

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1.

#### THE POLICE AUTHORITY FOR NORTHERN IRELAND

##### *Status*

- 1 The Police Authority shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Authority's property shall not be regarded as property of or property held on behalf of the Crown.

##### *Constitution*

- 2 (1) The Police Authority shall consist of—
- (a) a chairman;
  - (b) a vice-chairman; and
  - (c) not less than 14 nor more than 20 other members,
- appointed by the Secretary of State.
- (2) The Secretary of State may by order amend the numbers for the time being specified in sub-paragraph (1)(c).
- (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Police Authority is representative of the community in Northern Ireland.
- (4) In connection with the making of appointments under this paragraph, the Secretary of State shall consult—
- (a) all district councils; and
  - (b) such other bodies as he considers appropriate.
- (5) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (4)(b).

##### *Term of office*

- 3 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman or vice-chairman of the Police Authority in accordance with the terms of his appointment.

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The chairman, vice-chairman and other members of the Police Authority shall be appointed for a term of 3 years, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.
- (3) A person may at any time resign as a member or as chairman or vice-chairman of the Police Authority by notice in writing to the Secretary of State.
- (4) The Secretary of State may remove a person from office as a member or as chairman or vice-chairman of the Police Authority if satisfied that—
  - (a) he has been convicted of a criminal offence;
  - (b) he has become bankrupt or made a composition or arrangement with his creditors;
  - (c) he has failed to comply with the terms of his appointment; or
  - (d) he is otherwise unable or unfit to discharge his functions.
- (5) A member of the Police Authority whose term of office expires or who has resigned shall be eligible for re-appointment.

#### *Remuneration and allowances*

- 4 The Police Authority may pay—
  - (a) to the chairman and vice-chairman of the Authority, such remuneration and allowances;
  - (b) to the other members of the Authority such allowances,
 as the Authority, with the approval of the Secretary of State, may determine.

#### *Procedure*

- 5 (1) The quorum for a meeting of the Police Authority shall be 8.
- (2) Every question at a meeting of the Police Authority shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (3) If both the chairman and vice-chairman are absent from a meeting of the Police Authority, the members present shall elect one of their number to act as chairman of the meeting.
- (4) Subject to sub-paragraphs (1) to (3), the Police Authority may regulate its own procedure.

#### *Validity of proceedings*

- 6 The validity of any proceedings of the Police Authority or a committee thereof shall not be affected by—
  - (a) any defect in the appointment of the chairman, vice-chairman or any other member; or

---

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

#### *Seal*

- 7 The application of the seal of the Police Authority shall be authenticated by the signatures of—
  - (a) two members of the Authority; and
  - (b) the secretary to the Authority or some other person generally or specially authorised by the Authority to act for that purpose.

#### *Contracts, etc.*

- 8 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Police Authority by any person generally or specially authorised by the Authority to act for that purpose.
- (2) Before entering into contracts for the supply of goods or the execution of works, the Police Authority shall comply with such requirements as the Secretary of State may direct.

#### *Evidence*

- 9 A document purporting to be—
  - (a) duly executed under the seal of the Police Authority; or
  - (b) signed on behalf of the Authority,shall be received in evidence and, unless the contrary is proved, shall be deemed to be so executed or signed.

#### *Disclosure of pecuniary interests, family connections, etc.*

- 10 Sections 28 to 33, 42, 46, 47 and 146 of the <sup>M1</sup>Local Government Act Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) shall apply to the Police Authority and its members as if—
  - (a) in those sections—
    - (i) any reference to a council were a reference to the Police Authority;
    - (ii) any reference to a councillor were a reference to a member of the Police Authority;
    - (iii) any reference to the clerk of the council were a reference to the secretary to the Police Authority or such other officer of that Authority as the Secretary of State may specify;
  - (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “ by any person ”;

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) in section 29 of that Act any reference to the Ministry were a reference to the Secretary of State.

**Marginal Citations**

**M1** 1972 c. 9 (N.I.).

*Committees*

- 11 (1) The Police Authority may—
- (a) constitute committees of such 5 or more of its members as the Authority may appoint; and
  - (b) delegate to a committee so constituted any of the functions of the Authority.
- (2) The powers of any committee of the Police Authority shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Authority.

SCHEDULE 2

Section 24.

FORM OF DECLARATION

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

VALID FROM 06/11/2000

SCHEDULE 3

Section 51.

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

**Extent Information**

**E1** For the extent of Sch. 3 see s. 76(1)(2).

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 4

Section 74.

### AMENDMENTS

#### Extent Information

**E3** 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.))*

- 3 (1) Section 43(2) of the Interpretation Act (Northern Ireland) 1954 shall be amended as follows.
- (2) At the appropriate place in alphabetical order there shall be inserted—
- ““Chief Constable” shall mean the Chief Constable of the Royal Ulster Constabulary;”.
- (3) For the definition of “constable” there shall be substituted—
- ““constable”, except when used in enactments relating to the pay or pensions of, or the general administration of, the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, shall include—
- (a) any member of the Royal Ulster Constabulary;
  - (b) any member of the Royal Ulster Constabulary Reserve;
  - (c) any member of any Harbour or Airport Police;
  - (d) any member of the Naval, Military or Royal Air Force Police or of the Ministry of Defence Police;
  - (e) any other person having for the time being the powers of a constable;”.

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

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

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

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 21/02/2003

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

- 4 (1) The Police (Scotland) Act 1967 shall be amended as follows.
- (2) In section 38A(1) after paragraph (c) there shall be inserted—
- “(ca) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;”.
- (3) In section 38A(6)(c) after “paragraph” insert “ (ca) or ”.
- (4) In section 38A(7)(b) after “by or on behalf of” there shall be inserted “ the Police Ombudsman for Northern Ireland or (as the case may be) ”.

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

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

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

- 6 In Article 15 of the Superannuation (Northern Ireland) Order 1972 for paragraphs (c), (d) and (e) there shall be substituted—
- “(c) regulations relating to pensions under section 25 or 26 of the Police (Northern Ireland) Act 1998”.

*The Overseas Pensions Act 1973 (c. 21)*

- 7 In section 2(2)(d) of the Overseas Pensions Act 1973 after sub-paragraph (ii) there shall be inserted “or
- (iii) a member of the Royal Ulster Constabulary engaged on relevant service within the meaning of section 27(1)(d), (g) or (h) of the Police (Northern Ireland) Act 1998.”.

VALID FROM 21/02/2003

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

- 8 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following entry shall be inserted at the appropriate place in alphabetical order—
- “The Police Ombudsman for Northern Ireland.”.

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 21/02/2003

9

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

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

“The Police Ombudsman for Northern Ireland.”.

PROSPECTIVE

F110

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

.....

**Textual Amendments**

**F1** 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)*

12

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

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

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

“(4A) In the application of paragraph (4) to the police force, for the words “as expenses of the police authority” there shall be substituted the words “out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 1998”.”.

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

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

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

#### *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 ”.

#### *The Customs and Excise Act 1979 (c. 2)*

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

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

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

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

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

#### *The Official Secrets Act 1989 (c. 6)*

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

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

- 18 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) In Article 7(1) for “section 15 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 48(1) of the Police (Northern Ireland) Act 1998 ”.
- (3) In Article 24(5) for “section 1 of the Police (Property) Act 1897” there shall be substituted “ section 31 of the Police (Northern Ireland) Act 1998 ”.
- (4) In Article 50(2) for “section 15(1) of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 48(1) of the Police (Northern Ireland) Act 1998 ”.



*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) In Article 56(14) for “section 15(1) of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 48(1) of the Police (Northern Ireland) Act 1998 ”.
- (6) In Article 84 in paragraphs (1) and (2) for “chief superintendent” there shall be substituted “ assistant chief constable ”.

#### Commencement Information

- I2** 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 subparagraphs (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) ”.
- (6) In section 98(8) for “Police Act (Northern Ireland) 1970” there shall be substituted “ Police (Northern Ireland) Act 1998 ”.

#### Commencement Information

- I3** 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-para. (3)-(5) shall come into operation on 1.4.1999

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 21/02/2003

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

- 21 In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entry “Members and staff of the Independent Commission for Police Complaints for Northern Ireland” there shall be substituted—
- “The Police Ombudsman for Northern Ireland and persons employed by him.”.

*The Police Act 1997 (c. 50)*

- 22 (1) The Police Act 1997 shall be amended as follows.
- (2) In section 6(3)(d) for “section 25 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 25 of the Police (Northern Ireland) Act 1998 ”.
- (3) In section 9(2)(b) for “section 21 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 27 of the Police (Northern Ireland) Act 1998 ”.
- (4) In section 9(3)(c) for “section 25 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 25 of the Police (Northern Ireland) Act 1998 ”.
- (5) In section 21(3) for “section 25(2)(k) of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 25(2)(k) of the Police (Northern Ireland) Act 1998 ”.
- (6) In section 23(5) for “section 6(2) of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 19(1) of the Police (Northern Ireland) Act 1998 ”.
- (7) In sections 30(1)(c) and 40 for “section 16 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 41 of the Police (Northern Ireland) Act 1998 ”.
- (8) In section 39(2)(b) for the words from “Police (Amendment)” to the end there shall be substituted “ Part VII of the Police (Northern Ireland) Act 1998, and for that purpose the regulations may confer additional functions on the Police Ombudsman for Northern Ireland. ”.
- (9) In sections 52(3)(d) and 55(3)(c) for “section 25 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 25 of the Police (Northern Ireland) Act 1998 ”.

**Commencement Information**

- I4** Sch. 4 para. 22 partly in force; Sch. 4 para. 22 not in force at Royal Assent see. s. 75(1); Sch. 4 para. 22(1)-(7)(9) in force at 1.4.1999 by S.R. 1999/176, art. 3

*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 ”.

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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

- 24 (1) Article 17 of the Race Relations (Northern Ireland) Order 1997 shall be amended as follows.
- (2) After paragraph (3) there shall be inserted—
- “(3A) In the application of this Article to the police force—
- (a) in paragraph (2) for the words “as expenses of the police authority” there shall be substituted the words “out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 1998”; and
- (b) paragraph (3) shall be omitted.”.
- (3) In paragraph (4) in the definition of “police force” for “Police Act (Northern Ireland) 1970” there shall be substituted “ Police (Northern Ireland) Act 1998 ”.

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

- 25 In Article 7(3) of the Police (Health and Safety)(Northern Ireland) Order 1997 in the definition of “the relevant fund” after paragraph (a) there shall be inserted—
- “(aa) in relation to the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 1998; and”.

SCHEDULE 5

Section 74.

TRANSITIONAL PROVISIONS AND SAVINGS

**PART I**

GENERAL

*Saving for pensions, etc. under repealed provisions*

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

*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

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

as a reference to a member of the Royal Ulster Constabulary of the corresponding rank.

*Power to make other transitional or saving provisions*

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

VALID FROM 21/02/2003

**PART II**

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

*Interpretation*

- 4 In this Part—
- “the Commission” means the Independent Commission for Police Complaints for Northern Ireland;
  - “the Ombudsman” means the Police Ombudsman for Northern Ireland;
  - “the transfer date” means the day appointed by order under section 75 for the coming into operation of section 51(5).

*Transfer of property, rights and liabilities of Commission*

- 5 (1) On the transfer date all property, rights and liabilities which immediately before that date were property, rights and liabilities of the Commission shall be transferred to, and by virtue of this paragraph vest in, the Ombudsman.
- (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

*Transfer of staff*

- 6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the transfer date is employed by the Commission.
- (2) A contract of employment between a person to whom this paragraph applies and the Commission shall have effect from the transfer date as if originally made between that person and the Ombudsman.
- (3) Without prejudice to sub-paragraph (2)—
- (a) all the Commission’s rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of this paragraph be transferred to the Ombudsman on the transfer date; and
  - (b) anything done before that date by or in relation to the Commission in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Ombudsman.

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (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.

#### *Legal proceedings*

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

#### *Payments to former members of the Commission*

- 8 Where a person—
- (a) ceases to be a member of the Commission by reason of its abolition; and
  - (b) does not become the Ombudsman,
- the Secretary of State may make to the person a payment of such amount as the Secretary of State may determine.

#### *Information received by Commission*

- 9 (1) No information received by the Commission in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Commission except—
- (a) to the Secretary of State, the Ombudsman or an officer of the Ombudsman;
  - (b) to any other person, so far as may be necessary for the proper discharge of the functions of the Ombudsman; or
  - (c) for the purpose of any criminal, civil or disciplinary proceedings.
- (2) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### *Financial year*

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

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

### Stamp duty

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

## SCHEDULE 6

Section 74.

### REPEALS

#### Extent Information

- E4** For the extent of repeals in Sch. 8 see [s. 76\(1\)\(3\)](#).

#### Commencement Information

- I5** [Sch. 6](#) partly in force; [Sch. 6](#) not in force at Royal Assent see [s. 75\(1\)](#); [Sch. 6](#) in force for certain purposes at 8.10.1998 by [S.R. 1998/346](#), [art. 3](#); [Sch. 6](#) in force for certain purposes at 9.2.1999 by [S.R. 1999/48](#), [art. 3](#) (with [art. 4](#)); [Sch. 6](#) in force for certain purposes at 9.2.1999 by [S.R. 1999/176](#), [art. 3](#) (with [art. 4](#))

Chapter or Number	Short Title	Extent of repeal
1803 c. 143.	The Public Officers Protection (Ireland) Act 1803.	The whole Act.
1836 c. 13.	The Constabulary (Ireland) Act 1836.	The whole Act.
1839 c. 75.	The Constabulary (Ireland) Act 1839.	The whole Act.
1848 c. 72.	The Constabulary (Ireland) Act 1848.	The whole Act.
1874 c. 80.	The Constabulary (Ireland) Act 1874.	The whole Act.
1883 c. 14.	The Constabulary and Police (Ireland) Act 1883.	The whole Act.
1897 c. 30.	The Police (Property) Act 1897.	The whole Act.
1915 c. 32.	The Irish Police (Naval and Military Service) Act 1915.	The whole Act.
1918 c. 53.	The Constabulary and Police (Ireland) Act 1918.	The whole Act.
1919 c. 68.	The Constabulary and Police (Ireland) Act 1919.	The whole Act.
1922 c. 55.	The Constabulary (Ireland) Act 1922.	The whole Act.

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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).
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

---

*Status: Point in time view as at 01/04/1999.*

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---

		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 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.



---

*Status: Point in time view as at 01/04/1999.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

---

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.

---

**Status:**

Point in time view as at 01/04/1999.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations.