Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

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.**

[F1]PART I

Textual Amendments

F1 Pt. I (ss. 1-13) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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[F3]PART II

Textual Amendments

F3 Pt. II (ss. 14-17) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

PART III

THE POLICE FORCE

[F4]18 . . . . . .

Textual Amendments

F4 S. 18 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F5]19 . . . . . .

Textual Amendments

F5 S. 19 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F6]20 . . . . . .

Textual Amendments

F6 S. 20 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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[F7]21 . . . . . .

Textual Amendments

F7 S. 21 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F8]22 . . . . . .

Textual Amendments

F8 S. 22 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F9]23 . . . . . .

Textual Amendments

F9 S. 23 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F10]24 . . . . . .

Textual Amendments

F10 S. 24 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

25 Regulations for [[F11]Police Service of Northern Ireland].

(1) Subject to the provisions of this section, the **[**[F12]Department of Justice**]** may make regulations as to the government, administration and conditions of service of members of **[**[F11]the Police Service of Northern Ireland**]**.

(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 **[**[F11]the Police Service of Northern Ireland**]**;

(b) the qualifications for appointment and promotion of members of **[**[F11]the Police Service of Northern Ireland**]**;

(c) periods of service on probation;

(d) voluntary retirement of members of **[**[F11]the Police Service of Northern Ireland**]**;

(e) the conduct, efficiency and effectiveness of members of **[**[F11]the Police Service of Northern Ireland**]** and the maintenance of discipline;

(f) the suspension or dismissal of members of **[**[F11]the Police Service of Northern Ireland**]** from membership of **[**[F11]the Police Service of Northern Ireland**]** and from the office of constable;

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(g) the maintenance of personal records of members of **[**[F11]the Police Service of Northern Ireland**]**;

(h) the duties which are or are not to be performed by members of **[**[F11]the Police Service of Northern Ireland**]**;

(i) the treatment as occasions of police duty of attendance at meetings of the Police Association and of any body recognised by the **[**[F13]Department of Justice**]** for the purposes of section 35;

(j) the hours of duty, leave, pay and allowances of members of **[**[F11]the Police Service of Northern Ireland**]**;

(k) the pensions and gratuities in respect of service as a member of **[**[F11]the Police Service of Northern Ireland**]** (including provision for the recognition for the purposes of such 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 **[**[F11]the Police Service of Northern Ireland**]** 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 **[**[F14]Board**]**.

(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 **[**[F11]the Police Service of Northern Ireland**]** 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 **[**[F15]Department of Justice**]**, the **[**[F14]Board**]**, 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**[**[F16]—

(a) as permitted by section 36A of the Police (Northern Ireland) Act 2000; or

(b)**]** 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 **[**[F11]the Police Service of Northern Ireland**]**, the regulations may make such

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amendments as appear to the **[**[F17]Department of Justice**]** to be necessary or expedient to any statutory provision (including this Act) containing a reference to any rank held by a member of **[**[F11]the Police Service of Northern Ireland**]**.

(8) The **[**[F18]Department of Justice**]** shall consult both the **[**[F14]Board**]** and the Police Association before making any regulations under this section, other than regulations made by virtue of subsection (2)(j), (k) or (l).

Textual Amendments

F11 Words in s. 25 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

F12 Words in s. 25(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 9** (with arts. 28-31)

F13 Words in s. 25(2)(i) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 9** (with arts. 28-31)

F14 Words in s. 25(3)(b)(5)(a)(8) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(a)**; S.R. 2001/396, art. 2, **Sch.**

F15 Words in s. 25(5)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 9** (with arts. 28-31)

F16 S. 25(6)(a)(b) and word inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 24(2)**

F17 Words in s. 25(7) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 9** (with arts. 28-31)

F18 Words in s. 25(8) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 9** (with arts. 28-31)

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.**)

C3 S. 25 modified (8.9.2003) by The Police (Northern Ireland) Act 1998 (Modification) Order 2003 (S.R. 2003/376), arts. 1(1), **2**

Commencement Information

I3 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 [[F19]Police Service of Northern Ireland] Reserve.

(1) The **[**[F20]Department of Justice**]** 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

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(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 **[**[F21]or gratuities**]** payable to or in respect of members of **[**[F19]the Police Service of Northern Ireland**]**.

(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 **[**[F22]Department of Justice**]**, the **[**[F23]Board**]**, 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 **[**[F24]Department of Justice**]** shall consult both the **[**[F23]Board**]** and the Police Association before making any regulations under this section.

Textual Amendments

F19 Words in s. 26(2)(g) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

F20 Words in s. 26(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 10** (with arts. 28-31)

F21 Words in s. 26(2)(g) inserted (23.11.2000) by 2000 c. 32, **ss. 49(5)(a)**, 79(2)(a) (with Sch. 7 para. 2)

F22 Words in s. 26(5)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 10** (with arts. 28-31)

F23 Words in s. 26(5)(a)(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(a)**; S.R. 2001/396, art. 2, **Sch.**

F24 Words in s. 26(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 10** (with arts. 28-31)

Modifications etc. (not altering text)

C4 S. 26 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.**)

C5 S. 26(2)(g) amended (23.11.2000) by 2000 c. 32, **ss. 49(5)(b)**, 79(2)(a) (with Sch. 7 para. 2)

Commencement Information

I4 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)

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27 Members of [F25Police Service of Northern Ireland] 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 **[**F25the Police Service of Northern Ireland**]** is engaged with the consent of the Chief Constable and the **[**F26Department of Justice**]**;

[F27(aa) temporary service on which a member of the police force is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);**]**

F28(b) . . . . . .

F29(c) . . . . . .

F30(ca) . . . . . .

[F31(cb) seconded service as a **[**F32National Crime Agency officer**]** on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable;**]**

F33(cc) . . . . . .

(d) temporary service on which a member of **[**F25the Police Service of Northern Ireland**]** 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 M3Police Act 1996 on which a member of **[**F25the Police Service of Northern Ireland**]** 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 M4Police Act 1996, on which a member of **[**F25the Police Service of Northern Ireland**]** is engaged with the consent of the Chief Constable;

(g) service the expenses of which are payable under section 1(1) of the M5Police (Overseas Service) Act 1945, on which a member of **[**F25the Police Service of Northern Ireland**]** is engaged with the consent of the Chief Constable; F34. . .

(h) service pursuant to an appointment under section 10 of the M6Overseas Development and Co-operation Act 1980, on which a member of **[**F25the Police Service of Northern Ireland**]** is engaged with the consent of the Chief Constable **[**F35, or

(j) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable.**]**

(2) In this section "member ofthe Police Service of Northern Ireland" does not include the Chief Constable.

(3) Subject to subsections (4) to (7), a member of **[**F25the Police Service of Northern Ireland**]** engaged on relevant service shall be treated as if he were not a member of **[**F25the Police Service of Northern Ireland**]** 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 **[**F25the Police Service of Northern Ireland**]** in the rank in which he was serving immediately before that period began; and

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(b) he shall be treated as if he had been serving in **[**[F25]the Police Service of Northern Ireland**]** 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 **[**[F25]the Police Service of Northern Ireland**]** may, when engaged on relevant service, be promoted in **[**[F25]the Police Service of Northern Ireland**]**, as if he were serving in it; and in any such case—

(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 **[**[F25]the Police Service of Northern Ireland**]** 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 **[**[F36]subsection (1)(aa), [F37]... [F38]... (cb),**[**[F39](cc),**]** (d), (e), (f), (h) or (j)**]**; 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 [M7]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 **[**[F25]the Police Service of Northern Ireland**]**.

(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.

[[F40](6A) Regulations made by virtue of section 25(3) or (4) in relation to a member of the PSNI who has completed a period of relevant service within subsection (1)(d) may provide for a relevant procedure to be treated for the purposes of the regulations as carried out in accordance with procedures for which provision is made by regulations made by virtue of section 25(3).

(6B) In subsection (6A) " relevant procedure " means an investigation, hearing or other procedure carried out in relation to the person concerned in a country or territory outside the United Kingdom in connection with the person's relevant service. **]**

(7) A member of **[**[F25]the Police Service of Northern Ireland**]** engaged on relevant service within subsection **[**[F41](1)[F42]...**]**[F42]...**[**[F43](cb) or (cc)**]**—

(a) shall continue to be a constable; and

(b) shall be treated for the purposes of sections [F44]. . ., 32, 33, 35 and 67 of this Act **[**[F45]and **[**[F46]sections 31A and 32**]** of the Police (Northern Ireland) Act 2000**]** as if he were a member of **[**[F25]the Police Service of Northern Ireland**]**.

(8) The Secretary of State shall be liable in respect of **[**[F47]any unlawful conduct of**]** a member of **[**[F25]the Police Service of Northern Ireland**]** 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 **[**[F47]any unlawful conduct

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of**]** his servants in the course of their employment, and shall **[**[F47], in the case of a tort,**]** be treated for all purposes as a joint tortfeasor.

[[F48](9) The preceding provisions of this section apply to a police officer serving in the Police Service of Northern Ireland Reserve as they apply to a police officer serving in the Police Service of Northern Ireland, but with the substitution—

(a) for references to the Police Service of Northern Ireland of references to the Police Service of Northern Ireland Reserve;

(b) for the references in subsection (3) to section 25 of references to section 26; and

(c) for the reference in subsection (5) to section 25(3) of a reference to section 26(3).**]**

Textual Amendments

F25 Words in s. 27 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(b)**; S.R. 2001/396, art. 2, **Sch.**

F26 Words in s. 27(1)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 11** (with arts. 28-31)

F27 S. 27(1)(aa) inserted (1.4.2004) by Police Reform Act 2002 (c. 30), s. 108(2), **Sch. 7 para. 22(1)**; S.I. 2004/913, art. 2(e)

F28 S. 27(1)(b) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 114(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(ff)

F29 S. 27(1)(c) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)

F30 S. 27(1)(ca) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 156(2), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

F31 S. 27(1)(cb) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 114(2)(b)**; S.I. 2006/378, art. 4(1), Sch. para. 10

F32 Words in s. 27(1)(cb) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 62(a)**; S.I. 2013/1682, art. 3(v)

F33 S. 27(1)(cc) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 62(b)**; S.I. 2013/1682, art. 3(v)

F34 Word in s. 27(1)(g) repealed (17.6.2002) by 2002 c. 1, s. 19(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**

F35 S. 27(1)(j) and the word preceding it inserted (17.6.2002) by 2002 c. 1, s. 19(1), **Sch. 3 para. 12(2)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**

F36 Words in s. 27(5)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 114(3)**; S.I. 2006/378, art. 4(1), Sch. para. 10

F37 Words in s. 27(5)(b) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6)

F38 Word in s. 27(5)(b) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 156(3), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

F39 Word in s. 27(5)(b) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 73(3)**; S.I. 2007/709, art. 3(a) (with art. 6)

F40 S. 27(6A)(6B) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 25**

F41 Words in s. 27(7) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 73(4)(a)**; S.I. 2007/709, art. 3(a) (with art. 6)

F42 Word in s. 27(7) repealed (1.4.2008) by virtue of Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 156(4), **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)

F43 Words in s. 27(7) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 1 para. 73(4)(b)**; S.I. 2007/709, art. 3(a) (with art. 6)

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F44 Words in s. 27(7)(b) omitted (4.11.2001) by virtue of 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(c)**; S.R. 2001/396, art. 2, **Sch.**

F45 Words in s. 27(7)(b) inserted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(c)**; S.R. 2001/396, art. 2, **Sch.**

F46 Words in s. 27(7)(b) substituted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 20(5)**

F47 Words in s. 27(8) substituted (1.10.2002) by 2002 c. 30, **s. 102(1)(2)**; S.I. 2002/2306, **art. 2(f)(xi)**

F48 S. 27(9) added (30.3.2001) by 2000 c. 32, **s. 50**; S.R. 2001/132, art. 2, **Sch.**

Modifications etc. (not altering text)

C6 S. 27(8) excluded (25.7.2006) by S.I. 1978/1039 (N.I. 9), **art. 2E(b)** (as inserted (with effect in accordance with **s. 27(4)** of the amending Act) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 27(1), 31(1)(f) (with s. 27(5)))

Marginal Citations

M3 1996 c. 16.

M4 1996 c. 16.

M5 1945 c. 17.

M6 1980 c. 63.

M7 1945 c. 17.

28 The [F49Police Fund].

(1) The [F50Department of Justice] may by regulations provide—

(a) for the establishment, maintenance and operation of the [F49Police Fund]; and

(b) for the payment into that fund of—

(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 [F50Department of Justice] shall consult both the [F51Board] and the Police Association before making any regulations under this section.

Textual Amendments

F49 Words in s. 28(1) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(d)**; S.R. 2001/396, art. 2, **Sch.**

F50 Words in s. 28(1)(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 12** (with arts. 28-31)

F51 Words in s. 28(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(a)**; S.R. 2001/396, art. 2, **Sch.**

29 Liability for wrongful acts of constables.

(1) The Chief Constable shall be liable in respect of [F52any unlawful conduct of] 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 [F52any unlawful conduct of] his servants in the course of their employment, and accordingly shall [F52, in the case of a 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 [F53section 10(5) of the Police (Northern Ireland) Act 2000]—

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

(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 **[**[F54]Board**]**.

(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 **[**[F55]any unlawful conduct of**]** 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 **[**[F54]Board**]**.

(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 **[**[F56]the Police Service of Northern Ireland**]** by virtue of section 98 of the [M8]Police Act 1996 or **[**[F57]section 23 or 24 of the Serious Organised Crime and Police Act 2005**]** as it applies to members of the police force.

[[F58](6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—

(a) a constable, nor

(b) an employee of the Board,

were unlawful conduct of a constable under the direction and control of the Chief Constable.

(7) In this section " international joint investigation team " means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the **[**[F59]Department of Justice**]**.

[F60](8) . . . . . .**]**

Textual Amendments

F52 Words in s. 29(1) substituted (1.10.2002) by 2002 c. 30, **s. 102(1)(2)**; S.I. 2002/2306, **art. 2(f)(xi)**

F53 Words in s. 29(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(e)**; S.R. 2001/396, art. 2, **Sch.**

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

F54 Words in s. 29(2)(b)(3)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(a)**; S.R. 2001/396, art. 2, **Sch.**

F55 Words in s. 29(3)(a) substituted (1.10.2002) by 2002 c. 30, **s. 102(4)**; S.I. 2002/2306, **art. 2(f)(xi)**

F56 By 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(f)** it is provided (4.11.2001) that words in s. 29(5) are substituted; S.R. 2001/396, art. 2, **Sch.**

F57 Words in s. 29(5) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 115**; S.I. 2006/378, art. 4(1), Sch. para. 10

F58 S. 29(6)-(8) inserted (1.10.2002) by 2002 c. 30, **s. 103(5)**; S.I. 2002/2306, **art. 2(f)(xii)**

F59 Words in s. 29(7)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 13(a)** (with arts. 28-31)

F60 S. 29(8) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 13(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C7 S. 29 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(i)**; S.R. 2001/132, art. 2, **Sch.**

C8 S. 29(1) excluded (25.7.2006) by S.I. 1978/1039 (N.I. 9), art. 2E(c) (as inserted (with effect in accordance with s. 27(4) of the amending Act) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), **ss. 27(1)**, 31(1)(f) (with s. 27(5)))

Marginal Citations

M8 1996 c. 16.

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.

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.

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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 20 August 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) The **[**[F61]Department of Justice**]** 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;

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

(iii) in the opinion of the **[**[F62]Board**]**, the property can be used for police purposes; and

(iv) **[**[F63]the Board**]** determines, in such manner as may be prescribed by the regulations, that the property is to be retained by,

the **[**[F62]Board**]** 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 [M9]Criminal Justice (Northern Ireland) Order 1994, make (subject to subsection (6)) provision for disposal (including disposal by vesting in the **[**[F62]Board**]**) 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 **[**[F62]Board**]** of property in relation to which an order has been made under Article 12 of the [M10]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 [M11]Criminal Justice (Northern Ireland) Order 1994—

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(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.

Textual Amendments

F61 Words in s. 31(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 14** (with arts. 28-31)

F62 Words in s. 31 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(a)(g)**; S.R. 2001/396, art. 2, **Sch.**

F63 Words in s. 31(3)(c)(iv) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(g)**; S.R. 2001/396, art. 2, **Sch.**

Modifications etc. (not altering text)

C9 S. 31 excluded (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 28(7)(b)**, 39(2); S.I. 2006/1013, art. 2(2)(b)

C10 S. 31 excluded by SI 1978/1047 (N.I. 17) Sch. para. 2(2) (as inserted (1.4.2008) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 12**; S.I. 2008/790, art. 3(a))

Marginal Citations

M9 1994 NI 15.

M10 1994 NI 15.

M11 1994 NI 15.

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.

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(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 **[**[F64]Department of Justice**]**—

(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 **[**[F65]the Department of Justice**]** 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).

Textual Amendments

F64 Words in s. 32(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 15(a)** (with arts. 28-31)

F65 Words in s. 32(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 15(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C11 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 **[**[F66]Department of Justice**]** 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;

(c) with respect to the manner in which representations may be made by the Police Association, or any section thereof, to the **[**[F67]Board**]**, the Chief Constable or the **[**[F68]Department of Justice**]**;

(d) for the payment by the **[**[F69]Department of Justice**]** 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 **[**[F70]Department of Justice**]** shall consult the Police Association.

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

Textual Amendments

F66 Words in s. 33(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 16** (with arts. 28-31)

F67 Words in s. 33(2)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(3)**; S.R. 2001/396, art. 2, **Sch.**

F68 Words in s. 33(2)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 16** (with arts. 28-31)

F69 Words in s. 33(2)(d) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 16** (with arts. 28-31)

F70 Words in s. 33(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 16** (with arts. 28-31)

34 The Police Negotiating Board for the United Kingdom.

[F71](1) . . . . . .

(2) In section 62(3) of the [M12]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 ".

Textual Amendments

F71 S. 34(1) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 17** (with arts. 28-31)

Marginal Citations

M12 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 [M13]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.

(4) Nothing in this section applies to membership of the Police Association or of any body recognised by the **[**[F72]Department of Justice**]** for the purposes of this section as representing members of the police force who are not members of the Police Association.

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Textual Amendments

F72 Words in s. 35(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 18** (with arts. 28-31)

Modifications etc. (not altering text)

C12 S. 35 applied (30.3.2001) by 2000 c. 32, **s. 41(1)(a)(iii)**; S.R. 2001/132, art. 2, **Sch.**

C13 S. 35 applied (with modifications) (8.9.2003) by The Police (Northern Ireland) Act 1998 (Modification) Order 2003 (S.R. 2003/376), arts. 1(1), **3**

Marginal Citations

M13 1992 NI 5.

PART V

FUNCTIONS OF SECRETARY OF STATE [F73 AND DEPARTMENT OF JUSTICE]

Textual Amendments

F73 Words in Pt. 5 heading inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 19** (with arts. 28-31)

F74 36 . . . . . .

Textual Amendments

F74 S. 36 repealed (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 8**; S. R. 2001/396, art. 2, Sch.

F75 37 . . . . . .

Textual Amendments

F75 S. 37 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F76 38 . . . . . .

Textual Amendments

F76 S. 38 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F77 39 . . . . . .

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Textual Amendments

F77 S. 39 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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

(1) The **[**[F78]Department of Justice**]** 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 **[**[F79]the Department of Justice**]** 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 **[**[F80]Department of Justice**]** shall consult—

(a) the **[**[F81]Board**]**;

(b) the Chief Constable; and

(c) the Police Association.

[F82](3) . . . . . .

[F82](4) . . . . . .

Textual Amendments

F78 Words in s. 40(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 20(a)(i)** (with arts. 28-31)

F79 Words in s. 40(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 20(a)(ii)** (with arts. 28-31)

F80 Words in s. 40(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 20(b)** (with arts. 28-31)

F81 Word in s. 40(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(b)**; S.R. 2001/396, art. 2, **Sch.**

F82 S. 40(3)(4) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6); S.I. 2007/709, art. 3(q) (with art. 6)

Commencement Information

I5 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)

41 Appointment of inspectors of constabulary.

(1) The **[**[F83]Department of Justice**]** may appoint from among Her Majesty's Inspectors of Constabulary appointed under section 54 of the [M14]Police Act 1996 such number of inspectors of constabulary for Northern Ireland as **[**[F84]the Department of Justice**]** may determine.

(2) The inspectors shall at least once in every year inspect and report to the **[**[F85]Department of Justice**]** on the efficiency and effectiveness of **[**[F86]—

(a) the Police Service of Northern Ireland;

(b) the Police Service of Northern Ireland Reserve;

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(c) the police support staff; and
(d) traffic wardens.**]**

[[F87]**[**[F88](3A) The **[**[F89]appropriate authority**]** may at any time require the inspectors to carry out an inspection under this section of the Police Service of Northern Ireland; and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service, to particular matters or to particular activities of the Service.**]**

(3B) Where the inspectors carry out an inspection under subsection (3A), they shall send a report on that inspection to the **[**[F90]appropriate authority**]**.**]**

[[F91](3C) In subsections (3A) and (3B) "the appropriate authority" means, in relation to any inspection—

(a) the Secretary of State, if the inspection relates (in whole or in part other than incidentally) to an excepted matter or reserved matter or to a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision;
(b) otherwise, the Department of Justice;

and in paragraph (a) "excepted matter" and "reserved matter" have the meanings given by section 4 of the Northern Ireland Act 1998.**]**

[[F92](4) The inspectors shall—

(a) if the **[**[F93]Department of Justice**]** 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 **[**[F93]Department of Justice**]** may from time to time direct;
(c) make such reports as the **[**[F93]Department of Justice**]** 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 **[**[F94]Department of Justice**]**.

Textual Amendments

F83 Words in s. 41(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(a)(i)** (with arts. 28-31)

F84 Words in s. 41(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(a)(ii)** (with arts. 28-31)

F85 Words in s. 41(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(b)** (with arts. 28-31)

F86 S. 41(2)(a)-(d) and "-" immediately preceding them substituted (4.11.2001) by 2000 c. 32, ss. 8(1), **Sch. 6 para. 23(4)(c)**; S.R. 2001/396, art. 2, **Sch.**

F87 S. 41(3A) substituted for s. 41(3)(3A) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 4 para. 116**; S.I. 2006/378, art. 4(1), Sch. para. 10

F88 S. 41(3A)(3B) inserted (1.10.2002) by 2002 c. 30, **s. 3(2)**; S.I. 2002/2306, **art. 2(a)**

F89 Words in s. 41(3A) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(c)** (with arts. 28-31)

F90 Words in s. 41(3B) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(c)** (with arts. 28-31)

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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 20 August 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)*

F91 S. 41(3C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(d)** (with arts. 28-31)

F92 S. 41(4) substituted (28.2.2003) by Police (Northern Ireland) Act 2000 (c. 32), **ss. 30(9)**, 79(1); S.R. 2003/66, art. 3

F93 Words in s. 41(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(b)** (with arts. 28-31)

F94 Words in s. 41(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 21(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C14 S. 41 power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 27(2)(a)(ii)**, 53(1); S.I. 2005/1126, art. 2(1)

C15 S. 41 power to apply conferred (21.7.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 29(2)(c)**, 58(1) (with s. 36(4))

Marginal Citations

M14 1996 c. 16.

[F95 41A Powers of Secretary of State in relation to reports and other duties of inspectors of constabulary

(1) For the purposes of subsections (2) to (8) information is "protected information" if the inclusion of the information in a report of the inspectors under section 41 would be against the interests of national security.

(2) If it appears to the Secretary of State that—

(a) the inspectors are required to prepare a report under section 41 (other than a report on an inspection required by the Secretary of State under section 41(3A)), and

(b) the report might contain (or once completed might contain) protected information,

the Secretary of State may require the inspectors to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once it is completed).

(3) The Secretary of State must, within—

(a) the period of 30 days after the date on which the inspectors refer the report to the Secretary of State, or

(b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the inspectors whether, in the opinion of the Secretary of State, the report contains any protected information.

(4) If—

(a) it appears to the inspectors that a report under section 41 (other than a report on an inspection required by the Secretary of State under section 41(3A)) might contain protected information, and

(b) the inspectors have not been required to refer the report to the Secretary of State under subsection (2),

the inspectors must refer the report to the Secretary of State.

(5) The Secretary of State must, within—

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(a) the period of 30 days after the date on which the inspectors refer the report to the Secretary of State, or

(b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the inspectors whether, in the opinion of the Secretary of State, the report contains any protected information.

(6) Where the Secretary of State has required that a report be referred to the Secretary of State under subsection (2), or the inspectors are required under subsection (4) to refer a report to the Secretary of State, the inspectors must not disclose the report to anyone apart from the Secretary of State, except—

(a) in accordance with subsection (7),

(b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any protected information, or

(c) after the period mentioned in subsection (3) or (5) has expired without any notification being given by the Secretary of State.

(7) Where the Secretary of State notifies the inspectors under subsection (3) or (5) that, in the opinion of the Secretary of State, a report contains protected information—

(a) the Secretary of State may direct the inspectors to exclude from the report any information that, in the opinion of the Secretary of State, is protected information,

(b) the inspectors must exclude that information from the report,

(c) the Secretary of State must inform the Department of Justice that the Secretary of State has given a direction under paragraph (a), and

(d) the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).

(8) When the inspectors provide to anyone a report from which information has been excluded under subsection (7), they must at the same time provide the report to the Secretary of State.

(9) For the purposes of subsections (10) to (14) information is "protected information" if it is information that, in the interests of national security, ought not to be disclosed by the inspectors.

(10) If it appears to the Secretary of State that any requirement imposed on the inspectors by the Department of Justice under section 41 may require them to disclose, otherwise than in a report, information that is or includes protected information, the Secretary of State may require the inspectors to refer the matter to the Secretary of State.

(11) If it appears to the inspectors that any requirement imposed on them by the Department of Justice under section 41 may require them to disclose, otherwise than in a report, information that is or includes protected information, they must refer the matter to the Secretary of State.

(12) The Secretary of State must, within—

(a) the period of 30 days after the date on which the inspectors refer a matter to the Secretary of State under subsection (10) or (11), or

(b) such longer period as may be agreed between the Secretary of State and the Department of Justice,

notify the inspectors whether, in the opinion of the Secretary of State, the information in question is or includes protected information.

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(13) Where the inspectors are required under subsection (10) or (11) to refer a matter to the Secretary of State, they must not disclose the information in question to anyone apart from the Secretary of State, except—

(a) in accordance with subsection (14),

(b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the information in question is not or does not include protected information, or

(c) after the period mentioned in subsection (12) has expired without any notification being given by the Secretary of State.

(14) Where the Secretary of State notifies the inspectors under subsection (12) that, in the opinion of the Secretary of State, the information in question is or includes protected information—

(a) the Secretary of State may set aside or modify the requirement imposed by the Department of Justice as the Secretary of State thinks appropriate so that the inspectors are not required to disclose any information that, in the opinion of the Secretary of State, is protected information;

(b) the inspectors must proceed accordingly;

(c) the Secretary of State must inform the Department of Justice that the Secretary of State has taken action under paragraph (a); and

(d) the Secretary of State must lay before Parliament a statement that the Secretary of State has taken action under paragraph (a).**]**

Textual Amendments

F95 S. 41A inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 22** (with arts. 28-31)

42 Publication of reports of inspectors of constabulary.

(1) Subject to subsection (2), the **[**[F96]Department of Justice**]** shall arrange for any report received by **[**[F97]it**]** under section 41(2) [F98]...**[**[F99]and any report of an inspection under section 41(4)(a)**]** to be published in such manner as appears to **[**[F97]it**]** to be appropriate.

(2) The **[**[F100]Department of Justice**]** may exclude from publication under subsection (1) any part of a report if, in **[**[F101]its**]** opinion, the publication of that part—

(a) would be [F102]... prejudicial to public order; or

(b) might jeopardise the safety of any person.

(3) The **[**[F103]Department of Justice**]** shall send a copy of the published report to—

(a) the **[**[F104]Board**]**; and

(b) the Chief Constable.

(4) The **[**[F104]Board**]** shall invite the Chief Constable to submit comments on the published report to **[**[F105]the Board**]** before such date as it may specify.

(5) The **[**[F104]Board**]**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

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(c) any response which **[**[F105]the Board**]** has to the comments submitted by the Chief Constable,

to be published in such manner as appears to **[**[F105]the Board**]** to be appropriate.

(6) The **[**[F104]Board**]** shall send a copy of any document published under subsection (5) to the **[**[F106]Department of Justice**]**.

[[F107](6A) In relation to a report received by the Secretary of State under section 41(3B)—

(a) subsections (1) to (6) above apply as if references to the Department of Justice were references to the Secretary of State;

(b) under subsection (2) above, the Secretary of State may also exclude from publication under subsection (1) any part of the report if, in the Secretary of State's opinion, the publication of that part would be against the interests of national security.**]**

[F108](7) . . . . . .

Textual Amendments

F96 Words in s. 42(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(a)(i)** (with arts. 28-31)

F97 Words in s. 42(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(a)(ii)** (with arts. 28-31)

F98 Word in s. 42(1) omitted (1.4.2006) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 117(2), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(ff)

F99 Words in s. 42(1) inserted (28.2.2003) by Police (Northern Ireland) Act 2000 (c. 32), **ss. 30(10)**, 79(1); S.R. 2003/66, art. 3

F100 Words in s. 42(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(b)(i)** (with arts. 28-31)

F101 Word in s. 42(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(b)(ii)** (with arts. 28-31)

F102 Words in s. 42(2) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(b)(iii)** (with arts. 28-31)

F103 Words in s. 42(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(c)** (with arts. 28-31)

F104 Words in s. 42(3)(a)(4)-(7) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(b)**; S.R. 2001/396, art. 2, **Sch.**

F105 Words in s. 42(4)(5) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(e)**; S.R. 2001/396, art. 2, **Sch.**

F106 Words in s. 42(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(d)** (with arts. 28-31)

F107 S. 42(6A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 23(e)** (with arts. 28-31)

F108 S. 42(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 117(3), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. paras. 10, 13(ff)

Modifications etc. (not altering text)

C16 S. 42 power to apply conferred (7.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 27(2)(a)(iii)**, 53(1); S.I. 2005/1126, art. 2(1)

C17 S. 42 power to apply conferred (21.7.2009) by Borders, Citizenship and Immigration Act 2009 (c. 11), **ss. 29(2)(c)**, 58(1) (with s. 36(4))

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43 Criminal statistics.

(1) The Chief Constable shall, at such times and in such form as the **[**[F109]Department of Justice**]** may direct, transmit to the **[**[F109]Department of Justice**]** such particulars with respect to offences, offenders, criminal proceedings and the state of crime in Northern Ireland as the **[**[F109]Department of Justice**]** may require.

(2) The **[**[F110]Department of Justice**]** shall cause an abstract of the information transmitted to **[**[F111]it**]** under this section to be prepared and published in such manner as **[**[F112]it**]** thinks appropriate.

Textual Amendments

F109 Words in s. 43(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 24(a)** (with arts. 28-31)

F110 Words in s. 43(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 24(b)(i)** (with arts. 28-31)

F111 Word in s. 43(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 24(b)(ii)** (with arts. 28-31)

F112 Word in s. 43(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 24(b)(iii)** (with arts. 28-31)

[F113]44 Inquiries.

. . . . . .

Textual Amendments

F113 S. 44 omitted (7.6.2005) by virtue of Inquiries Act 2005 (c. 12), s. 51(1), Sch. 2 para. 17, **3** (with ss. 44, 50); S.I. 2005/1432, art. 2

45 Research and advice.

(1) The **[**[F114]Department of Justice**]** may set up such bodies and take such other steps as appear to **[**[F115]the Department of Justice**]** to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency and effectiveness of **[**[F116]—

(a) the Police Service of Northern Ireland;
(b) the Police Service of Northern Ireland Reserve;
(c) the police support staff; and
(d) traffic wardens**]**.

(2) The **[**[F117]Department of Justice**]** may set up such bodies as appear to **[**[F118]the Department of Justice**]** to be necessary or expedient for the purpose of advising **[**[F118]the Department of Justice**]** on matters affecting the efficiency and effectiveness of **[**[F116]—

(a) the Police Service of Northern Ireland;
(b) the Police Service of Northern Ireland Reserve;
(c) the police support staff; and
(d) traffic wardens.**]**

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Textual Amendments

F114 Words in s. 45(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 25(a)(i)** (with arts. 28-31)

F115 Words in s. 45(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 25(a)(ii)** (with arts. 28-31)

F116 S. 45(1)(a)-(d)(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.**

F117 Words in s. 45(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 25(b)(i)** (with arts. 28-31)

F118 Words in s. 45(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 25(b)(ii)** (with arts. 28-31)

46 Expenditure by [F119Department of Justice] for police purposes.

The **[**F120Department of Justice**]** may—

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

(b) make such other payments,

as **[**F121the Department of Justice**]** thinks necessary or expedient for promoting the efficiency and effectiveness of **[**F122—

(a) the Police Service of Northern Ireland;

(b) the Police Service of Northern Ireland Reserve;

(c) the police support staff; and

(d) traffic wardens.**]**

Textual Amendments

F119 Words in s. 46 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 26(2)** (with arts. 28-31)

F120 Words in s. 46 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 26(1)(a)** (with arts. 28-31)

F121 Words in s. 46 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 26(1)(b)** (with arts. 28-31)

F122 S. 46(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.**

F123PART VI

Textual Amendments

F123 Pt. VI (ss. 47-49) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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PART VII

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

Modifications etc. (not altering text)

C18 Pt. 7 applied (with modifications) (1.7.2008) by Police Powers for Designated Staff (Complaints and Misconduct) Regulations (Northern Ireland) 2008 (S.R. 2008/242), regs. 1(2), **4-66**

50 Interpretation of this Part.

(1) In this Part—

"the appropriate disciplinary authority" means—

(a) in relation to a senior officer, the **[**[F124]Board**]**; 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;

[[F125] " the Director " means the Director of Public Prosecutions for Northern Ireland; **]**

"disciplinary proceedings" means—

(a) in relation to a member of the **[**[F126]Police Service of Northern Ireland**]**, 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;

"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.

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(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.

Textual Amendments

F124 Words in s. 50 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

F125 Definition in s. 50(1) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 34(2)**, 87(1); S.R. 2005/281, art. 2(1), Sch. 1 para. 5

F126 Words in s. 50(1) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(b)**; S.R. 2001/396, art. 2, **Sch.**

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
   (b) if made to a member of the police force, the **[**[F127]Board**[**[F128], the Director**]]** or the **[**[F129]Department of Justice**]**, 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.

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(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 **[**[F127]Board**[**[F130], the Director**]]** or the **[**[F131]Department of Justice**]** 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 **[**[F127]Board**[**[F130], the Director**]]** or the **[**[F132]Department of Justice**]** (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.

Textual Amendments

F127 Word in s. 52 substituted (4.11.2001) by 2000 c. 32 , s. 78(1) , **Sch. 6 para. 23(5)(a)** ; S.R. 2001/396 , art. 2 , **Sch.**

F128 Words in s. 52(1)(b) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26) , **ss. 34(3)** , 87(1) ; S.R. 2005/281 , art. 2(1) , Sch. 1 para. 5

F129 Words in s. 52(1)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 27** (with arts. 28-31)

F130 Words in s. 52(6) (7) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26) , **ss. 34(3)** , 87(1) ; S.R. 2005/281 , art. 2(1) , Sch. 1 para. 5

F131 Words in s. 52(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 27** (with arts. 28-31)

F132 Words in s. 52(7) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 27** (with arts. 28-31)

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—

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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 20 August 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)*

(a) the complainant gives his consent; and
(b) it is not a serious complaint.

(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 **[**[F133]Board**]**, provide a member of the police force to be appointed by the **[**[F133]Board**]** 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.

Textual Amendments

F133 Words in s. 53(5) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

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 **[**[F134]Board**]****[**[F135], the Department of Justice**]**[F136]... or the Secretary of State may refer to the Ombudsman any matter which—

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(a) appears to **[**[F137]the Board**]**[F136]... 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,

if, after consultation with the Ombudsman and the Chief Constable, it appears to **[**[F137]the Board**]**[F136]**[**[F138]...**]** or the Secretary of State that it is desirable in the public interest that the Ombudsman should investigate the matter.

[[F139](1A) The Secretary of State may refer a matter to the Ombudsman under subsection (1) only if it appears to the Secretary of State that the matter relates (in whole or in part) to an excepted matter or reserved matter (within the meaning given by section 4 of the Northern Ireland Act 1998).**]**

(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.

[[F140](4A) The Director shall refer to the Ombudsman any matter which—

(a) appears to the Director to indicate that a police officer—

(i) may have committed a criminal offence; or

(ii) may, in the course of a criminal investigation, have behaved in a manner which would justify disciplinary proceedings; and

(b) is not the subject of a complaint,

unless it appears to the Director that the Ombudsman is already aware of the matter.

(4B) In subsection (4A) " criminal investigation " has the same meaning as in Part 2 of the Criminal Procedure and Investigations Act 1996 (c. 25). **]**

(5) Where any matter is referred to the Ombudsman under subsection (4)**[**[F141], or (4A)**]**, 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

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(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 **[**[F134]Board**][**[F142], the Department of Justice**]**[F143]... 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.

Textual Amendments

F134 Words in s. 55 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

F135 Words in s. 55(1) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 28(2)** (with arts. 28-31)

F136 Words in s. 55(1) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 34(4)**, 87(1); S.R. 2005/281, art. 2(1), Sch. 1 para. 5
omitted (13.6.2005) by virtue of Justice (Northern Ireland) Act 2004 (c. 4), ss. 6(2), 19(1), **Sch. 4**; S.R. 2005/282, art. 2

F137 Words in s. 55(1) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(c)**; S.R. 2001/396, art. 2, **Sch.**

F138 Words in s. 55(1) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 34(4)**, 87(1); S.R. 2005/281, art. 2(1), Sch. 1 para. 5

F139 S. 55(1A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 28(3)** (with arts. 28-31)

F140 S. 55(4A)(4B) inserted (13.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), **ss. 6(3)**, 19(1); S.R. 2005/282, art. 2

F141 Words in s. 55(5) inserted (13.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), **ss. 6(4)**, 19(1); S.R. 2005/282, art. 2

F142 Words in s. 55(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 28(2)** (with arts. 28-31)

F143 Words in s. 55(7) inserted (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), **ss. 34(4)**, 87(1); S.R. 2005/281, art. 2(1), Sch. 1 para. 5
and omitted (13.6.2005) by virtue of Justice (Northern Ireland) Act 2004 (c. 4), ss. 6(5), 19(1), **Sch. 4**; S.R. 2005/282, art. 2

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.

[[F144](1A) Where an investigation is authorised by virtue of section 85 (read with section 86A) of the Criminal Justice Act 2003 (investigation of the commission of certain offences by persons acquitted), the Ombudsman shall appoint an officer of the Ombudsman to conduct the investigation.**]**

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(2) The **[**[F145]Department of Justice**]** may by order provide that any provision of the [M15]Police and Criminal Evidence (Northern Ireland) Order 1989 which relates to investigation of 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 **[**[F146]section 32 of the Police (Northern Ireland) Act 2000**]** 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 [M16]Trade Union and Labour Relations (Northern Ireland) Order 1995; or

(b) Article 243 of the [M17]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.

Textual Amendments

F144 S. 56(1A) inserted (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912), arts. 1(3), **11(2)**

F145 Words in s. 56(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 29** (with arts. 28-31)

F146 Words in s. 56(3) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(d)**; S.R. 2001/396, art. 2, **Sch.**

Marginal Citations

M15 1989 NI 12.

M16 1995 NI 12.

M17 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

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(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.

(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 **[**[F147]section 32 of the Police (Northern Ireland) Act 2000**]** 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.

Textual Amendments

F147 Words in s. 57(6) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(d)**; S.R. 2001/396, art. 2, **Sch.**

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 [F148]...

[F149](4) . . . . . .

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Textual Amendments

F148 Words in s. 58(3) repealed (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2005/281, art. 2(1), Sch. 1 para. 14(e)

F149 S. 58(4) repealed (13.6.2005) by Justice (Northern Ireland) Act 2002 (c. 26), s. 87(1), **Sch. 13**; S.R. 2005/281, art. 2(1), Sch. 1 para. 14(e)

[F150 58A Steps to be taken after investigation – mediation.

(1) If the Ombudsman—

(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

F150 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.

[F151(1) Subsection (1B) applies if—

(a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or

(b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.

F151(1A) Subsection (1B) also applies if the Ombudsman determines that a 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 and—

(a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or

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(b) he determines that the complaint is suitable for resolution through mediation under that section but—

(i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or

(ii) attempts to resolve the complaint in that way have been unsuccessful.

[F151](1B) 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.

[[F152](2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.**]**

(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 **[**[F153]Board**]** shall advise the Ombudsman of what action it has taken in response to a recommendation contained in a memorandum sent to it under 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.

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(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).

Textual Amendments

F151 S. 59(1)(1A)(1B) substituted (22.12.2000) for s. 59(1) by 2000 c. 32, **s. 62(2)**; S.R. 2000/412, art. 2, **Sch.**

F152 S. 59(2A) inserted (22.12.2000) by 2000 c. 32, **s. 62(3)**; S.R. 2000/412, art. 2, **Sch.**

F153 Words in s. 59(4) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

60 Constabularies not maintained by [F154Board].

(1) An agreement for the establishment in relation to any body of constables maintained by an authority other than the **[**F154Board**]** of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the **[**F155Department of Justice**]**, 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 **[**F155Department of Justice**]** 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 **[**F155Department of Justice**]**.

(4) Before making an order under this section the **[**F155Department of Justice**]** 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.

[F156(7) In the application of this section in relation to the Ministry of Defence Police, references to the Department of Justice are to be read as references to the Secretary of State.**]**

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Textual Amendments

F154 Words in s. 60 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

F155 Words in s. 60(1)(2)(3)(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 30(2)** (with arts. 28-31)

F156 S. 60(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 30(3)** (with arts. 28-31)

[F157 60ZA [F158 The National Crime Agency]

(1) An agreement for the establishment in relation to [F159 National Crime Agency officers] 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 Agency.

(2) Where no such procedures are in force in relation to the Agency, 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.

(4) Before making an order under this section the Secretary of State shall consult—
   (a) the Ombudsman; and
   (b) the Agency.

(5) Nothing in any other statutory provision shall prevent the Agency 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 [F160 National Crime Agency officer] outside Northern Ireland.

F161 (7) . . . . . .]

Textual Amendments

F157 S. 60ZA inserted (1.3.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 55(2)(a)**, 178(8); S.I. 2006/378, art. 3(1)(2)(d)

F158 S. 60ZA title substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), **ss. 11(8)(a)**, 61(2); S.I. 2013/1682, art. 3(o)

F159 Words in s. 60ZA(1) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), **ss. 11(8)(b)**, 61(2); S.I. 2013/1682, art. 3(o)

F160 Words in s. 60ZA(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), **ss. 11(8)(c)**, 61(2); S.I. 2013/1682, art. 3(o)

F161 S. 60ZA(7) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), **ss. 11(8)(d)**, 61(2); S.I. 2013/1682, art. 3(o)

[F162 60A Investigations into current police practices and policies

(1) The Ombudsman may investigate a current practice or policy of the police if—
   (a) the practice or policy comes to his attention under this Part, and

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(b) he has reason to believe that it would be in the public interest to investigate the practice or policy.

(2) But subsection (1) does not authorise the Ombudsman to investigate a practice or policy to the extent that the practice or policy is concerned with conduct of a kind mentioned in section 65(5) of the Regulation of Investigatory Powers Act 2000 (conduct which may be within jurisdiction of tribunal established under section 65 of that Act).

(3) If the Ombudsman decides to conduct an investigation under this section he shall immediately inform the Chief Constable, the Board and the **[**[F163]Department of Justice**]** of—

(a) his decision to conduct the investigation,

(b) his reasons for making that decision, and

(c) the practice or policy into which the investigation is to be conducted.

[F164]**[** (3A) Where it appears to the Ombudsman that an investigation may relate wholly or in part to—

(a) a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision, or

(b) an excepted matter or reserved matter (within the meaning given by section 4 of the Northern Ireland Act 1998),

the Ombudsman shall also immediately inform the Secretary of State of the matters mentioned in subsection (3)(a) to (c).**]**

(4) When an investigation under this section has been completed the Ombudsman shall report on it to the Chief Constable and the Board.

(5) The Ombudsman shall send a copy of his report to the Secretary of State, if the investigation relates wholly or in part to—

(a) a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision, or

(b) an excepted matter (within the meaning given by section 4 of the Northern Ireland Act 1998).**]**

[[F165](6) The Ombudsman shall send a copy of his report to the Department of Justice, if the investigation relates wholly or in part to a matter in respect of which a function is conferred or imposed on the Department of Justice by or under a statutory provision.**]**

Textual Amendments

F162 S. 60A inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 13(1)**

F163 Words in s. 60A(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 31(a)** (with arts. 28-31)

F164 S. 60A(3A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 31(b)** (with arts. 28-31)

F165 S. 60A(6) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 31(c)** (with arts. 28-31)

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61 Reports.

(1) The Ombudsman shall, at the request of the **[**[F166]appropriate authority**]**, report to the **[**[F166]appropriate authority**]** on such matters relating generally to the functions of the Ombudsman as the **[**[F166]appropriate authority**]** 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 **[**[F166]appropriate authority**]** on any matters coming to the Ombudsman's attention under this Part to which the Ombudsman considers that the **[**[F167]appropriate authority's**]** attention should be drawn in the public interest.

[[F168](2A) In subsections (1) and (2) "the appropriate authority" means, in relation to any matter—

(a) the Secretary of State, if the matter relates (in whole or in part other than incidentally) to an excepted matter or reserved matter or to a function conferred or imposed on the Secretary of State by or under a statutory provision;

(b) otherwise, the Department of Justice;

and in paragraph (a) "excepted matter" and "reserved matter" have the meanings given by section 4 of the Northern Ireland Act 1998.**]**

(3) The Ombudsman shall, not later than 3 months after the end of each financial year, make to the **[**[F169]Department of Justice**]** 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 **[**[F169]Department of Justice**]**.

(5) The Ombudsman shall send a copy of any report under this section to—

(a) the **[**[F170]Board**]** 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**[**[F171]; and

(c) if the report concerns the **[**[F172]National Crime Agency**]**, to the Agency.**]**

[[F173](5A) The Department of Justice shall—

(a) lay before the Northern Ireland Assembly a copy of every report received by the Department under this section; and

(b) cause every such report to be published.

(5B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (5A)(a) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.**]**

(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.

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[[F174](7) The Ombudsman shall send to the **[**[F170]Board**]** any statistical or other general information which the Ombudsman considers should be brought to the attention of the **[**[F170]Board**]** in connection with its functions under section 2(4)(a).**]**

Textual Amendments

F166 Words in s. 61(1)(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 32(2)(a)** (with arts. 28-31)

F167 Words in s. 61(1)(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 32(2)(b)** (with arts. 28-31)

F168 S. 61(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 32(3)** (with arts. 28-31)

F169 Words in s. 61(3)(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 32(4)** (with arts. 28-31)

F170 Words in s. 61 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

F171 S. 61(5)(c) and word inserted (1.3.2006) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 55(2)(b)**, 178(8); S.I. 2006/378, art. 3(1)(2)(d)

F172 Words in s. 61(5)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 19**; S.I. 2013/1682, art. 3(q)

F173 S. 61(5A)(5B) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 32(5)** (with arts. 28-31)

F174 S. 61(7) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F175]61A Reports to Chief Constable and Board.

. . . . . .

Textual Amendments

F175 S. 61A repealed (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), s. 13(2), **Sch. 4**

[[F176]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

F176 S. 61AA inserted (4.11.2001) by 2000 c. 32, **s. 64**; S.R. 2001/396, art. 2, **Sch.**

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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;

[[F177](b) to the Department of Justice or 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

(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.

[[F178](2A) Subsection (1) does not prevent the Ombudsman, to such extent as he thinks it necessary to do so in the public interest, from disclosing in a **[**[F179]report of an investigation under section 60A**]**—

(a) the identity of an individual, or

(b) information from which the identity of an individual may be established.**]**

(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.

[[F180](4) Nothing in subsection (1)(b) permits the disclosure to the Department of Justice of information—

(a) which has been supplied to the Ombudsman under section 66(1) of the Police (Northern Ireland) Act 2000 for the purposes of or in connection with an investigation under section 60A of this Act, and

(b) in relation to which the Ombudsman has been informed under section 66(3)(b) of the Police (Northern Ireland) Act 2000 that the information is, in the opinion of the Chief Constable or the Board, information which ought not to be disclosed on the ground mentioned in section 76A(1)(a) of that Act.**]**

Textual Amendments

F177 S. 63(1)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 33(2)** (with arts. 28-31)

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F178 S. 63(2A) inserted (4.11.2001) by 2000 c. 32, **s. 63(2)**; S.R. 2001/396, art. 2, **Sch.**
F179 Words in s. 63(2A) substituted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 13(3)**
F180 S. 63(4) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 33(3)**(4)** (with arts. 28-31)

Modifications etc. (not altering text)
C19 S. 63(1): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, **Sch. 4 Pt. 1 para. 43**

64 Regulations.

(1) The **[**[F181]Department of Justice**]** 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 **[**[F182]Department of Justice**]** 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 **[**[F183]or mediation**]**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 **[**[F184]or through mediation**]**, 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 **[**[F185]or through mediation**]**, 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;
- (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

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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).

[[F186](2A) The **[**[F187]Department of Justice**]** may by regulations provide that, subject to such exceptions as may be prescribed—

(a) this Part shall not apply to a complaint about the conduct of a police officer which took place more than the prescribed period before the date on which the complaint is made or referred to the Ombudsman under section 52(1);

(b) the Ombudsman shall not investigate any matter referred to him under section 55(1), (2) **[**[F188], (4) or (4A)**]** if the actions, behaviour or conduct to which the matter relates took place more than the prescribed period before the date on which the reference is made;

(c) the Ombudsman shall not at any time commence a formal investigation under section 55(6) of any matter if the actions or behaviour to which the matter relates took place more than the prescribed period before that time;

[F189](d) . . . . . **]**

(3) Regulations under this section may authorise the **[**[F190]Department of Justice**]** to make provision for any purposes specified in the regulations.

(4) Before making any regulations under this section, the **[**[F191]Department of Justice**]** shall consult—

(a) the Ombudsman;

(b) the **[**[F192]Board**]**; and

(c) the Police Association.

Textual Amendments

F181 Words in s. 64(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(2)** (with arts. 28-31)

F182 Words in s. 64(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(2)** (with arts. 28-31)

F183 Words in s. 64(2)(b) inserted (22.12.2000) by 2000 c. 32, **s. 62(4)(a)**; S.R. 2000/412, art. 2, **Sch.**

F184 Words in s. 64(2)(c) inserted (22.12.2000) by 2000 c. 32, **s. 62(4)(b)**; S.R. 2000/412, art. 2, **Sch.**

F185 Words in s. 64(2)(d)(i) inserted (22.12.2000) by 2000 c. 32, **s. 62(4)(c)**; S.R. 2000/412, art. 2, **Sch.**

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F186 S. 64(2A) inserted (22.12.2000) by 2000 c. 32, **s. 65**; S.R. 2000/412, art. 2, **Sch.**
F187 Words in s. 64(2A) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(2)** (with arts. 28-31)
F188 Words in s. 64(2A)(b) substituted (13.6.2005) by Justice (Northern Ireland) Act 2004 (c. 4), **ss. 6(6)**, 19(1); S.R. 2005/282, art. 2
F189 S. 64(2A)(d) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(3)** (with arts. 28-31)
F190 Words in s. 64(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(2)** (with arts. 28-31)
F191 Words in s. 64(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 34(2)** (with arts. 28-31)
F192 Words in s. 64 substituted (4.11.2001) by 2000 c. 32, ss. 78(1), 79(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

[F193 64A Secretary of State's power to make regulations

(1) The Secretary of State may make regulations containing provision of any kind within section 64(1), (2) or (2A) for purposes connected with—
  (a) excepted or reserved matters (within the meaning given by section 4 of the Northern Ireland Act 1998);
  (b) matters in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision.

(2) The Secretary of State may by regulations provide that, subject to such exceptions as may be prescribed, to the extent that the subject matter of a complaint falls within the jurisdiction of—
  (a) the tribunal constituted under section 65(1) of the Regulation of Investigatory Powers Act 2000, or
  (b) a person appointed under Part 4 of that Act,

  the Ombudsman shall not investigate it.

(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 the Department of Justice and the persons mentioned in section 64(4)(a) to (c).

(5) Regulations made by the Department of Justice under section 64 have effect subject to regulations made by the Secretary of State under this section.]

Textual Amendments
F193 S. 64A inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 35** (with arts. 28-31)

65 Guidance concerning discipline, complaints, etc.

(1) The [F194 Department of Justice] may issue guidance to the [F195 Board] and police officers concerning the discharge of their functions—
  (a) under this Part;

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(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.

(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 **[**[F196]Department of Justice**]** 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 **[**[F197]Department of Justice**]** with respect to matters the disclosure of which may be prejudicial to the public interest.

[[F198](6) 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 on the ground of national security.

(7) Any guidance given by the Department of Justice to the Ombudsman under this section has effect subject to any guidance given by the Secretary of State under subsection (6).**]**

Textual Amendments

F194 Words in s. 65(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 36(a)** (with arts. 28-31)

F195 Words in s. 65 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(5)(a)**; S.R. 2001/396, art. 2, **Sch.**

F196 Words in s. 65(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 36(a)** (with arts. 28-31)

F197 Words in s. 65(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 36(a)** (with arts. 28-31)

F198 S. 65(6)(7) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 36(b)** (with arts. 28-31)

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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.

[[F199](1A) Any person who assaults, resists, obstructs or impedes a designated person in the execution of his duty, or a person assisting a designated person in the execution of his duty, shall be guilty of an offence.**]**

(2) A person guilty of an offence under subsection (1)**[**[F200]or (1A)**]** 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.

[F201](3) . . . . . .

[[F202](3A) In subsection (1A) the references to the execution of the duty of a designated person are to—

(a) the exercise of a power conferred on him by his designation;

(b) the performance of a duty imposed on him by his designation.

(3B) In this section " designated person " means a person designated under section 30**[**[F203], 30A**]** or 31 of the Police (Northern Ireland) Act 2003. **]**

(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.

[[F204](5) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland; and

(b) is carrying out his functions as a member of that team.

(6) In this section " international joint investigation team " means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the **[**[F205]Department of Justice**]**.

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[F206](7) . . . . . .]

Textual Amendments

F199 S. 66(1A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 38(2)**

F200 Words in s. 66(2) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 38(3)**

F201 S. 66(3) repealed (1.3.2007) by The Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), art. 1(2), Sch. 1 para. 33, **Sch. 2**

F202 S. 66(3A)(3B) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 38(5)**

F203 Word in s. 66(3B) inserted (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), **7(10)**

F204 S. 66(5)-(7) inserted (1.10.2002) by 2002 c. 30, **s. 104(3)**; S.I. 2002/2306, **art. 2(f)(xiii)**

F205 Words in s. 66(6)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 37(a)** (with arts. 28-31)

F206 S. 66(7) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 37(b)** (with arts. 28-31)

Modifications etc. (not altering text)

C20 S. 66 modified (26.4.2004) by Crime (International Co-operation) Act 2003 (c. 32), **ss. 84(3)**, 94(1); S.I. 2004/786, art. 3(1)(2)

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.

[[F207](1A) Any person who, with intent to deceive—

(a) impersonates a designated person; or

(b) makes any statement or does any act calculated falsely to suggest that he is a designated person; or

(c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated person that exceed the powers he actually has,

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.

(3) A person guilty of an offence under subsection (1)[[F208], (1A)] 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

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the police force or anything having the appearance of such an article, badge, mark or document.

[[F209](6) In this section " designated person " means a person designated under section 30**[**[F210], 30A**]** or 31 of the Police (Northern Ireland) Act 2003. **]**

Textual Amendments

F207 S. 67(1A) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 39(2)**

F208 Word in s. 67(3) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 39(3)**

F209 S. 67(6) inserted (8.4.2003) by Police (Northern Ireland) Act 2003 (c. 6), **s. 39(4)**

F210 Word in s. 67(6) inserted (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912), arts. 1(3), **7(10)**

Modifications etc. (not altering text)

C21 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)

C22 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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Traffic wardens

[F211]70 . . . . . .

Textual Amendments

F211 S. 70 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

Supplementary

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.

72 Orders and regulations.

(1) Any power of **[**[F212]the Department of Justice or**]** the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the [M18]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 **[**[F213]the Department of Justice or (as the case may be)**]** the Secretary of State to be appropriate.

[[F214](2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the **[**[F215]Department of Finance and Personnel**].]**

(3) . . . . . .

(4) **[**[F216]An order or regulations**]** made under this Act (other than [F217]... an order under section 75)

[[F218](a) if made by the Department of Justice, shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954);

(b) if made by the Secretary of State, 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 Statutory Instruments Act 1946 shall apply accordingly.**]**

Textual Amendments

F212 Words in s. 72(1) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(2)** (with arts. 28-31)

F213 Words in s. 72(2) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(3)** (with arts. 28-31)

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F214 S. 72(2A) inserted (22.12.2000) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(6)(a)**; S.R. 2000/412, art. 2, **Sch.**

F215 Words in s. 72(2A) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(4)** (with arts. 28-31)

F216 Words in s. 72(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(a)** (with arts. 28-31)

F217 Words in s. 72(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(b)** (with arts. 28-31)

F218 Words in s. 72(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 38(5)(c)** (with arts. 28-31)

Marginal Citations

M18 1979 NI 12.

[F219 73 Interpretation.

(1) This Act shall be construed as one with the Police (Northern Ireland) Act 2000; and accordingly any word or expression to which a meaning is given by section 77 of that Act has the same meaning in this Act as in that Act.

(2) References in this Act to a member of the police force are to be construed as references to a police officer.

(3) References in this Act in any other context to the police force are to be construed as references to the police.

(4) In this Act " a police force in Great Britain " means a police force within the meaning of the M19 Police Act 1996 or the **[**F220Police Service of Scotland (and references to the chief officer of a police force in Great Britain include the chief constable of that Service)**]** . **]**

Textual Amendments

F219 S. 73 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(6)(b)**; S.R. 2001/396, art. 2, **Sch.**

F220 Words in s. 73(4) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 29(2)**

Marginal Citations

M19 1996 c. 16.

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 M20Northern Ireland (Modification of Enactments – No. 1) Order 1973 the following provisions are revoked, namely—

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(a) Article 6(5) and (6)(c);

(b) in Schedule 1, the entries relating to—

the [M21]Constabulary (Ireland) Act 1836;

the [M22]Police (Property) Act 1897;

the [M23]Constabulary and Police (Ireland) Act 1919;

the [M24]Police Act 1969;

the [M25]Constabulary Act Northern Ireland) 1922;

the [M26]Police Act Northern Ireland) 1970;

(c) in Schedule 4, the entry relating to the [M27]Police Act Northern Ireland) 1970; and

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

Commencement Information

I6 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

M20 S.I. 1973/2163.
M21 1836 c. 13.
M22 1897 c. 30.
M23 1919 c. 68.
M24 1969 c. 63.
M25 1922 c. 8 (N.I.).
M26 1970 c. 9 (N.I.).
M27 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)

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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 [M28]Police (Overseas Service) Act 1945;
(b) the [M29]Police (Scotland) Act 1967;
(c) the [M30]House of Commons Disqualification Act 1975;
(d) the [M31]Northern Ireland Assembly Disqualification Act 1975;
(e) the [M32]Ministry of Defence Police Act 1987;
(f) the [M33]Official Secrets Act 1989;
(g) the [M34]Police Act 1996;
(h) the [M35]Police Act 1997,

has the same extent as that provision.

Commencement Information

I7 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)

I8 S. 76(2) in force at 21.2.2003 by S.R. 2003/142, **art. 3**

Marginal Citations

M28 1945 c. 17.
M29 1967 c. 77.
M30 1975 c. 24.
M31 1975 c. 25.
M32 1987 c. 4.
M33 1989 c. 6.
M34 1996 c. 16.
M35 1997 c. 50.

77 Short title.

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

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SCHEDULES

[F221]SCHEDULE 1

. . . . . .

Textual Amendments

F221 Sch. 1 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

[F222]SCHEDULE 2

Textual Amendments

F222 Sch. 2 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, ART. 2, SCH.

SCHEDULE 3

Section 51.

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

Extent Information

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

The Ombudsman

1 (1) The Ombudsman shall be appointed by Her Majesty **[**[F223]on the recommendation of the First Minister and deputy First Minister acting jointly**]**.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as Ombudsman in accordance with the terms of his appointment.

(3) An appointment as Ombudsman may be full-time or part-time.

(4) An appointment as Ombudsman shall be for—

(a) a period of 7 years; or

(b) a period ending on the date on which the person appointed attains the age of 70,

whichever is the shorter.

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(5) A person whose term of appointment as Ombudsman expires shall not be eligible for re-appointment.

(6) A person may at any time resign his office as Ombudsman by notice in writing to Her Majesty.

(7) The **[**[F224]First Minister and deputy First Minister acting jointly**]** may call upon the Ombudsman to retire—

(a) in the interests of efficiency or effectiveness; or

(b) if satisfied that the Ombudsman has—

(i) been convicted of a criminal offence; or

(ii) become bankrupt or made a composition or arrangement with his creditors.

(8) Before calling upon the Ombudsman to retire, the **[**[F225]First Minister and deputy First Minister acting jointly**]** shall give the Ombudsman an opportunity to make, either personally or otherwise, representations to **[**[F226]them**]** and shall consider any representations that he makes.

(9) An Ombudsman who is called upon to retire under sub-paragraph (7) shall retire on such date as the **[**[F227]First Minister and deputy First Minister acting jointly**]** may specify or on such earlier date as may be agreed between him and the **[**[F227]First Minister and deputy First Minister acting jointly**]**.

Textual Amendments

F223 Words in Sch. 3 para. 1(1) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(2)(a)** (with arts. 28-31)

F224 Words in Sch. 3 para. 1(7) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(2)(b)** (with arts. 28-31)

F225 Words in Sch. 3 para. 1(8) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(2)(b)** (with arts. 28-31)

F226 Word in Sch. 3 para. 1(8) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(2)(c)** (with arts. 28-31)

F227 Words in Sch. 3 para. 1(9) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(2)(b)** (with arts. 28-31)

Remuneration, pensions, allowances, etc.

2 (1) The **[**[F228]Department of Justice**]** may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Ombudsman as **[**[F229]the Department of Justice**]** may determine.

(2) Where a person ceases to hold office as Ombudsman otherwise than on the expiry of his term of office, and it appears to the **[**[F228]Department of Justice**]** that there are special circumstances which make it right for that person to receive compensation,

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the **[**[F228]Department of Justice**]** may make to that person a payment of such amount as the **[**[F228]Department of Justice**]** may determine.

Textual Amendments

F228 Words in Sch. 3 para. 3 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(3)** (with arts. 28-31)

F229 Words in Sch. 3 para. 2(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(4)** (with arts. 28-31)

Staff

3 (1) The Ombudsman may, with the approval of the **[**[F228]Department of Justice**]** as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.

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

[[F230](2A) Employment by the Ombudsman shall be included among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of "Other Bodies" insert—

"Employment by the Police Ombudsman for Northern Ireland."

(2B) Where a person who is employed by the Ombudsman and is by reference to that employment a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 is appointed to the office of Ombudsman, the Department of Finance and Personnel may determine that his service in that office may be treated for the purposes of the scheme as service as an employee of the Ombudsman; and his rights under the scheme shall not be affected by paragraph 2(1).**]**

[F231](3) . . . . . .

[F231](4) . . . . . .

Textual Amendments

F228 Words in Sch. 3 para. 3 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(3)** (with arts. 28-31)

F230 Sch. 3 para. 3(2A)(2B) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(5)(a)** (with arts. 28-31)

F231 Sch. 3 para. 3(3)(4) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(5)(b)** (with arts. 28-31)

4 The [M37]Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Ombudsman.

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Marginal Citations

M37 1972 NI 6.

Assistance by members of the police force

5 (1) The Ombudsman and the Chief Constable may enter into arrangements for members of the police force to be engaged for a period of temporary service with the Ombudsman.

(2) Arrangements under this paragraph shall provide for the payment by the Ombudsman to the **[**[F232]Board**]** of such contribution as may be determined by or in accordance with the arrangements.

(3) In this paragraph and paragraph 6 "member of the police force" does not include the Chief Constable.

Textual Amendments

F232 Words in Sch. 3 para. 5(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(7)(a)**; S.R. 2001/396, art. 2, **Sch.**

6 (1) The Chief Constable may, on the application of the Ombudsman, provide members of the police force or other assistance for the purpose of enabling the Ombudsman to meet any special demand on his resources.

(2) If it appears to the **[**[F233]Department of Justice**]**—

(a) that it is expedient that members of the police force or other assistance should be provided for the purpose of enabling the Ombudsman to meet any special demand on his resources; and

(b) that satisfactory arrangements under sub-paragraph (1) cannot be made, or cannot be made in time,

[[F234]the Department of Justice**]** may direct the Chief Constable to provide such members of the police force or other assistance for that purpose as may be specified in the direction.

(3) Directions given under sub-paragraph (2) may be amended or revoked by the **[**[F235]Department of Justice**]**.

(4) Before giving, amending or revoking any directions under this paragraph, the **[**[F235]Department of Justice**]** shall consult the Chief Constable and the Ombudsman.

Textual Amendments

F233 Words in Sch. 3 para. 6(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(6)(a)(i)** (with arts. 28-31)

F234 Words in Sch. 3 para. 6(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(6)(a)(ii)** (with arts. 28-31)

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F235 Words in Sch. 3 para. 6(3)(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(6)(b)** (with arts. 28-31)

7 (1) In this paragraph "relevant service" means—

(a) temporary service with the Ombudsman on which a member of the police force is engaged in accordance with arrangements under paragraph 5; and

(b) service by a member of the police force providing assistance to the Ombudsman under paragraph 6.

(2) A member of the police force on relevant service shall—

(a) notwithstanding **[**[F236]section 33 of the Police (Northern Ireland) Act 2000**]**, be under the direction and control of the Ombudsman; but

(b) have the same powers and privileges and be treated in all other respects as if he were not on relevant service.

(3) The Ombudsman shall be liable in respect of **[**[F237]any unlawful conduct of**]** members of the police force on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of **[**[F237]any unlawful conduct of**]** his servants in the course of their employment, and shall **[**[F237], in the case of a tort,**]** be treated for all purposes as a joint tortfeasor.

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

(a) any damages or costs awarded against a member of the police force in proceedings for **[**[F238]any unlawful conduct of**]** that member while on relevant service;

(b) any costs incurred and not recovered by a member of the police force in such proceedings; and

(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(5) The Ombudsman may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in sub-paragraph (4).

Textual Amendments

F236 Words in Sch. 3 para. 7(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(7)(b)**; S.R. 2001/396, art. 2, **Sch.**

F237 Words in Sch. 3 para. 7(3) substituted (1.10.2002) by 2002 c. 30, **s. 102(1)(2)(g)**; S.I. 2002/2306, **art. 2(f)(xi)**

F238 Words in Sch. 3 para. 7(4)(a) substituted (1.10.2002) by 2002 c. 30, **s. 102(4)(5)(e)**; S.I. 2002/2306, **art. 2(f)(xi)**

Assistance by members of a police force in Great Britain

8 (1) The Ombudsman may enter into arrangements with the chief officer of a police force in Great Britain for members of that police force to be engaged for a period of temporary service with the Ombudsman.

(2) Arrangements under this paragraph with the chief officer of a police force in Great Britain shall provide for the payment by the Ombudsman to the**[**[F239]local policing

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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 20 August 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)*

body**]** police authority maintaining that police force of such contribution as may be determined by or in accordance with the arrangements.

(3) In the following provisions of this paragraph "relevant service" means temporary service with the Ombudsman on which a member of a police force in Great Britain is engaged in accordance with arrangements under this paragraph.

(4) Notwithstanding anything in any other statutory provision, a member of a police force in Great Britain shall, while engaged on relevant service—

(a) be under the direction and control of the Ombudsman; and

(b) have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters;

and subsection (3) of **[**[F240]section 32 of the Police (Northern Ireland) Act 2000**]** applies for the purposes of this sub-paragraph as it applies for the purposes of subsection (2) of that section.

(5) The Ombudsman shall be liable in respect of torts committed by members of a police force in Great Britain on relevant service 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 shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(6) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—

(a) any damages or costs awarded against a member of a police force in Great Britain in proceedings for a tort committed by that member while on relevant service;

(b) any costs incurred and not recovered by such a member 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.

(7) The Ombudsman may make arrangements for the legal representation of any member of the police force in Great Britain in any proceedings mentioned in sub-paragraph (6).

(8) In the application of this paragraph to England and Wales, any expression used in this paragraph and in the [M38]Police Act 1996 has the same meaning in this paragraph as in that Act.

(9) In the application of this paragraph to Scotland, **[**[F241]the reference to "police authority" is to the Scottish Police Authority**]**.

Extent Information

E3 For extent of para. 8 see s. 76(2).

Textual Amendments

F239 Words in Sch. 3 para. 8(2) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 239**; S.I. 2011/3019, art. 3, Sch. 1

F240 Words in Sch. 3 para. 8(4) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(7)(c)**; S.R. 2001/396, art. 2, **Sch.**

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

F241 Words in Sch. 3 para. 8(9) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 29(3)**

Marginal Citations

M38 1996 c. 16.

Exercise of functions

9 Any functions of the Ombudsman under this Act may be performed by any officer of the Ombudsman authorised for the purpose by the Ombudsman.

Evidence

10 A document purporting to be duly signed by, or on behalf of, the Ombudsman shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

Finance

11 The **[**[F242]Department of Justice**]** shall pay to the Ombudsman such sums as appear to the **[**[F242]Department of Justice**]** to be appropriate for defraying the expenses of the Ombudsman under this Act.

Textual Amendments

F242 Words in Sch. 3 para. 11 substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(7)** (with arts. 28-31)

12 (1) The Ombudsman shall—

(a) keep proper accounts and proper records in relation to the accounts;

(b) prepare in respect of each financial year a statement of accounts in such form as the **[**[F243]Department of Justice**]** may direct; and

(c) send copies of the statement to the **[**[F243]Department of Justice**]** and the **[**[F244]Comptroller and Auditor General for Northern Ireland**]** before the end of the month of August next following the financial year to which the statement relates.

(2) The **[**[F245]Comptroller and Auditor General for Northern Ireland**]** shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before **[**[F246]the Northern Ireland Assembly**]**.

[[F247](3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (2) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.**]**

Textual Amendments

F243 Words in Sch. 3 para. 12(1)(b)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(8)(a)** (with arts. 28-31, Sch. 3 para. 39(12))

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

F244 Words in Sch. 3 para. 12(1)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(8)(b)** (with arts. 28-31, Sch. 3 para. 39(12))

F245 Words in Sch. 3 para. 12(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(8)(c)** (with arts. 28-31, Sch. 3 para. 39(12))

F246 Words in Sch. 3 para. 12(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(8)(d)** (with arts. 28-31, Sch. 3 para. 39(12))

F247 Sch. 3 para. 12(3) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 39(8)(e)** (with arts. 28-31, Sch. 3 para. 39(12))

Property

13 (1) The Ombudsman may, for the purposes of his functions as such, acquire, hold and dispose of real or personal property.

(2) Any real or personal property vesting in the Ombudsman for such purposes shall (unless and until disclaimed or disposed of) vest in his successor in office for the time being.

(3) Where there is a vacancy in the office of Ombudsman at the time when real or personal property would otherwise have vested, the property shall vest in the successor on his appointment.

SCHEDULE 4

Section 74.

AMENDMENTS

Extent Information

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

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.

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

F248 3 . . . . . .

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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 20 August 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)*

Textual Amendments

F248 Sch. 4 para. 3 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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) ".

Commencement Information

I9 Sch. 4 para. 4 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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,".

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 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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
I10 Sch. 4 para. 8 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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.".

Commencement Information
I11 Sch. 4 para. 9 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

PROSPECTIVE

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

F249 10 . . . . . .

Textual Amendments
F249 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**

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)

F250 12 . . . . . .

Textual Amendments
F250 Sch. 4 para. 12 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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 ".

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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 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)

F251 15 . . . . . .

Textual Amendments

F251 Sch. 4 para. 15 repealed (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702), art. 1(3), **Sch. 8** (with art. 81); S.R. 2005/4, art. 3 (with arts. 4-7)

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 ".

The Official Secrets Act 1989 (c. 6)

17 . . . . . .

Modifications etc. (not altering text)

C23 Sch. 4 para. 17 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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.

F252 (2) . . . . . .

(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 ".

F252 (4) . . . . . .

F252 (5) . . . . . .

F253 (6) . . . . . .

Textual Amendments

F252 Sch. 4 para. 18(2)(4)(5) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F253 Sch. 4 para. 18(6) repealed (8.6.2008) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216), art. 1(3), **Sch. 6 Pt. 2**

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Commencement Information

I12 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)

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;".

(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) ".

[F254](6) . . . . . .

Textual Amendments

F254 Sch. 4 para. 20(6) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

Commencement Information

I13 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

I14 Sch. 4 para. 20(3)-(5) in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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—

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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 Ombudsman for Northern Ireland and persons employed by him.".

Commencement Information

I15 Sch. 4 para. 21 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

The Police Act 1997 (c. 50)

F255 22 . . . . . .

Textual Amendments

F255 Sch. 4 para. 22 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), Sch. para. 13(ff)

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 ".

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

F256 24 . . . . . .

Textual Amendments

F256 Sch. 4 para. 24 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

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

F257 25 . . . . . .

Textual Amendments

F257 Sch. 4 para. 25 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

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 repealed takes effect.

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 **[**[F258]Police Service of Northern Ireland**]** of the corresponding rank.

Textual Amendments

F258 Words in Sch. 5 para. 2 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(8)**; S.R. 2001/396, art. 2, **Sch.**

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.

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).

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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
I16 Sch. 5 para. 4 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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).

Commencement Information
I17 Sch. 5 para. 5 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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—

(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.

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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
I18 Sch. 5 para. 6 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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.

Commencement Information
I19 Sch. 5 para. 7 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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.

Commencement Information
I20 Sch. 5 para. 8 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

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.

Commencement Information
I21 Sch. 5 para. 9 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

Status: *Point in time view as at 07/10/2013. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 20 August 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)*

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.

Commencement Information

I22 Sch. 5 para. 10 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

Stamp duty

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

Commencement Information

I23 Sch. 5 para. 11 in force at 21.2.2003 by S.R. 2003/142, **art. 3**

SCHEDULE 6

Section 74.

REPEALS

Extent Information

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

Commencement Information

I24 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.

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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".
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).

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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.
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

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		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".
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.

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