to enter into a contract with another person for the provision or making available of buildings or equipment together with any services relating to such buildings or equipment.

VALID FROM 01/04/1999

6 Acquisition and disposal of land by Police Authority.

(1) For the purposes of its functions, the Police Authority may, with the consent of the Secretary of State, acquire, hold and dispose of land.

(2) The consent of the Secretary of State under subsection (1) may be given—
- (a) either generally or in particular cases or descriptions of case; and
- (b) subject to conditions specified therein.

(3) The power of the Police Authority to acquire land includes power to acquire it compulsorily in accordance with subsections (4) and (5).

(4) Where the Police Authority proposes to acquire any land compulsorily it may apply to the Secretary of State for an order ("a vesting order") vesting that land in the Authority and the Secretary of State may make such an order.

(5) Schedule 6 to the [M2]Local Government Act Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—
- (a) for any reference to the council there shall be substituted a reference to the Police Authority;
- (b) for any reference to the Ministry concerned there shall be substituted a reference to the Secretary of State;
- (c) for any reference to that Act there shall be substituted a reference to this Act;
- (d) in paragraph 6(2) for the words from "the fund" to the end there shall be substituted the words " funds of the Police Authority (in this Schedule referred to as "the compensation fund"), and shall be discharged by payments made by the Police Authority "; and
- (e) in paragraph 12(2) for "the clerk of the council" there shall be substituted " such person as may be designated for the purposes of this Schedule by the Police Authority ".

Marginal Citations

M2 1972 c. 9 (N.I.).

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7 Arrangements for obtaining the views of the public on policing.

(1) The Police Authority shall make arrangements for obtaining—
  (a) the views of the public about matters concerning policing; and
  (b) the co-operation of the public with the police in preventing crime.

(2) Before making any arrangements under this section the Police Authority shall—
  (a) consult the Chief Constable as to the arrangements that would be appropriate; and
  (b) consult each district council in Northern Ireland as to the arrangements that would be appropriate for its district.

(3) The Police Authority shall from time to time review the arrangements made under this section.

(4) If it appears to the Secretary of State that arrangements made under this section are not adequate for the purposes set out in subsection (1), he may require the Police Authority to review the arrangements and submit a report to him concerning the arrangements.

(5) When reviewing arrangements under subsection (3) or (4) the Police Authority shall be under the same duty to consult as when making the arrangements.

(6) A district council may make arrangements for enabling questions on the discharge of the functions of the Police Authority to be put by members of the council at a meeting of the council for answer by a person nominated by the Police Authority for that purpose.

(7) On being given reasonable notice by a district council of a meeting of that council at which questions on the discharge of the Authority's functions are to be put, the Police Authority shall nominate one or more of its members to attend the meeting to answer those questions.

8 Provision of advice and assistance to international organisations, etc.

(1) Subject to the provisions of this section, the Police Authority may provide advice and assistance to—
  (a) an international organisation or institution; or
  (b) any other person or body engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the Police Authority or the Chief Constable.

(2) The power conferred on the Police Authority by subsection (1) includes a power to make arrangements under which a member of the Royal Ulster Constabulary is engaged for a period of temporary service with a body or person within paragraph (a) or (b) of that subsection.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State which may be given subject to such conditions as appear to him to be appropriate.

(4) Nothing in this section authorises the Police Authority to provide any financial assistance by making a grant or loan or giving a guarantee or indemnity.

(5) The Police Authority may make charges for advice or assistance provided by it under this section.

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(6) This section is without prejudice to section 10 of the [M3]Overseas Development and Co-operation Act 1980.

Marginal Citations

M3 1980 c. 63.

VALID FROM 01/04/1999

9 Grants to, and borrowing by, the Police Authority.

(1) The Secretary of State shall for each financial year make to the Police Authority—
- (a) a grant for police purposes; and
- (b) a grant for general administrative purposes of the Authority.

(2) A grant under this section—
- (a) shall be of such amount;
- (b) shall be paid at such time, or in instalments of such amounts and at such times; and
- (c) shall be made on such conditions,

as the Secretary of State may determine.

(3) A time determined under subsection (2)(b) may fall within or after the financial year concerned.

(4) Subject to subsections (5) and (6), the Police Authority may borrow, by way of temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require for the purpose of defraying expenses pending the receipt of moneys receivable by the Authority.

(5) The total amount outstanding on foot of borrowings under subsection (4) shall not at any time exceed such sum as the Secretary of State may specify to the Authority in writing.

(6) Any sum borrowed under subsection (4) shall be repaid before the end of the financial year in which it is borrowed.

(7) The Police Authority may, with the prior consent of the Secretary of State, borrow or raise money on such terms and subject to such conditions as the Secretary of State may approve upon the security of any property or assets of the Authority for all or any of the following purposes—
- (a) meeting expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital;
- (b) redeeming any loan previously borrowed or raised under this section; or
- (c) any other purpose for which capital moneys may properly be applied.

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VALID FROM 01/04/1999

10 Funding of Police Authority – ancillary provisions.

(1) The Police Authority shall—

(a) prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct, estimates of the receipts and payments of the Authority—

(i) for police purposes; and

(ii) for general administrative purposes of the Authority,

during such period as may be specified in the direction; and

(b) submit to the Secretary of State such other information relating to those estimates as he may require.

(2) A draft of the estimates of receipts and payments for police purposes shall be submitted by the Chief Constable to the Police Authority.

(3) The estimates of receipts and payments for police purposes submitted by the Police Authority under subsection (1) shall be either—

(a) in the form of the draft submitted under subsection (2); or

(b) in that form with such amendments as the Authority may, after consultation with the Chief Constable, determine.

(4) The Police Authority shall comply with such directions as the Secretary of State may give as to the application of moneys received by the Authority otherwise than by way of grant under section 9(1); and to the extent that any statutory provision or any such direction does not require moneys so received to be applied in a particular manner or for a particular purpose, the Authority shall apply those moneys for police purposes.

(5) The Police Authority shall in each financial year put at the disposal of the Chief Constable—

(a) an amount equal to the amount of the grant for police purposes received in that year by the Authority under section 9(1); and

(b) any amount received by the Authority in that year which is required to be applied for police purposes—

(i) by subsection (4) or directions under that subsection; or

(ii) by any other statutory provision.

VALID FROM 01/04/1999

11 Charges for special services.

The Chief Constable may, at the request of any person, provide special police services subject to the payment to the Police Authority of such charges, or charges on such scales, as may be determined by the Authority with the approval of the Secretary of State.

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VALID FROM 01/04/1999

12 Accounts and audit.

(1) The Police Authority shall—
- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may direct.

(3) The Police Authority shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the statement relates as the Secretary of State may direct.

(4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under this section; and
- (b) lay copies of the statement of accounts and of his report before each House of Parliament.

VALID FROM 01/04/1999

13 Rewards for diligence.

The Police Authority may, on the recommendation of the Chief Constable, pay to members of the Northern Ireland Police Service rewards for exceptional diligence or other specially meritorious conduct.

PART II

POLICING OBJECTIVES, PERFORMANCE TARGETS AND PLANS

14 Setting of policing objectives by Secretary of State.

(1) The Secretary of State may determine, and from time to time revise, objectives for the policing of Northern Ireland.

(2) Before determining or revising any objectives under this section, the Secretary of State shall consult—
- (a) the Police Authority;
- (b) the Chief Constable; and
- (c) such other persons as he thinks appropriate.

(3) Objectives shall be determined under this section by reference to a period (not being less than 3 years nor more than 5 years) specified therein.

(4) The Secretary of State shall lay before both Houses of Parliament a copy of any objectives determined or revised by him under this section.

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(5) References in other provisions of this Act to objectives determined under this section shall, where objectives so determined have been revised, be read as references to such objectives as revised .

15 Setting of policing objectives and performance targets by Police Authority.

(1) The Police Authority shall, before the beginning of each financial year, determine objectives for the policing of Northern Ireland during that year.

(2) Objectives determined under this section may relate to matters to which objectives determined under section 14 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section.

(3) Before determining objectives under this section, the Police Authority shall—
  (a) consult the Chief Constable; and
  (b) consider any views obtained by the Authority in accordance with arrangements made under section 7.

(4) The Police Authority shall establish levels of performance ("performance targets") to be aimed at in seeking to achieve—
  (a) any objectives established by the Secretary of State under section 14; and
  (b) the objectives determined by the Authority for a financial year under this section.

(5) Performance targets under paragraph (a) of subsection (4) shall be established before the beginning of the period specified in the objectives in question by virtue of section 14(3); and performance targets under paragraph (b) of that subsection shall be established before the beginning of the financial year in question.

16 The Chief Constable's strategic policing plan.

(1) The Chief Constable shall, after consultation with the Secretary of State and the Police Authority, issue a plan ("the strategic policing plan") setting out the proposed arrangements for the policing of Northern Ireland during such period (not being less than 3 years nor more than 5 years) as is specified in the plan.

(2) The strategic policing plan shall include a statement of the Chief Constable's priorities for the period covered by the plan, of the financial resources expected to be available to him and of the proposed allocation of those resources by him, and shall give particulars of—
  (a) any objectives determined by the Secretary of State under section 14;
  (b) any objectives determined by the Police Authority under section 15; and
  (c) any performance targets established by the Police Authority under that section.

(3) Where the Secretary of State revises any objectives determined by him under section 14, the Chief Constable shall, after consultation with the Secretary of State and the Police Authority, amend the strategic policing plan in such manner as appears to him to be appropriate.

(4) The Chief Constable shall—
  (a) arrange for every strategic policing plan issued or revised by him under this section to be published in such manner as appears to him to be appropriate; and

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(b) send a copy of every plan so issued or revised to the Secretary of State and the Police Authority.

17 The Police Authority's annual policing plan.

(1) The Police Authority shall, before the beginning of each financial year, issue a plan ("the annual policing plan") setting out the proposed arrangements for the policing of Northern Ireland during that year.

(2) The annual policing plan shall include a statement of the Police Authority's priorities for the year, of the financial resources expected to be available to the Authority and of the proposed allocation of those resources by the Authority, and shall give particulars of—

(a) any objectives determined by the Secretary of State under section 14;

(b) any objectives determined by the Police Authority under section 15; and

(c) any performance targets established by the Police Authority under that section.

(3) A draft of the annual policing plan shall be submitted by the Chief Constable to the Police Authority for it to consider.

(4) The Police Authority may adopt an annual policing plan either—

(a) in the form of the draft submitted under subsection (3); or

(b) with such amendments as the Authority may, after consultation with the Chief Constable, determine.

(5) Before issuing an annual policing plan adopted by it under subsection (4), the Police Authority shall consult the Secretary of State.

(6) The Police Authority shall arrange for every annual policing plan issued by it under this section to be published in such manner as appears to it to be appropriate.

PART III

THE POLICE FORCE

18 General functions of the police force.

(1) It shall be the general duty of members of the police force—

(a) to protect life and property;

(b) to preserve order;

(c) to prevent the commission of offences;

(d) where an offence has been committed, to take measures to bring the offender to justice.

(2) A member of the police force shall have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom waters.

(3) In subsection (2)—

(a) the reference to the powers and privileges of a constable is a reference to all the powers and privileges for the time being exercisable by a constable whether at common law or under any statutory provision;

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(b) "United Kingdom waters" means the sea and other waters within the seaward limits of the territorial sea;

and that subsection, so far as it relates to the powers under any statutory provision, makes them exercisable throughout the adjacent United Kingdom waters whether or not the statutory provision applies to those waters apart from that subsection.

(4) Section 19 of the [M4]Northern Ireland Constitution Act 1973 (discrimination by public authorities) shall apply to members of the police force in the discharge of their functions as such.

Marginal Citations

M4 1973 c. 36

19 General functions of Chief Constable.

(1) The police force shall be under the direction and control of the Chief Constable.

(2) In discharging his functions, the Chief Constable shall have regard to—

(a) the annual policing plan issued under section 17; and

(b) the statement of principles issued under section 37.

Commencement Information

I3 S. 19 wholly in force at 1.4.1999; s. 19 not in force at Royal Assent see s. 75(1); s. 19(2)(a) in force at 8.10.1998 by S.R. 1998/346, **art. 3**: s. 19(2) in force at 9.2.1999 insofar as not already in force by S.R. 1999/48, **art. 3** (with s. 4); s. 19 in force at 1.4.1999 insofar as not already in force by S.R 1999/176, art. 3 (with art. 4)

VALID FROM 01/04/1999

20 Exercise of functions of Chief Constable in cases of absence, incapacity, etc.

(1) The Chief Constable shall, after consulting the Police Authority, designate a senior officer to exercise all the functions of the Chief Constable—

(a) during any absence, incapacity or suspension from duty of the Chief Constable; or

(b) during any vacancy in the office of Chief Constable.

(2) No more than one senior officer shall be authorised to act by virtue of a designation under subsection (1) at any one time; and an officer so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding 3 months except with the consent of the Secretary of State.

(3) Subsection (1) is in addition to, and not in substitution for, any other statutory provision which makes provision for the exercise by any other person of functions of the Chief Constable.

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VALID FROM 01/04/1999

21 Appointment and removal of senior officers of RUC.

(1) The Police Authority shall, subject to the approval of the Secretary of State, appoint the Chief Constable.

(2) The Police Authority shall, subject to the approval of the Secretary of State and after consultation with the Chief Constable, appoint the other senior officers of the Royal Ulster Constabulary.

(3) The Police Authority—

(a) may, with the approval of the Secretary of State, call upon any senior officer of the Royal Ulster Constabulary to retire in the interests of efficiency or effectiveness; and

(b) without prejudice to the generality of paragraph (a), shall, if required by the Secretary of State, call upon the Chief Constable so to retire.

(4) Before granting his approval under subsection (3)(a) or making any requirement under subsection (3)(b) in relation to a senior officer, the Secretary of State shall—

(a) give the officer an opportunity to make, either personally or otherwise, representations to him; and

(b) where any such representations are made—

(i) appoint a person or persons to hold an inquiry and to report to him; and

(ii) consider any report so made.

(5) A copy of any report made under subsection (4) shall be made available to the senior officer concerned.

(6) The person appointed under subsection (4)(b) (or where two or more persons are so appointed, at least one of those persons) shall be a person who is not a member of the police force or a person employed in the civil service.

(7) The costs incurred in respect of an inquiry under this section shall be defrayed by the Secretary of State.

(8) A senior officer who is called upon to retire under this section shall retire—

(a) in the case of the Chief Constable, on such date as the Secretary of State may specify; and

(b) in the case of any other senior officer, on such date as the Police Authority may specify,

or (in either case) on such earlier date as may be agreed between the officer and the Police Authority.

(9) This section has effect subject to any regulations made under section 25.

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VALID FROM 01/04/1999

22 Appointment and promotion of other members of RUC.

Appointments and promotions to any rank in the Royal Ulster Constabulary other than that of a senior officer shall be made, in accordance with regulations under section 25, by the Chief Constable.

VALID FROM 01/04/1999

23 Reserve constables.

The Chief Constable may, in accordance with regulations under section 26, appoint reserve constables and such reserve constables shall be known as the Royal Ulster Constabulary Reserve.

24 Attestation of constables.

Every member of the police force shall, on appointment, be attested as a constable by making before a justice of the peace a declaration in the form set out in Schedule 2.

25 Regulations for RUC.

(1) Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of members of the Royal Ulster Constabulary.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—

(a) the ranks to be held by members of the Royal Ulster Constabulary;

(b) the qualifications for appointment and promotion of members of the Constabulary;

(c) periods of service on probation;

(d) voluntary retirement of members of the Constabulary;

(e) the conduct, efficiency and effectiveness of members of the Constabulary and the maintenance of discipline;

(f) the suspension or dismissal of members of the Constabulary from membership of that Constabulary and from the office of constable;

(g) the maintenance of personal records of members of the Constabulary;

(h) the duties which are or are not to be performed by members of the Constabulary;

(i) the treatment as occasions of police duty of attendance at meetings of the Police Association and of any body recognised by the Secretary of State for the purposes of section 35;

(j) the hours of duty, leave, pay and allowances of members of the Constabulary;

(k) the pensions and gratuities in respect of service as a member of the Constabulary (including provision for the recognition for the purposes of such

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pensions and gratuities of service otherwise than as a member of the police force and for the payment and receipt of transfer values or of other lump sums made for the purpose of creating or restoring rights to such pensions and gratuities); and

(l) the issue, use and return of equipment.

(3) Without prejudice to the powers conferred by this section, regulations under this section shall—

(a) establish, or make provision for the establishment of, procedures for cases in which a member of the Royal Ulster Constabulary may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and

(b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) is decided by the Police Authority.

(4) Without prejudice to the powers conferred by this section, regulations under this section shall provide for appeals to an appeals tribunal by members of the Royal Ulster Constabulary who are dismissed, required to resign or reduced in rank—

(a) in a case where there is no right of appeal to any other person, by a decision taken in proceedings under regulations made in accordance with subsection (3); and

(b) in a case where there is a right of appeal to another person, by a decision of that person.

(5) In relation to any matter as to which provision may be made by regulations under this section, the regulations may, subject to subsection (3)(b)—

(a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or

(b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank.

(7) Where regulations made in accordance with subsection (2)(a) vary the ranks held by members of the Royal Ulster Constabulary, the regulations may make such amendments as appear to the Secretary of State to be necessary or expedient to any statutory provision (including this Act) containing a reference to any rank held by a member of that Constabulary.

(8) The Secretary of State shall consult both the Police Authority and the Police Association before making any regulations under this section, other than regulations made by virtue of subsection (2)(j), (k) or (l).

Modifications etc. (not altering text)

C2 S. 25 restricted (4.11.2001) by S.I. 1976/1042 (N.I. 15), **art. 84(2)** (as inserted (4.11.2001) by 2000 c. 32, s. 74, **Sch. 5 para. 1(4)**; S.R. 2001/396, art. 2, **Sch.**)

Status: *Point in time view as at 01/03/1999. This version of this Act contains provisions that are not valid for this point in time.*
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Commencement Information

I4 S. 25 partly in force; s. 25 not in force at Royal Assent see s. 75(1); s. 25(1)-(3)(5)-(8) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4)

26 Regulations for RUC Reserve.

(1) The Secretary of State may make regulations as to the government, administration and conditions of service of reserve constables.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision with respect to—

(a) the ranks to be held by reserve constables;

(b) the appointment and promotion of reserve constables;

(c) the retirement of reserve constables;

(d) the conduct, efficiency and effectiveness of reserve constables and the maintenance of discipline;

(e) the suspension or dismissal of reserve constables from their office;

(f) the remuneration and allowances of reserve constables; and

(g) the application to reserve constables, subject to such modifications as may be prescribed by the regulations, of any provision made under section 25 or any other statutory provision with respect to pensions payable to or in respect of members of the Royal Ulster Constabulary.

(3) Without prejudice to the powers conferred by this section, regulations under this section shall establish, or make provision for the establishment of, procedures for cases in which a reserve constable may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.

(4) Without prejudice to the powers conferred by this section, regulations under this section shall provide for appeals to an appeals tribunal by reserve constables who are dismissed, required to resign or reduced in rank—

(a) in a case where there is no right of appeal to any other person, by a decision taken in proceedings under regulations made in accordance with subsection (3); and

(b) in a case where there is a right of appeal to another person, by a decision of that person.

(5) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

(a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or

(b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(6) The Secretary of State shall consult both the Police Authority and the Police Association before making any regulations under this section.

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Commencement Information

I5 S. 26 partly in force; s. 26 not in force at Royal Assent see s. 75(1), s. 26(1)-(3)(5)(6) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4)

27 Members of RUC engaged on other police service.

(1) For the purposes of this section "relevant service" means—

(a) service in a police force in Great Britain, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable and the Secretary of State;

(b) temporary service with the National Criminal Intelligence Service on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable;

(c) temporary service with the Police Information Technology Organisation on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable;

(d) temporary service on which a member of the Royal Ulster Constabulary is engaged in accordance with arrangements under section 8 of this Act;

(e) temporary service as an inspector of constabulary under section 56 of the [M5]Police Act 1996 on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable;

(f) temporary service under the Crown in connection with the provision by the Secretary of State of such organisations and services as are described in section 57 of the [M6]Police Act 1996, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable;

(g) service the expenses of which are payable under section 1(1) of the [M7]Police (Overseas Service) Act 1945, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; or

(h) service pursuant to an appointment under section 10 of the [M8]Overseas Development and Co-operation Act 1980, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable.

(2) In this section "member of the Royal Ulster Constabulary" does not include the Chief Constable.

(3) Subject to subsections (4) to (7), a member of the Royal Ulster Constabulary engaged on relevant service shall be treated as if he were not a member of that Constabulary during that service; but, except where a pension, allowance or gratuity becomes payable to him by virtue of regulations under section 25—

(a) he shall be entitled at the end of the period of relevant service to revert to that Constabulary in the rank in which he was serving immediately before that period began; and

(b) he shall be treated as if he had been serving in that Constabulary during the period of relevant service for the purpose of any scale prescribed by or under regulations made under section 25 fixing his rate of pay by reference to his length of service.

(4) A member of the Royal Ulster Constabulary may, when engaged on relevant service, be promoted in that Constabulary, as if he were serving in it; and in any such case—

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(a) the reference in paragraph (a) of subsection (3) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted; and

(b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.

(5) A member of the Royal Ulster Constabulary who—

(a) while engaged on relevant service within subsection (1)(a), is dismissed from that service or is required to resign as an alternative to dismissal; or

(b) has completed a period of relevant service within subsection (1)(b), (c), (d), (e), (f) or (h); or

(c) while engaged on relevant service within subsection (1)(g), is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the [M9]Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal,

may be dealt with under regulations made in accordance with section 25(3) for anything done or omitted while he was engaged on that service as if that service had been service in the Royal Ulster Constabulary.

(6) For the purposes of subsection (5)(a), a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified if it is given by or on behalf of the chief officer of the police force in which that person was engaged in relevant service.

(7) A member of the Royal Ulster Constabulary engaged on relevant service within subsection (1)(b) or (c)—

(a) shall continue to be a constable; and

(b) shall be treated for the purposes of sections 18, 32, 33, 35 and 67 of this Act as if he were a member of that Constabulary.

(8) The Secretary of State shall be liable in respect of torts committed by a member of the Royal Ulster Constabulary engaged on relevant service within subsection (1)(e) or (f) in the performance or purported performance of his functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

Marginal Citations

M5 1996 c. 16.
M6 1996 c. 16.
M7 1945 c. 17.
M8 1980 c. 63.
M9 1945 c. 17.

28 The RUC Fund.

(1) The Secretary of State may by regulations provide—

(a) for the establishment, maintenance and operation of the Royal Ulster Constabulary Fund; and

(b) for the payment into that fund of—

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(i) fines imposed on members of the police force in disciplinary proceedings; and

(ii) such other moneys as may be specified in the regulations.

(2) The Secretary of State shall consult both the Police Authority and the Police Association before making any regulations under this section.

VALID FROM 01/04/1999

29 Liability for wrongful acts of constables.

(1) The Chief Constable shall be liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(2) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5)—

(a) any damages or costs awarded against the Chief Constable in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in those proceedings; and

(b) any sum required in connection with the settlement of any claim made against the Chief Constable by virtue of this section, if the settlement is approved by the Police Authority.

(3) The Chief Constable 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 a tort committed by that member;

(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, if the settlement is approved by the Police Authority.

(4) The Chief Constable may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in subsection (3).

(5) This section applies to persons serving with the Royal Ulster Constabulary by virtue of section 98 of the [M10]Police Act 1996 or section 23 of the [M11]Police Act 1997 as it applies to members of the police force.

Modifications etc. (not altering text)

C3 S. 29 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(i)**; S.R. 2001/132, art. 2, **Sch.**

Marginal Citations

M10 1996 c. 16.

M11 1997 c. 50.

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30 Protection of members of the police force in executing warrants.

(1) No action shall be brought against a member of the police force in respect of any act done in execution of a warrant by reason of—
  (a) any irregularity in the issuing of the warrant; or
  (b) any lack of jurisdiction in the person who issued it.

(2) Where any such action is commenced, the judge may, on an application by the defendant supported by an affidavit of facts, order that the proceedings in such action be set aside with or without costs.

VALID FROM 01/04/1999

31 Property coming into the possession of the police.

(1) Where any property has come into the possession of the police in connection with their investigation of a suspected offence, a court of summary jurisdiction, on an application under this subsection, may—
  (a) make an order for the delivery of the property to the person appearing to the court to be the owner of the property; or
  (b) where the owner cannot be ascertained, make such order with respect to the property as the court thinks fit.

(2) An application under subsection (1) in relation to any property may be made—
  (a) by a member of the police force; or
  (b) by a person claiming an interest in the property.

(3) An order under subsection (1) does not affect the right of any person to take, within 6 months from the date of the order, legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property; but, on the expiration of that period, the right shall cease.

(4) The Secretary of State may make regulations for the disposal of property which has come into the possession of the police (whether as mentioned in subsection (1) or otherwise), in cases where—
  (a) the owner of the property has not been ascertained; and
  (b) no order of a competent court has been made with respect to the property.

(5) Regulations under subsection (4) may—
  (a) authorise the sale of property;
  (b) authorise the application of any money which has come into the possession of the police as mentioned in that subsection and the proceeds of any such sale as is mentioned in paragraph (a)—
    (i) to defray expenses incurred under the regulations;
    (ii) to pay reasonable compensation to persons by whom property has been delivered to the police; and
    (iii) for such other purposes as may be specified in or determined under the regulations;
  (c) provide that where, in the case of property other than money—
    (i) the property has remained in the possession of the police for at least a year;

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(ii) the police would under the regulations have power to sell the property;

(iii) in the opinion of the Police Authority, the property can be used for police purposes; and

(iv) the Police Authority determines, in such manner as may be prescribed by the regulations, that the property is to be retained by the Authority,

the Police Authority is to become the owner of the property on the making of the determination or at such later time as the regulations may specify;

(d) in relation to property which is in the possession of the police by virtue of Article 11 of the [M12]Criminal Justice (Northern Ireland) Order 1994, make (subject to subsection (6)) provision for disposal (including disposal by vesting in the Police Authority) in cases where no application under subsection (1) by a claimant of the property has been made within 6 months from the date on which the order was made or no such application has succeeded;

(e) provide for the publication of determinations under paragraph (c)(iv).

(6) Regulations under subsection (4) may not provide for the vesting in the Police Authority of property in relation to which an order has been made under Article 12 of the [M13]Criminal Justice (Northern Ireland) Order 1994.

(7) Except as provided by subsection (8), property shall not be sold unless it has remained in the possession of the police for at least a year.

(8) Property may be sold at any time if—

(a) the property is perishable; or

(b) custody of the property would involve unreasonable expense or inconvenience,

but the proceeds of sale shall not be disposed of unless they have remained in the possession of the police for at least a year.

(9) Where property is in the possession of the police by virtue of Article 11 of the [M14]Criminal Justice (Northern Ireland) Order 1994—

(a) no application shall be made under subsection (1) by any claimant after the expiration of 6 months from the date on which the order in respect of the property was made under that Article;

(b) no such application shall succeed unless the claimant satisfies the court either—

(i) that he had not consented to the offender having possession of the property; or

(ii) where an order is made under paragraph (1)(a) of that Article, that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in that sub-paragraph.

Marginal Citations

M12 1994 NI 15.

M13 1994 NI 15.

M14 1994 NI 15.

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PART IV

POLICE REPRESENTATIVE INSTITUTIONS

32 Police Association for Northern Ireland.

(1) There shall continue to be a Police Association for Northern Ireland for the purpose of representing members of the police force in all matters affecting their welfare and efficiency, except for—

(a) questions of promotion affecting individuals; and

(b) (subject to subsection (2)) questions of discipline affecting individuals.

(2) The Police Association may represent a member of the police force at any proceedings brought under regulations made in accordance with section 25(3) or 26(3) or on an appeal from any such proceedings.

(3) Except on such an appeal or as provided by regulations made as mentioned in subsection (2), a member of the police force may only be represented under subsection (2) by another member of the police force.

(4) The Police Association shall be entirely independent of, and subject to subsection (5) unassociated with, any body or person outside the police services of the United Kingdom, but may employ persons outside those services in an administrative or advisory capacity.

(5) The Secretary of State—

(a) may authorise the Police Association or a section thereof to be associated with a person or body outside the police services of the United Kingdom in such cases and manner, and subject to such conditions and restrictions, as he may specify; and

(b) may vary or withdraw an authorisation previously given;

and anything for the time being so authorised shall not be precluded by subsection (4).

Modifications etc. (not altering text)

C4 S. 32 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(ii)**; S.R. 2001/132, art. 2, **Sch.**

33 Regulations for Police Association.

(1) The Secretary of State may by regulations—

(a) prescribe the constitution and proceedings of the Police Association and of the sections thereof; or

(b) authorise any such section to make rules concerning such matters relating to its constitution and proceedings as may be specified in the regulations.

(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—

(a) with respect to the membership of the Police Association;

(b) with respect to the raising of funds by the Police Association by voluntary subscription and the use and management of funds derived from such subscriptions;

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(c) with respect to the manner in which representations may be made by the Police Association, or any section thereof, to the Police Authority, the Chief Constable or the Secretary of State;

(d) for the payment by the Secretary of State of expenses incurred in connection with the Police Association;

(e) for modifying any regulations under section 25 or 26 in relation to any member of the police force who is the secretary or an officer of the Police Association and for requiring the Police Association to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.

(3) Before making any regulations under this section the Secretary of State shall consult the Police Association.

34 The Police Negotiating Board for the United Kingdom.

(1) In section 62(1) of the [M15]Police Act 1996 (Secretary of State to take into account recommendations made by the Police Negotiating Board for the United Kingdom before making regulations with respect to hours of duty, leave, pay and allowances or the issue, use and return of police clothing, personal equipment and accoutrements and to supply the Board with a draft of the regulations) for paragraph (c) there shall be substituted—

"(c) regulations under section 25 of the Police (Northern Ireland) Act 1998;".

(2) In section 62(3) of the [M16]Police Act 1996 (no regulations relating to pensions to be made except after consultation with the Police Negotiating Board for the United Kingdom) for the words "section 10(4) or 25 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 25 of the Police (Northern Ireland) Act 1998 ".

Marginal Citations

M15 1996 c. 16.

M16 1996 c. 16.

35 Membership of trade unions.

(1) Subject to the following provisions of this section, a member of the police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force.

(2) Where a person was a member of a trade union before becoming a member of the police force he may, with the consent of the Chief Constable, continue to be a member of that union during the time of his service in the police force.

(3) In this section "trade union" has the meaning assigned to it by Article 3(1) of the [M17]Industrial Relations (Northern Ireland) Order 1992; and if any question arises whether any body is a trade union or an association to which this section applies, the question shall be determined by the Certification Officer for Northern Ireland.

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(4) Nothing in this section applies to membership of the Police Association or of any body recognised by the Secretary of State for the purposes of this section as representing members of the police force who are not members of the Police Association.

Modifications etc. (not altering text)

C5 S. 35 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(iii)**; S.R. 2001/132, art. 2, **Sch.**

Marginal Citations

M17 1992 NI 5.

PART V

FUNCTIONS OF SECRETARY OF STATE

VALID FROM 01/04/1999

36 General duty of Secretary of State.

The Secretary of State shall exercise his powers under this Act in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the Northern Ireland Police Service.

37 Statement of policing principles.

(1) For the purpose of providing a common set of aims, values and aspirations in connection with the exercise of their respective functions under this Act by—
  (a) the Secretary of State;
  (b) the Police Authority; and
  (c) the Chief Constable,

the Secretary of State shall issue a statement of the principles on which the policing of Northern Ireland is to be conducted.

(2) A statement issued under this section shall include the principle that the policing of Northern Ireland is to be conducted in an impartial manner.

(3) Before issuing a statement under this section, the Secretary of State shall consult—
  (a) the Police Authority; and
  (b) the Chief Constable.

(4) The Secretary of State shall lay before both Houses of Parliament any statement of principles issued by him under this section.

38 Codes of practice.

(1) The Secretary of State may issue, and from time to time revise, codes of practice relating to the discharge by the Police Authority of any of its functions.

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(2) Before issuing or revising a code of practice under this section, the Secretary of State shall consult the Police Authority.

(3) The Secretary of State shall publish a copy of any code of practice and of any revision of a code of practice issued by him under this section in such manner as he thinks appropriate.

39 Guidance as to exercise of functions by police force.

(1) The Secretary of State may issue, and from time to time revise, general guidance as to the exercise by members of the police force of any of their functions.

(2) Before issuing or revising any guidance under this section, the Secretary of State shall consult—
- (a) the Police Authority;
- (b) the Chief Constable; and
- (c) the Police Association.

(3) The Secretary of State shall publish any guidance issued by him under this section in such manner as he thinks appropriate.

VALID FROM 01/04/1999

40 Power to require use by police of specified facilities, equipment or services.

(1) The Secretary of State may by regulations make provision for requiring the police force to use specified facilities, equipment or services, or facilities, equipment or services of a specified description, if he considers that it would be in the interests of the efficiency or effectiveness of the police force for it to do so.

(2) Before making any regulations under this section, the Secretary of State shall consult—
- (a) the Police Authority;
- (b) the Chief Constable; and
- (c) the Police Association.

(3) Before making any regulations under this section relating to information technology, the Secretary of State shall consult the Police Information Technology Organisation.

(4) In subsection (3) "information technology" includes any computer or other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.

Commencement Information

I6 S. 40 partly in force; s. 40 not in force at Royal Assent see s. 75(1); s. 40(1)(2) in force at 1.4.1999 by S.R. 1999/176, **art. 3** (with art. 4)

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41 Appointment of inspectors of constabulary.

(1) The Secretary of State may appoint from among Her Majesty's Inspectors of Constabulary appointed under section 54 of the [M18]Police Act 1996 such number of inspectors of constabulary for Northern Ireland as he may determine.

(2) The inspectors shall at least once in every year inspect and report to the Secretary of State on the efficiency and effectiveness of **[**[F1]—

(a) the Police Service of Northern Ireland;

(b) the Police Service of Northern Ireland Reserve;

(c) the police support staff; and

(d) traffic wardens.**]**

(3) The inspectors may inspect and report to the Secretary of State on the efficiency and effectiveness of the National Criminal Intelligence Service.

[[F2](4) The inspectors shall—

(a) if the Secretary of State so directs, carry out an inspection of the Board's compliance with the requirements of section 28 of the Police (Northern Ireland) Act 2000;

(b) carry out such other duties for the purpose of furthering the efficiency and effectiveness of the police, the police support staff and traffic wardens as the Secretary of State may from time to time direct;

(c) make such reports as the Secretary of State may from time to time direct.**]**

(5) Any expenditure incurred for the purposes of or in connection with an inspection under this section shall be defrayed by the Secretary of State.

Textual Amendments

F1 S. 41(2)(a)-(d) and "-" immediately preceding them substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(c)**; S.R. 2001/396, art. 2, **Sch.**

F2 S. 41(4) substituted (*prosp.*) by 2000 c. 32, **ss. 30(9)**, 79(1)

Marginal Citations

M18 1996 c. 16.

VALID FROM 01/04/1999

42 Publication of reports of inspectors of constabulary.

(1) Subject to subsection (2), the Secretary of State shall arrange for any report received by him under section 41(2) or (3) to be published in such manner as appears to him to be appropriate.

(2) The Secretary of State may exclude from publication under subsection (1) any part of a report if, in his opinion, the publication of that part—

(a) would be against the interests of national security or prejudicial to public order; or

(b) might jeopardise the safety of any person.

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(3) The Secretary of State shall send a copy of the published report to—
  (a) the Police Authority; and
  (b) the Chief Constable.

(4) The Police Authority shall invite the Chief Constable to submit comments on the published report to the Authority before such date as it may specify.

(5) The Police Authority shall prepare comments on the published report and shall arrange for—
  (a) its comments;
  (b) any comments submitted by the Chief Constable in accordance with subsection (4); and
  (c) any response which the Authority has to the comments submitted by the Chief Constable,

  to be published in such manner as appears to the Authority to be appropriate.

(6) The Police Authority shall send a copy of any document published under subsection (5) to the Secretary of State.

(7) Subsections (3) to (6) shall apply in relation to a report relating to the National Criminal Intelligence Service as if—
  (a) references to the Police Authority were references to the Service Authority for the National Criminal Intelligence Service; and
  (b) references to the Chief Constable were references to the Director General of the National Criminal Intelligence Service.

VALID FROM 01/04/1999

43 Criminal statistics.

(1) The Chief Constable shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in Northern Ireland as the Secretary of State may require.

(2) The Secretary of State shall cause an abstract of the information transmitted to him under this section to be prepared and published in such manner as he thinks appropriate.

VALID FROM 01/04/1999

44 Inquiries.

(1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with policing.

(2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.

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(3) Schedule 8 to the [M19]Health and Personal Social Services (Northern Ireland) Order 1972 (inquiries and investigations) shall apply to an inquiry under this section with the substitution for references to the Ministry of references to the Secretary of State.

(4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest.

Marginal Citations

M19 1972 NI 14.

VALID FROM 01/04/1999

45 Research and advice.

(1) The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency and effectiveness of the Northern Ireland Police Service.

(2) The Secretary of State may set up such bodies as appear to him to be necessary or expedient for the purpose of advising him on matters affecting the efficiency and effectiveness of the Northern Ireland Police Service.

VALID FROM 01/04/1999

46 Expenditure by Secretary of State for police purposes.

The Secretary of State may—

(a) make such contribution to the provision or maintenance of such organisations, facilities and services; and

(b) make such other payments,

as he thinks necessary or expedient for promoting the efficiency and effectiveness of the Northern Ireland Police Service.

PART VI

REPORTS

47 Annual and other reports by Police Authority to Secretary of State.

(1) The Police Authority shall, not later than 6 months after the end of each financial year, issue a report relating to the policing of Northern Ireland for the year.

(2) A report issued under subsection (1) for any year shall include—

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(a) an assessment of the extent to which the annual policing plan for that year issued under section 17 has been carried out; and

(b) an assessment—

(i) of the extent to which the membership of the police force is representative of the community in Northern Ireland; and

(ii) of the effectiveness of any measures taken by the Chief Constable with a view to securing that the membership of the police force is representative of that community.

(3) The Police Authority shall—

(a) arrange for every report issued under subsection (1) to be published in such manner as appears to it to be appropriate; and

(b) send a copy of the report to the Secretary of State.

(4) The Police Authority shall, whenever required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the Authority's functions, or otherwise with the policing of Northern Ireland, as may be specified in the requirement.

(5) A report under subsection (4) shall be made—

(a) in such form as may be specified in the requirement under that subsection; and

(b) within the period of one month from the date on which that requirement is made or within such longer period as may be agreed between the Police Authority and the Secretary of State.

(6) The Secretary of State may arrange, or require the Police Authority to arrange, for a report under subsection (4) to be published in such manner as appears to him to be appropriate.

48 Annual and other reports by Chief Constable to Police Authority.

(1) The Chief Constable shall, not later than 3 months after the end of each financial year, submit to the Police Authority a general report on the policing of Northern Ireland during that year.

(2) The Chief Constable shall arrange for a report submitted under subsection (1) to be published in such manner as appears to him to be appropriate.

(3) The Chief Constable shall, whenever so required by the Police Authority, submit to the Authority a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement.

(4) A report under subsection (3) shall be made—

(a) in such form as may be specified in the requirement under that subsection; and

(b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Police Authority.

(5) If it appears to the Chief Constable that a report in compliance with subsection (3) would contain information which—

(a) in the public interest ought not to be disclosed; or

(b) is not needed for the discharge of the functions of the Police Authority,

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he may request the Authority to refer the requirement to submit the report to the Secretary of State, and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.

(6) The Police Authority may arrange, or require the Chief Constable to arrange, for a report under subsection (3) to be published in such manner as appears to the Authority to be appropriate.

49 Reports by Chief Constable to Secretary of State.

(1) The Chief Constable shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement.

(2) A report under subsection (1) shall be made—
- (a) in such form as may be specified in the requirement under that subsection; and
- (b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Secretary of State.

(3) The Secretary of State may arrange, or require the Chief Constable to arrange, for a report under subsection (1) to be published in such manner as appears to the Secretary of State to be appropriate.

(4) The Chief Constable shall, at the same time as he submits a report to the Police Authority under section 48(1), submit the same report to the Secretary of State.

(5) The Secretary of State shall lay before both Houses of Parliament every report submitted to him under subsection (4).

VALID FROM 06/11/2000

PART VII

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

50 Interpretation of this Part.

(1) In this Part—

"the appropriate disciplinary authority" means—
- (a) in relation to a senior officer, the Police Authority; and
- (b) in relation to any other member of the police force, the Chief Constable;

"complaint" shall be construed in accordance with section 52(8);

"complainant" means the person by, or on behalf of whom, a complaint is made;

"disciplinary proceedings" means—
- (a) in relation to a member of the Royal Ulster Constabulary, proceedings identified as such by regulations under section 25;
- (b) in relation to a reserve constable, proceedings identified as such by regulations under section 26;

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"officer of the Ombudsman" means—

(a) a person employed by the Ombudsman under paragraph 3(1) of Schedule 3;

(b) a person providing assistance to the Ombudsman in pursuance of arrangements made under paragraph 3(2) of Schedule 3;

(c) a member of the police force on temporary service with the Ombudsman in accordance with arrangements under paragraph 5 of Schedule 3;

(d) a member of the police force providing assistance to the Ombudsman under paragraph 6 of Schedule 3;

(e) a member of a police force in Great Britain on temporary service with the Ombudsman in accordance with arrangements under paragraph 8 of Schedule 3;

"the Ombudsman" means the Police Ombudsman for Northern Ireland;

"police officer" means a member of—

(a) the police force; or

(b) a police force in Great Britain;

"prescribed" means prescribed by regulations under section 64;

"serious complaint" means a complaint—

(a) alleging that the conduct complained of resulted in the death of, or serious injury to, some person; or

(b) of such other description as may be prescribed;

"serious injury" means a fracture, damage to an internal organ or impairment of bodily function.

(2) Where a complaint is made orally, references in this Part to a complaint being referred to a body or person shall be read as references to particulars of the complaint being so referred.

51 The Police Ombudsman for Northern Ireland.

(1) For the purposes of this Part there shall be a Police Ombudsman for Northern Ireland.

(2) The person for the time being holding the office of Police Ombudsman for Northern Ireland shall by that name be a corporation sole.

(3) Schedule 3 shall have effect in relation to the Police Ombudsman for Northern Ireland (in this Part referred to as "the Ombudsman").

(4) The Ombudsman shall exercise his powers under this Part in such manner and to such extent as appears to him to be best calculated to secure—

(a) the efficiency, effectiveness and independence of the police complaints system; and

(b) the confidence of the public and of members of the police force in that system.

(5) The Independent Commission for Police Complaints for Northern Ireland is hereby abolished.

52 Complaints – receipt and initial classification of complaints.

(1) For the purposes of this Part, all complaints about the police force shall either—

(a) be made to the Ombudsman; or

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(b) if made to a member of the police force, the Police Authority or the Secretary of State, be referred immediately to the Ombudsman.

(2) Where a complaint—

(a) is made to the Chief Constable; and

(b) appears to the Chief Constable to be a complaint to which subsection (4) applies,

the Chief Constable shall take such steps as appear to him to be desirable for the purpose of preserving evidence relating to the conduct complained of.

(3) The Ombudsman shall—

(a) record and consider each complaint made or referred to him under subsection (1); and

(b) determine whether it is a complaint to which subsection (4) applies.

(4) Subject to subsection (5), this subsection applies to a complaint about the conduct of a member of the police force which is made by, or on behalf of, a member of the public.

(5) Subsection (4) does not apply to a complaint in so far as it relates to the direction and control of the police force by the Chief Constable.

(6) Where the Ombudsman determines that a complaint made or referred to him under paragraph (1) is not a complaint to which subsection (4) applies, he shall refer the complaint to the Chief Constable, the Police Authority or the Secretary of State as he thinks fit and shall notify the complainant accordingly.

(7) A complaint referred under subsection (6) shall be dealt with according to the discretion of the Chief Constable, the Police Authority or the Secretary of State (as the case may be).

(8) Subject to subsection (9), where the Ombudsman determines that a complaint made or referred to him under subsection (1) is a complaint to which subsection (4) applies, the complaint shall be dealt with in accordance with the following provisions of this Part; and accordingly references in those provisions to a complaint shall be construed as references to a complaint in relation to which the Ombudsman has made such a determination.

(9) If any conduct to which a complaint wholly or partly relates is or has been the subject of disciplinary or criminal proceedings, none of the following provisions of this Part shall have effect in relation to the complaint in so far as it relates to that conduct.

(10) In the case of a complaint made otherwise than as mentioned in subsection (2)(a), the Chief Constable shall, if so requested by the Ombudsman, take such steps as appear to the Chief Constable to be desirable for the purpose of preserving evidence relating to the conduct complained of.

53 Complaints – informal resolution.

(1) The Ombudsman shall consider whether the complaint is suitable for informal resolution and may for that purpose make such investigations as he thinks fit.

(2) A complaint is not suitable for informal resolution unless—

(a) the complainant gives his consent; and

(b) it is not a serious complaint.

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(3) If it appears to the Ombudsman that the complaint is suitable for informal resolution, he shall refer the complaint to the appropriate disciplinary authority.

(4) Where a complaint is referred under subsection (3), the appropriate disciplinary authority shall seek to resolve it informally and may appoint a member of the police force to do so on behalf of the authority.

(5) The Chief Constable shall, at the request of the Police Authority, provide a member of the police force to be appointed by the Police Authority under subsection (4).

(6) If, after attempts have been made to resolve a complaint informally, it appears to the appropriate disciplinary authority—
   (a) that informal resolution of the complaint is impossible; or
   (b) that the complaint is for any other reason not suitable for informal resolution,

   the appropriate disciplinary authority shall notify the Ombudsman accordingly and refer the complaint to him.

(7) Subject to subsection (8), no statement made by any person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.

(8) A statement is not rendered inadmissible by subsection (7) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.

54 Complaints – formal investigation.

(1) If—
   (a) it appears to the Ombudsman that a complaint is not suitable for informal resolution; or
   (b) a complaint is referred to the Ombudsman under section 53(6),

   the complaint shall be formally investigated as provided in subsection (2) or (3).

(2) Where the complaint is a serious complaint, the Ombudsman shall formally investigate it in accordance with section 56.

(3) In the case of any other complaint, the Ombudsman may as he thinks fit—
   (a) formally investigate the complaint in accordance with section 56; or
   (b) refer the complaint to the Chief Constable for formal investigation by a police officer in accordance with section 57.

55 Consideration of other matters by the Ombudsman.

(1) The Police Authority or the Secretary of State may refer to the Ombudsman any matter which—
   (a) appears to the Authority or the Secretary of State to indicate that a member of the police force may have—
      (i) committed a criminal offence; or
      (ii) behaved in a manner which would justify disciplinary proceedings; and
   (b) is not the subject of a complaint,

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if, after consultation with the Ombudsman and the Chief Constable, it appears to the Authority or the Secretary of State that it is desirable in the public interest that the Ombudsman should investigate the matter.

(2) The Chief Constable shall refer to the Ombudsman any matter which appears to the Chief Constable to indicate that conduct of a member of the police force may have resulted in the death of some other person.

(3) Where any matter is referred to the Ombudsman under subsection (1) or (2), he shall formally investigate the matter in accordance with section 56.

(4) The Chief Constable may refer to the Ombudsman any matter which—
- (a) appears to the Chief Constable to indicate that a member of the police force may have—
  - (i) committed a criminal offence; or
  - (ii) behaved in a manner which would justify disciplinary proceedings; and
- (b) is not the subject of a complaint,

if it appears to the Chief Constable that it is desirable in the public interest that the Ombudsman should investigate the matter.

(5) Where any matter is referred to the Ombudsman under subsection (4), he shall formally investigate the matter in accordance with section 56 if it appears to him that it is desirable in the public interest that he should do so.

(6) The Ombudsman may of his own motion formally investigate in accordance with section 56 any matter which—
- (a) appears to the Ombudsman to indicate that a member of the police force may have—
  - (i) committed a criminal offence; or
  - (ii) behaved in a manner which would justify disciplinary proceedings; and
- (b) is not the subject of a complaint,

if it appears to the Ombudsman that it is desirable in the public interest that he should do so.

(7) The Ombudsman shall notify—
- (a) the Police Authority or the Secretary of State, in the case of a matter referred under subsection (1);
- (b) the Chief Constable, in the case of a matter referred under subsection (2) or (4),

of the outcome of any criminal or disciplinary proceedings brought against a member of the police force in respect of, or in connection with, the matter so referred.

56 Formal investigation by the Ombudsman.

(1) Where a complaint or matter is to be formally investigated by the Ombudsman under section 54(2) or (3)(a) or 55(3), (5) or (6), he shall appoint an officer of the Ombudsman to conduct the investigation.

(2) The Secretary of State may by order provide that any provision of the [M20]Police and Criminal Evidence (Northern Ireland) Order 1989 which relates to investigation of

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offences conducted by police officers (within the meaning of that Order) shall apply, subject to such modifications as the order may specify, to investigations under this section conducted by persons who are not police officers (within the meaning of that Order).

(3) A person employed by the Ombudsman under paragraph 3(1) of Schedule 3 shall for the purpose of conducting, or assisting in the conduct of, an investigation under this section have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters; and subsection (3) of section 18 applies for the purposes of this subsection as it applies for the purposes of subsection (2) of that section.

(4) Section 66 applies to a person to whom subsection (3) applies as it applies to a constable.

(5) A person to whom subsection (3) applies shall not be regarded as in police service for the purposes of—
  (a) Article 145 of the [M21]Trade Union and Labour Relations (Northern Ireland) Order 1995; or
  (b) Article 243 of the [M22]Employment Rights (Northern Ireland) Order 1996.

(6) At the end of an investigation under this section the person appointed to conduct the investigation shall submit a report on the investigation to the Ombudsman.

Marginal Citations
M20 1989 NI 12.
M21 1995 NI 12.
M22 1996 NI 16.

57 Formal investigation by a police officer.

(1) Where a complaint is referred to the Chief Constable under section 54(3)(b), he shall appoint a police officer to investigate it formally on behalf of the Ombudsman.

(2) A member of the police force may not be appointed to investigate a complaint formally if he has previously been appointed to act in relation to it under section 53(4).

(3) The Ombudsman may require—
  (a) that no appointment of a person to conduct an investigation under this section shall be made unless the Ombudsman has given notice to the Chief Constable that he approves the person whom the Chief Constable proposes to appoint; or
  (b) if such an appointment has already been made and the Ombudsman is not satisfied with the person appointed, that—
    (i) the Chief Constable shall, as soon as is reasonably practicable, select another police officer and notify the Ombudsman that he proposes to appoint that person; and
    (ii) the appointment shall not be made unless the Ombudsman gives notice to the Chief Constable that he approves that person.

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(4) The Ombudsman may supervise the investigation of any complaint under this section if he considers that it is desirable in the public interest for him to do so.

(5) Where the Ombudsman decides to supervise an investigation under this section he shall notify the Chief Constable to that effect.

(6) A member of a police force in Great Britain who is appointed to conduct an investigation under this section shall, for the purpose of conducting that investigation, have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters; and subsection (3) of section 18 applies for the purposes of this subsection as it applies for the purposes of subsection (2) of that section.

(7) The Ombudsman may impose requirements as to the conduct of an investigation which the Ombudsman is supervising; and it shall be the duty of a police officer to comply with any requirement imposed on him by virtue of this subsection.

(8) At the end of an investigation under this section the police officer appointed to conduct the investigation shall submit a report on the investigation to the Ombudsman.

58 Steps to be taken after investigation – criminal proceedings.

(1) The Ombudsman shall consider any report made under section 56(6) or 57(8) and determine whether the report indicates that a criminal offence may have been committed by a member of the police force.

(2) If the Ombudsman determines that the report indicates that a criminal offence may have been committed by a member of the police force, he shall send a copy of the report to the Director together with such recommendations as appear to the Ombudsman to be appropriate.

(3) Where a report is sent to the Director under subsection (2), the Ombudsman shall, at the request of the Director, ascertain and furnish to the Director all such further information in relation to the complaint or matter dealt with in the report as appears to the Director to be necessary for the discharge of his functions under the [M23]Prosecution of Offences (Northern Ireland) Order 1972.

(4) In this section and section 59 "the Director" means the Director of Public Prosecutions for Northern Ireland.

Marginal Citations
M23 1972 NI 1.

VALID FROM 22/12/2000

[[F3]58A Steps to be taken after investigation – mediation.

(1) If the Ombudsman—

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(a) determines that a report made under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force, and

(b) considers that the complaint is not a serious one,

he may determine that the complaint is suitable for resolution through mediation.

(2) If he does so, he must inform the complainant and the member of the police force concerned.

(3) If the complainant and the member of the police force concerned agree to attempt to resolve the complaint through mediation, the Ombudsman shall act as mediator.

(4) Anything communicated to the Ombudsman while acting as mediator is not admissible in evidence in any subsequent criminal, civil or disciplinary proceedings.

(5) But that does not make inadmissible anything communicated to the Ombudsman if it consists of or includes an admission relating to a matter which does not fall to be resolved through mediation.

(6) If a complaint is resolved through mediation under this section, no further proceedings under this Act shall be taken against the member of the police force concerned in respect of the subject matter of the complaint.**]**

Textual Amendments

F3 S. 58A inserted (22.12.2000) by 2000 c. 32, **s. 62(1)**; S.R. 2000/412, art. 2, **Sch.**

59 Steps to be taken after investigation – disciplinary proceedings.

(1) Where—

(a) the Director has dealt with the question of criminal proceedings; or

(b) the Ombudsman determines that the report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force,

the Ombudsman shall consider the question of disciplinary proceedings.

(2) The Ombudsman shall send the appropriate disciplinary authority a memorandum containing—

(a) his recommendation as to whether or not disciplinary proceedings should be brought in respect of the conduct which is the subject of the investigation;

(b) a written statement of his reasons for making that recommendation; and

(c) where he recommends that disciplinary proceedings should be brought, such particulars in relation to the disciplinary proceedings which he recommends as he thinks appropriate.

(3) No disciplinary proceedings shall be brought by the appropriate disciplinary authority before it receives the memorandum of the Ombudsman under subsection (2).

(4) The Police Authority shall advise the Ombudsman of what action it has taken in response to a recommendation contained in a memorandum sent to it under

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subsection (2); and nothing in the following provisions of this section has effect in relation to senior officers.

(5) If—

(a) a memorandum sent to the Chief Constable under subsection (2) contains a recommendation that disciplinary proceedings should be brought; but

(b) the Chief Constable is unwilling to bring such disciplinary proceedings,

the Ombudsman may, after consultation with the Chief Constable, direct him to bring disciplinary proceedings.

(6) Subject to subsection (7)—

(a) it shall be the duty of the Chief Constable to comply with a direction under subsection (5);

(b) the Chief Constable may not discontinue disciplinary proceedings which he has brought in accordance with—

(i) a recommendation contained in a memorandum under subsection (2); or

(ii) a direction under subsection (5).

(7) The Ombudsman may give the Chief Constable leave—

(a) not to bring disciplinary proceedings which subsection (6)(a) would otherwise oblige him to bring; or

(b) to discontinue disciplinary proceedings with which subsection (6)(b) would otherwise require him to proceed.

(8) Regulations made in accordance with section 25(3) or 26(3) may establish, or make provision for the establishment of, a special procedure for any case in which disciplinary proceedings are brought—

(a) where a memorandum under subsection (2) recommending the bringing of those proceedings contains a statement to the effect that, by reason of exceptional circumstances affecting the case, the Ombudsman considers that such special procedures are appropriate; or

(b) in compliance with a direction under subsection (5).

(9) The Chief Constable shall advise the Ombudsman of what action he has taken in response to—

(a) a recommendation contained in a memorandum under subsection (2);

(b) a direction under subsection (5).

60 Constabularies not maintained by Police Authority.

(1) An agreement for the establishment in relation to any body of constables maintained by an authority other than the Police Authority of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the authority maintaining the body of constables.

(2) Where no such procedures are in force in relation to any body of constables, the Secretary of State may by order establish such procedures.

(3) An agreement under this section may at any time be varied or terminated with the approval of the Secretary of State.

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(4) Before making an order under this section the Secretary of State shall consult—
  (a) the Ombudsman; and
  (b) the authority maintaining the body of constables to whom the order would relate.

(5) Nothing in any other statutory provision shall prevent an authority which maintains a body of constables from carrying into effect procedures established by virtue of this section.

(6) No such procedures shall have effect in relation to anything done by a constable outside Northern Ireland.

61 Reports.

(1) The Ombudsman shall, at the request of the Secretary of State, report to the Secretary of State on such matters relating generally to the functions of the Ombudsman as the Secretary of State may specify, and the Ombudsman may for that purpose carry out research into any such matters.

(2) The Ombudsman may make a report to the Secretary of State on any matters coming to the Ombudsman's attention under this Part to which the Ombudsman considers that the Secretary of State's attention should be drawn in the public interest.

(3) The Ombudsman shall, not later than 3 months after the end of each financial year, make to the Secretary of State a report on the discharge of the Ombudsman's functions during that year.

(4) The Ombudsman shall—
  (a) keep under review the working of this Part; and
  (b) at least once every five years, make a report on it to the Secretary of State.

(5) The Ombudsman shall send a copy of any report under this section to—
  (a) the Police Authority and the Chief Constable; and
  (b) if the report concerns any such body of constables as is mentioned in section 60, to the authority maintaining it and the officer having the direction and control of it.

(6) The Secretary of State shall—
  (a) lay before both Houses of Parliament a copy of every report received by him under this section; and
  (b) cause every such report to be published.

(7) The Ombudsman shall send to the Police Authority any statistical or other general information which the Ombudsman considers should be brought to the attention of the Police Authority in connection with its functions under section 2(4)(a).

VALID FROM 04/11/2001

[[F4]61A Reports to Chief Constable and Board.

(1) The Ombudsman may make to the Chief Constable and the Board a report on any matters concerning the practices and policies of the police which—

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(a) come to the Ombudsman's attention under this Part; and
(b) should, in the opinion of the Ombudsman, be drawn to the attention of the Chief Constable and the Board.

(2) The Ombudsman may carry out research into any matter which may be the subject of a report under subsection (1).**]**

Textual Amendments

F4 S. 61A inserted (4.11.2001) by 2000 c. 32, **s. 63(1)**; S.R. 2001/396, art. 2, **Sch.**

VALID FROM 04/11/2001

[F5 61AA Supply of information by Ombudsman to Board.

(1) The Ombudsman shall compile, and supply the Board with, such statistical information as is required to enable the Board to carry out its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.

(2) The Ombudsman shall consult the Board as to—
(a) the information to be supplied under subsection (1); and
(b) the form in which such information is to be supplied.

(3) The Ombudsman shall supply the Board with any other general information which the Ombudsman considers should be brought to the attention of the Board in connection with its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.**]**

Textual Amendments

F5 S. 61AA inserted (4.11.2001) by 2000 c. 32, **s. 64**; S.R. 2001/396, art. 2, **Sch.**

62 Statements by Ombudsman about exercise of his functions.

The Ombudsman may, in relation to any exercise of his functions under this Part, publish a statement as to his actions, his decisions and determinations and the reasons for his decisions and determinations.

63 Restriction on disclosure of information.

(1) No information received by a person to whom this subsection applies in connection with any of the functions of the Ombudsman under this Part shall be disclosed by any person who is or has been a person to whom this subsection applies except—
(a) to a person to whom this subsection applies;
(b) to the Secretary of State;
(c) to other persons in or in connection with the exercise of any function of the Ombudsman;
(d) for the purposes of any criminal, civil or disciplinary proceedings; or

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(e) in the form of a summary or other general statement made by the Ombudsman which—
  (i) does not identify the person from whom the information was received; and
  (ii) does not, except to such extent as the Ombudsman thinks necessary in the public interest, identify any person to whom the information relates.

(2) Subsection (1) applies to—
  (a) the Ombudsman; and
  (b) an officer of the Ombudsman.

(3) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

64 Regulations.

(1) The Secretary of State may make regulations—
  (a) as to the procedure to be followed under this Part; and
  (b) for prescribing anything authorised or required to be prescribed by any provision in this Part.

(2) The Secretary of State shall by regulations provide—
  (a) that, subject to such exceptions and in accordance with such procedures as may be prescribed, the Ombudsman shall furnish a copy of, or of the record of, a complaint against a member of the police force to—
    (i) that member;
    (ii) the complainant; and
    (iii) the appropriate disciplinary authority;
  (b) procedures for the informal resolution of complaints of such descriptions as may be prescribed, and for giving the complainant a record of the outcome of any such procedure;
  (c) procedures for giving a member of the police force, whose conduct is the subject of a complaint which falls to be resolved informally, an opportunity to comment orally or in writing on the complaint;
  (d) for cases in which any provision of this Part is not to apply where—
    (i) a complaint, other than a complaint which falls to be resolved informally, is withdrawn;
    (ii) the complainant indicates that he does not wish any further steps to be taken; or
    (iii) the complainant fails to indicate, in response to a request from the Ombudsman to do so, whether he wishes any further steps to be taken;
  (e) for enabling the Ombudsman to dispense with any requirement of this Part;
  (f) for enabling the Ombudsman to relinquish the supervision of the investigation of any complaint under section 57;
  (g) procedures for an investigation begun under section 56 or section 57 to be continued, where the Ombudsman so directs, as if it had originally been begun under the other of those sections;

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(h) procedures for the making of complaints and the reference of complaints and other matters under this Part;

(i) that the Ombudsman shall be supplied with such information or documents of such description as may be prescribed at such time or in such circumstances as may be prescribed;

(j) that any action, determination or decision of a prescribed description taken by the Ombudsman shall be notified to prescribed persons within a prescribed time and that, in connection with such a notification, the Ombudsman shall have power to supply the person notified with any relevant information;

(k) for authorising or requiring the Ombudsman to provide to the appropriate disciplinary authority information relevant to the exercise by that authority of any power of suspension under regulations made by virtue of section 25(2)(f) or 26(2)(e).

(l) that the Chief Constable shall have power to delegate any functions conferred on him by or by virtue of this Part;

(m) for enabling the Ombudsman to pay to a complainant—

(i) sums in respect of expenses incurred by him; and

(ii) allowances by way of compensation for the loss of his time,

in accordance with such scales and subject to such conditions as may be prescribed;

(n) for enabling the Ombudsman, in such cases as may be prescribed, to make a recommendation to the Chief Constable for the payment by the Chief Constable to the complainant of compensation of such amount as the Ombudsman considers appropriate (but not exceeding such amount as may be prescribed).

(3) Regulations under this section may authorise the Secretary of State to make provision for any purposes specified in the regulations.

(4) Before making any regulations under this section, the Secretary of State shall consult—

(a) the Ombudsman;

(b) the Police Authority; and

(c) the Police Association.

65 Guidance concerning discipline, complaints, etc.

(1) The Secretary of State may issue guidance to the Police Authority and police officers concerning the discharge of their functions—

(a) under this Part;

(b) under regulations made under section 25 in relation to the matters mentioned in subsection (2)(e) of that section; and

(c) under regulations made under section 26 in relation to the matters mentioned in subsection (2)(d) of that section;

and they shall have regard to any such guidance in the discharge of their functions.

(2) Guidance may not be issued under subsection (1) in relation to the handling of a particular case.

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(3) A failure on the part of a person to whom guidance is issued under this section to have regard to such guidance shall be admissible in evidence on any appeal from a decision taken in proceedings under regulations made in accordance with section 25(3) or 26(3).

(4) In discharging his functions under section 59 the Ombudsman shall have regard—
  (a) to any guidance given to him by the Secretary of State with respect to such matters as are for the time being the subject of guidance under subsection (1); and
  (b) in particular, but without prejudice to the generality of paragraph (a), to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings.

(5) In discharging his functions under this Part the Ombudsman shall have regard to any guidance given to him by the Secretary of State with respect to matters the disclosure of which may be prejudicial to the public interest.

PART VIII

MISCELLANEOUS AND GENERAL

Offences

66 Assaults on, and obstruction of, constables, etc.

(1) Any person who assaults, resists, obstructs or impedes a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—
  (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
  (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

(3) Any person may arrest without a warrant anyone who is, or whom he with reasonable cause suspects to be, committing an offence under subsection (1).

(4) This section also applies to a constable who is a member of a police force in Great Britain when he is executing a warrant, or otherwise acting in Northern Ireland, by virtue of any statutory provision conferring powers on him in Northern Ireland.

67 Impersonation, etc.

(1) Any person who with intent to deceive impersonates a member of the police force, or makes any statement or does any act calculated falsely to suggest that he is such a member, shall be guilty of an offence.

(2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of the police force as to be calculated to deceive shall be guilty of an offence.

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(3) A person guilty of an offence under subsection (1) or (2) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both.

(4) Any person who, not being a member of the police force, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) In this section "article of police uniform" means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of the police force or anything having the appearance of such an article, badge, mark or document.

Modifications etc. (not altering text)

C6 S. 67 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(iv)**; S.R. 2001/132, art. 2, **Sch.**

68 Causing disaffection.

(1) Any person who—

(a) causes, or does any act calculated to cause, disaffection among the members of the police force; or

(b) induces, or does any act calculated to induce, any member of the police force to withhold his services,

shall be guilty of an offence.

(2) A person guilty of an offence under subsection (1) shall be liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

Modifications etc. (not altering text)

C7 S. 68 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(v)**; S.R. 2001/132, art. 2, **Sch.**

69 Obtaining pension by self-inflicted injury, etc.

Any person who obtains for himself or any other person any pension or gratuity under regulations made under section 25 or 26 by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing injury or infirmity shall be guilty of an offence and liable—

(a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

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VALID FROM 01/04/1999

Traffic wardens

70 Traffic wardens.

(1) Traffic wardens—
(a) shall be appointed by the Police Authority, on such terms and conditions as the Secretary of State may determine; and
(b) shall be under the direction and control of the Chief Constable.

(2) Where a complaint is made by a member of the public against a traffic warden, the complaint shall be referred to the Chief Constable who shall (unless the complaint alleges an offence with which the traffic warden has then been charged) forthwith record the complaint and cause it to be investigated.

Supplementary

VALID FROM 01/04/1999

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.

VALID FROM 01/04/1999

72 Orders and regulations.

(1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the [M24]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 the Secretary of State to be appropriate.

(3) Subsections (1) and (2) do not apply to vesting orders made under section 6.

(4) A statutory rule made under this Act (other than one containing an order under section 75) 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 [M25]Statutory Instruments Act 1946 shall apply accordingly.

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Marginal Citations

M24 1979 NI 12.

M25 1946 c. 36.

VALID FROM 01/04/1999

73 Interpretation.

(1) In this Act—

"building" includes any structure;

"Chief Constable" means the Chief Constable of the Royal Ulster Constabulary;

"civil service" means the civil service of Northern Ireland or the civil service of the United Kingdom;

"equipment" includes vehicles, apparatus, furniture, fittings, accoutrements and clothing;

"financial year" means the period of 12 months ending with 31st March;

"functions" includes powers and duties;

"Police Association" means the Police Association for Northern Ireland;

"Police Authority" means the Police Authority for Northern Ireland;

"the police force" means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;

"a police force in Great Britain" means a police force within the meaning of the [M26]Police Act 1996 or the [M27]Police (Scotland) Act 1967;

"police service staff" has the meaning assigned by section 3(7);

"provide" and "maintain" have the same meaning as, by virtue of section 147 of the [M28]Local Government Act Northern Ireland) 1972, they have for the purposes of that Act;

"senior officer", in relation to the Royal Ulster Constabulary, means an officer above the rank of superintendent;

"statutory provision" has the meaning assigned to it by section 1(f) of the [M29]Interpretation Act Northern Ireland) 1954.

(2) In this Act "police purposes" means—

(a) the purposes of the police force and traffic wardens; and

(b) the purposes of the Police Authority, other than its general administrative purposes.

(3) In this Act "general administrative purposes" of the Police Authority means the purposes of—

(a) providing general administrative support and assistance to the members of the Authority, including paying any remuneration and allowances to such members;

(b) employing the staff of the Authority (other than the police service staff);

(c) providing and maintaining buildings and equipment for the staff of the Authority (other than the police service staff) and for members of the Authority;

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(d) exercising the functions of the Authority under section 7,

and such other purposes as the Secretary of State may from time to time direct.

Marginal Citations

M26 1996 c. 16.
M27 1967 c. 77.
M28 1972 c. 9 (N.I.).
M29 1954 c. 33 (N.I.).

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 [M30]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 [M31]Constabulary (Ireland) Act 1836;
the [M32]Police (Property) Act 1897;
the [M33]Constabulary and Police (Ireland) Act 1919;
the [M34]Police Act 1969;
the [M35]Constabulary Act Northern Ireland) 1922;
the [M36]Police Act Northern Ireland) 1970;

(c) in Schedule 4, the entry relating to the [M37]Police Act Northern Ireland) 1970; and

(d) in Schedule 5, paragraphs 11, 21 and 61.

Commencement Information

I7 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

M30 S.I. 1973/2163.
M31 1836 c. 13.
M32 1897 c. 30.
M33 1919 c. 68.
M34 1969 c. 63.
M35 1922 c. 8 (N.I.).
M36 1970 c. 9 (N.I.).

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M37 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.

(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 [M38]Police (Overseas Service) Act 1945;
- (b) the [M39]Police (Scotland) Act 1967;
- (c) the [M40]House of Commons Disqualification Act 1975;
- (d) the [M41]Northern Ireland Assembly Disqualification Act 1975;
- (e) the [M42]Ministry of Defence Police Act 1987;
- (f) the [M43]Official Secrets Act 1989;
- (g) the [M44]Police Act 1996;
- (h) the [M45]Police Act 1997,

has the same extent as that provision.

Commencement Information

I8 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)

Marginal Citations

M38 1945 c. 17.
M39 1967 c. 77.
M40 1975 c. 24.
M41 1975 c. 25.
M42 1987 c. 4.

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M43 1989 c. 6.
M44 1996 c. 16.
M45 1997 c. 50.

77 Short title.

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

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SCHEDULES

VALID FROM 01/04/1999

SCHEDULE 1

Section 1.

THE POLICE AUTHORITY FOR NORTHERN IRELAND

. . . . . .

SCHEDULE 2

Section 24.

FORM OF DECLARATION

I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable.

VALID FROM 06/11/2000

SCHEDULE 3

Section 51.

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

Extent Information

E2 For the extent of Sch. 3 see s. 76(1)(2).

. . . . . .

SCHEDULE 4

Section 74.

AMENDMENTS

Extent Information

E4 For the extent of amendments in Sch. 4 see s. 76(1)(3).

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VALID FROM 01/04/1999

The Incitement to Disaffection Act 1934 (c. 56)

1 In section 2(4) of the Incitement to Disaffection Act 1934 for "the Police (Property) Act 1897" there shall be substituted " section 31 of the Police (Northern Ireland) Act 1998 ".

The Police (Overseas Service) Act 1945 (c. 17)

2 The Police (Overseas Service) Act 1945 shall extend to Northern Ireland and section 3(4) of that Act shall accordingly cease to have effect.

VALID FROM 01/04/1999

The Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

3 (1) Section 43(2) of the Interpretation Act (Northern Ireland) 1954 shall be amended as follows.

(2) At the appropriate place in alphabetical order there shall be inserted—

> ""Chief Constable" shall mean the Chief Constable of the Royal Ulster Constabulary;".

(3) For the definition of "constable" there shall be substituted—

> ""constable", except when used in enactments relating to the pay or pensions of, or the general administration of, the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, shall include—
> (a) any member of the Royal Ulster Constabulary;
> (b) any member of the Royal Ulster Constabulary Reserve;
> (c) any member of any Harbour or Airport Police;
> (d) any member of the Naval, Military or Royal Air Force Police or of the Ministry of Defence Police;
> (e) any other person having for the time being the powers of a constable;".

(4) The definitions of "county inspector", "Inspector General" and "member of the Royal Ulster Constabulary" shall be omitted.

(5) For the definition of "reserve constable" there shall be substituted—

> ""reserve constable" shall mean a person appointed a reserve constable under section 23 of the Police (Northern Ireland) Act 1998;".

Status: *Point in time view as at 01/03/1999. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

VALID FROM 21/02/2003

The Police (Scotland) Act 1967 (c. 77)

4 (1) The Police (Scotland) Act 1967 shall be amended as follows.

(2) In section 38A(1) after paragraph (c) there shall be inserted—

"(ca) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;".

(3) In section 38A(6)(c) after "paragraph" insert " (ca) or ".

(4) In section 38A(7)(b) after "by or on behalf of" there shall be inserted " the Police Ombudsman for Northern Ireland or (as the case may be) ".

The Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))

5 In section 93(3) of the Local Government Act (Northern Ireland) 1972 for "section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968" there shall be substituted " section 66 of the Police (Northern Ireland) Act 1998 ".

The Superannuation (Northern Ireland) Order 1972 (NI 10)

6 In Article 15 of the Superannuation (Northern Ireland) Order 1972 for paragraphs (c), (d) and (e) there shall be substituted—

"(c) regulations relating to pensions under section 25 or 26 of the Police (Northern Ireland) Act 1998".

The Overseas Pensions Act 1973 (c. 21)

7 In section 2(2)(d) of the Overseas Pensions Act 1973 after sub-paragraph (ii) there shall be inserted "or

(iii) a member of the Royal Ulster Constabulary engaged on relevant service within the meaning of section 27(1)(d), (g) or (h) of the Police (Northern Ireland) Act 1998,".

VALID FROM 21/02/2003

The House of Commons Disqualification Act 1975 (c. 24)

8 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following entry shall be inserted at the appropriate place in alphabetical order—

"The Police Ombudsman for Northern Ireland.".

Status: *Point in time view as at 01/03/1999. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

VALID FROM 21/02/2003

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

9 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 the following entry shall be inserted at the appropriate place in alphabetical order—

"The Police Ombudsman for Northern Ireland.".

PROSPECTIVE

The Fair Employment (Northern Ireland) Act 1976 (c. 25)

[F6]10 . . . . . .

Textual Amendments

F6 Sch. 4 para. 10 repealed (1.3.1999) by S.I. 1998/3162 (N.I. 21), art. 105(4), **Sch. 5**; S.R. 1999/81, **art. 3**

VALID FROM 01/04/1999

The Animals (Northern Ireland) Order 1976 (NI 13)

11 In Article 10(9) of the Animals (Northern Ireland) Order 1976 for the words from "has the same meaning" to the end there shall be substituted " means a member of the Royal Ulster Constabulary holding the rank of inspector or a higher rank ".

The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

12 (1) Article 19 of the Sex Discrimination (Northern Ireland) Order 1976 shall be amended as follows.

(2) In paragraph (2) for the words from the beginning to "1970" there shall be substituted " Regulations under section 25 or 26 of the Police (Northern Ireland) Act 1998 ".

(3) After paragraph (4) there shall be inserted—

"(4A) In the application of paragraph (4) to the police force, 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".".

(4) In paragraph (6) in the definition of "police force" for "Police Act (Northern Ireland) 1970" there shall be substituted " Police (Northern Ireland) Act 1998 ".

Status: *Point in time view as at 01/03/1999. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

Commencement Information

I9 Sch. 4 para. 12 partly in force; Sch. 4 para. 12 not in force at Royal Assent see s. 75(1); Sch. 4 para. 12(2) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4); Sch. 4 para. 12 in force at 1.4.1999 in so far as not already in force by S.R. 1999/176, **art. 3** (with art. 4)

VALID FROM 01/04/1999

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

13 In Article 8(3) of the Criminal Damage (Northern Ireland) Order 1977 for "The Police (Property) Act 1897" there shall be substituted " Section 31 of the Police (Northern Ireland) Act 1998 " and for "that Act" there shall be substituted " that section ".

VALID FROM 01/04/1999

The Customs and Excise Act 1979 (c. 2)

14 In section 139(4)(c) of the Customs and Excise Act 1979 for "the Police (Property) Act 1897" there shall be substituted " section 31 of the Police (Northern Ireland) Act 1998 ".

The Firearms (Northern Ireland) Order 1981 (NI 2)

15 In Schedule 1 to the Firearms (Northern Ireland) Order 1981 in paragraph 4 after "1968" there shall be inserted " or section 66 of the Police (Northern Ireland) Act 1998 ".

The Ministry of Defence Police Act 1987 (c. 4)

16 In section 1(2)(c) of the Ministry of Defence Police Act 1987 for "taking and subscribing the oath" there shall be substituted " making the declaration ".

VALID FROM 01/04/1999

The Official Secrets Act 1989 (c. 6)

17 In section 12(1)(e) of the Official Secrets Act 1989 for "Police Act (Northern Ireland) 1970" there shall be substituted " Police (Northern Ireland) Act 1998 ".

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Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

18 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.

(2) In Article 7(1) for "section 15 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 48(1) of the Police (Northern Ireland) Act 1998 ".

(3) In Article 24(5) for "section 1 of the Police (Property) Act 1897" there shall be substituted " section 31 of the Police (Northern Ireland) Act 1998 ".

(4) In Article 50(2) for "section 15(1) of the Police Act (Northern Ireland) 1970" there shall be substituted " section 48(1) of the Police (Northern Ireland) Act 1998 ".

(5) In Article 56(14) for "section 15(1) of the Police Act (Northern Ireland) 1970" there shall be substituted " section 48(1) of the Police (Northern Ireland) Act 1998 ".

(6) In Article 84 in paragraphs (1) and (2) for "chief superintendent" there shall be substituted " assistant chief constable ".

Commencement Information

I10 Sch. 4 para. 18 wholly in force at 1.4.1999; Sch. 4 para. 18 not in force at Royal Assent see s. 75(1); Sch. 4 para. 18(2)-(4) in force at 8.10.1998 by S.R. 1998/346; Sch. 4 para. 18(5) in force at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4); Sch. 4 para. 18 in force at 1.4.1999 insofar as not already in force by S.R. 1999/176, **art. 3** (with art. 4)

VALID FROM 01/04/1999

The Criminal Justice (Northern Ireland) Order 1994 (NI 15)

19 In Article 12(3) of the Criminal Justice (Northern Ireland) Order 1994 for sub-paragraphs (a) and (b) there shall be substituted—

"(a) before the end of the period of 6 months beginning on the date on which the order under Article 11 was made; or

(b) if a successful application under section 31(1) of the Police (Northern Ireland) Act 1998 has been made.".

The Police Act 1996 (c. 16)

20 (1) The Police Act 1996 shall be amended as follows.

(2) In section 63(1A)(a) for "section 21 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 27 of the Police (Northern Ireland) Act 1998 ".

(3) In section 97(1) after paragraph (e) there shall be inserted—

"(ea) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;".

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Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

(4) In section 97(6)(c) after "paragraph" insert " (ea) or ".

(5) In section 97(7)(b) after "by or on behalf of" there shall be inserted " the Police Ombudsman for Northern Ireland or (as the case may be) ".

(6) In section 98(8) for "Police Act (Northern Ireland) 1970" there shall be substituted " Police (Northern Ireland) Act 1998 ".

Commencement Information

I11 Sch. 4 para. 20 partly in force; Sch. 4 para. 20 not in force at Royal Assent see s. 75(1); it is provided by S.R. 1999/48, **art. 3** that Sch. 4 para. 20(2)(3)(4)(5) and (9) shall come into operation on 9.2.1999 and it is provided by S.R. 1999/176, **art. 3** that Sch. 4 para. 20 except sub-paras. (3)-(5) shall come into operation on 1.4.1999

VALID FROM 21/02/2003

The Juries (Northern Ireland) Order 1996 (NI 6)

21 In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entry "Members and staff of the Independent Commission for Police Complaints for Northern Ireland" there shall be substituted—

"The Police Ombudsman for Northern Ireland and persons employed by him.".

The Police Act 1997 (c. 50)

VALID FROM 01/04/1999

22 (1) The Police Act 1997 shall be amended as follows.

(2) In section 6(3)(d) for "section 25 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 25 of the Police (Northern Ireland) Act 1998 ".

(3) In section 9(2)(b) for "section 21 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 27 of the Police (Northern Ireland) Act 1998 ".

(4) In section 9(3)(c) for "section 25 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 25 of the Police (Northern Ireland) Act 1998 ".

(5) In section 21(3) for "section 25(2)(k) of the Police Act (Northern Ireland) 1970" there shall be substituted " section 25(2)(k) of the Police (Northern Ireland) Act 1998 ".

(6) In section 23(5) for "section 6(2) of the Police Act (Northern Ireland) 1970" there shall be substituted " section 19(1) of the Police (Northern Ireland) Act 1998 ".

(7) In sections 30(1)(c) and 40 for "section 16 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 41 of the Police (Northern Ireland) Act 1998 ".

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Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

(8) In section 39(2)(b) for the words from "Police (Amendment)" to the end there shall be substituted " Part VII of the Police (Northern Ireland) Act 1998, and for that purpose the regulations may confer additional functions on the Police Ombudsman for Northern Ireland. ".

(9) In sections 52(3)(d) and 55(3)(c) for "section 25 of the Police Act (Northern Ireland) 1970" there shall be substituted " section 25 of the Police (Northern Ireland) Act 1998 ".

Commencement Information

I12 Sch. 4 para. 22 partly in force; Sch. 4 para. 22 not in force at Royal Assent see. s. 75(1); Sch. 4 para. 22(1)-(7)(9) in force at 1.4.1999 by S.R. 1999/176, **art. 3**

VALID FROM 01/04/1999

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

23 In Article 44(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 for "persons appointed or deemed to have been appointed for the purpose" there shall be substituted " traffic wardens appointed ".

VALID FROM 01/04/1999

The Race Relations (Northern Ireland) Order 1997 (NI 6)

24 (1) Article 17 of the Race Relations (Northern Ireland) Order 1997 shall be amended as follows.

(2) After paragraph (3) there shall be inserted—

"(3A) 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 (3) shall be omitted.".

(3) In paragraph (4) in the definition of "police force" for "Police Act (Northern Ireland) 1970" there shall be substituted " Police (Northern Ireland) Act 1998 ".

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VALID FROM 01/04/1999

The Police (Health and Safety)(Northern Ireland) Order 1997 (NI 16)

25 In Article 7(3) of the Police (Health and Safety)(Northern Ireland) Order 1997 in the definition of "the relevant fund" after paragraph (a) there shall be inserted—

"(aa) in relation to the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 1998; and".

SCHEDULE 5

Section 74.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL

Saving for pensions, etc. under repealed provisions

1 Where any statutory provision relating to or affecting pensions or other gratuities or allowances is repealed by this Act and not re-enacted, that repeal does not affect the future operation of that provision as respects pensions, gratuities or allowances in respect of any service completed before the date on which the repeal takes effect.

VALID FROM 01/04/1999

Statutory references to Royal Irish Constabulary, etc.

2 Any reference in any statutory provision passed or made before 1st June 1922 to a person holding a particular rank in the Royal Irish Constabulary shall be construed as a reference to a member of the Royal Ulster Constabulary of the corresponding rank.

Power to make other transitional or saving provisions

3 The Secretary of State may by order make such other transitional or saving provisions as appear to him to be necessary or expedient in connection with the coming into operation of any provision of this Act.

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Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 13 September 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)*

VALID FROM 21/02/2003

PART II

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

Interpretation

4 In this Part—

"the Commission" means the Independent Commission for Police Complaints for Northern Ireland;

"the Ombudsman" means the Police Ombudsman for Northern Ireland;

"the transfer date" means the day appointed by order under section 75 for the coming into operation of section 51(5).

Transfer of property, rights and liabilities of Commission

5 (1) On the transfer date all property, rights and liabilities which immediately before that date were property, rights and liabilities of the Commission shall be transferred to, and by virtue of this paragraph vest in, the Ombudsman.

(2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

Transfer of staff

6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the transfer date is employed by the Commission.

(2) A contract of employment between a person to whom this paragraph applies and the Commission shall have effect from the transfer date as if originally made between that person and the Ombudsman.

(3) Without prejudice to sub-paragraph (2)—

(a) all the Commission's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of this paragraph be transferred to the Ombudsman on the transfer date; and

(b) anything done before that date by or in relation to the Commission in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Ombudsman.

(4) Sub-paragraphs (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this paragraph.

(5) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.

(6) Where a person—

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(a) has, prior to the transfer date, entered into a contract of employment with the Commission which is to come into effect on or after that date; and

(b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,

he shall be treated as if he were a person to whom this paragraph applies.

Legal proceedings

7 Any legal proceedings by or against the Commission which are pending immediately before the transfer date may be continued on and after that date by or against the Ombudsman.

Payments to former members of the Commission

8 Where a person—

(a) ceases to be a member of the Commission by reason of its abolition; and

(b) does not become the Ombudsman,

the Secretary of State may make to the person a payment of such amount as the Secretary of State may determine.

Information received by Commission

9 (1) No information received by the Commission in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Commission except—

(a) to the Secretary of State, the Ombudsman or an officer of the Ombudsman;

(b) to any other person, so far as may be necessary for the proper discharge of the functions of the Ombudsman; or

(c) for the purpose of any criminal, civil or disciplinary proceedings.

(2) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Financial year

10 The first financial year of the Ombudsman shall be the period beginning with the transfer date and ending with the first 31st March which falls at least 6 months after that date.

Stamp duty

11 Stamp duty shall not be chargeable in respect of any transfer effected by this Schedule.

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SCHEDULE 6

Section 74.

REPEALS

Extent Information

E5 For the extent of repeals in Sch. 8 see s. 76(1)(3).

Commencement Information

I13 Sch. 6 partly in force; Sch. 6 not in force at Royal Assent see s. 75(1); Sch. 6 in force for certain purposes at 8.10.1998 by S.R. 1998/346, **art. 3**; Sch. 6 in force for certain purposes at 9.2.1999 by S.R. 1999/48, **art. 3** (with art. 4); Sch. 6 in force for certain purposes at 9.2.1999 by S.R. 1999/176, **art. 3** (with art. 4)

Chapter or Number	Short Title	Extent of repeal
1803 c. 143.	The Public Officers Protection (Ireland) Act 1803.	The whole Act.
1836 c. 13.	The Constabulary (Ireland) Act 1836.	The whole Act.
1839 c. 75.	The Constabulary (Ireland) Act 1839.	The whole Act.
1848 c. 72.	The Constabulary (Ireland) Act 1848.	The whole Act.
1874 c. 80.	The Constabulary (Ireland) Act 1874.	The whole Act.
1883 c. 14.	The Constabulary and Police (Ireland) Act 1883.	The whole Act.
1897 c. 30.	The Police (Property) Act 1897.	The whole Act.
1915 c. 32.	The Irish Police (Naval and Military Service) Act 1915.	The whole Act.
1918 c. 53.	The Constabulary and Police (Ireland) Act 1918.	The whole Act.
1919 c. 68.	The Constabulary and Police (Ireland) Act 1919.	The whole Act.
1922 c. 55.	The Constabulary (Ireland) Act 1922.	The whole Act.
1922 c. 8 (N.I.).	The Constabulary Act (Northern Ireland) 1922.	The whole Act.
1928 c. 25 (N.I.).	The Game Preservation Act (Northern Ireland) 1928.	In section 1 the words "notwithstanding anything in section 15 of the Constabulary (Ireland) Act 1836, as it applies to the said Constabulary".

Status: *Point in time view as at 01/03/1999. This version of this Act contains provisions that are not valid for this point in time.*
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1945 c. 17.	The Police (Overseas Service) Act 1945.	Section 3(4).
1953 c. 3 (N.I.).	The Summary Jurisdiction Act (Northern Ireland) 1953.	Section 47.
1953 c. 14 (N.I.).	The Criminal Justice Act (Northern Ireland) 1953.	Section 20.
1954 c. 17.	The Royal Irish Constabulary (Widow's Pension) Act 1954.	The whole Act.
1954 c. 33 (N.I.).	The Interpretation Act (Northern Ireland) 1954.	In section 43(2) the definitions of "county inspector", "Inspector General" and "member of the Royal Ulster Constabulary".
1958 c. 9 (N.I.).	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958.	Section 37.
1966 c. 17.	The Fisheries Act (Northern Ireland) 1966.	In section 167(1) the words from "notwithstanding" to the end. In section 167(2) the words from "as provided" to "any case".
1968 c. 28 (N.I.).	The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	Section 7(1)(a).
1969 c. 16 (N.I.).	The Theft Act (Northern Ireland) 1969.	Section 25(4).
1970 c. 9 (N.I.).	The Police Act (Northern Ireland) 1970.	The whole Act.
1972 c. 9 (N.I.).	The Local Government Act (Northern Ireland) 1972.	In Schedule 8, paragraph 26.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
1972 NI 10.	The Superannuation (Northern Ireland) Order 1972.	In Schedule 1, the entry relating to the Police Complaints Board for Northern Ireland.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.

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1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
1976 c. 25.	The Fair Employment (Northern Ireland) Act 1976.	Section 53(5).
		In section 53(6) the words "or as a police cadet in relation to that force" (where they twice occur), the words "or cadets" and the definition of "police cadet".
1976 NI 15.	The Sex Discrimination (Northern Ireland) Order 1976.	Article 19(5).
		In Article 19(6) the words "or as a police cadet in relation to that force" (where they twice occur), the words "or cadets" and the definition of "police cadet".
1977 NI 2.	The Police (Northern Ireland) Order 1977.	The whole Order.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendment to the Constabulary (Ireland) Act 1836.
1980 NI 6.	The Criminal Justice (Northern Ireland) Order 1980.	In Schedule 1, paragraph 58.
1984 NI 3.	The Fines and Penalties (Northern Ireland) Order 1984.	In Schedule 3, the entry relating to the Constabulary (Ireland) Act 1836.
1987 NI 10.	The Police (Northern Ireland) Order 1987.	The whole Order.
1989 NI 12.	The Police and Criminal Evidence (Northern Ireland) Order 1989.	Articles 82 and 83.
1994 c. 29.	The Police and Magistrates' Courts Act 1994.	Part III.
		In section 96(3) the words "(and in the case of Part III to Northern Ireland only)" and "Part III".

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1994 NI 15.	The Criminal Justice (Northern Ireland) Order 1994.	Article 11(7) to (8B).
1995 NI 17.	The Police (Amendment) (Northern Ireland) Order 1995.	In Article 2(2) the definitions of “the principal Act” and “the 1987 Order”. Parts III and IV. In Schedule 1, the amendments to the Police Act (Northern Ireland) 1970.
1996 c. 16.	The Police Act 1996.	In Schedule 7, paragraph 17.
1997 c. 30.	The Police (Property) Act 1997.	The whole Act.
1997 c. 50.	The Police Act 1997.	Sections 130 to 132. Section 137(3). In Schedule 9, paragraphs 21 and 22.

Status:
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Changes to legislation:
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