



Justice (Northern Ireland) Act 2002

2002 CHAPTER 26

PART 2

LAW OFFICERS AND PUBLIC PROSECUTION SERVICE

Public Prosecution Service

38 Equality and non-discrimination

- (1) Section 75 (duty on public authorities to have regard to need to promote equality of opportunity and good relations between different groups) and section 76 (discrimination by public authorities) of the Northern Ireland Act 1998 (c. 47) are amended as follows.
- (2) In subsection (3) of section 75, after paragraph (cc) insert—

“(cd) the Director of Public Prosecutions for Northern Ireland;”.
- (3) After subsection (4) of that section insert—

“(4A) The references in subsections (1) and (2) and Schedule 9 to the functions of the Director of Public Prosecutions for Northern Ireland do not include any of his functions relating to the prosecution of offences.”
- (4) In subsection (7) of section 76, after paragraph (e) insert—

“(ea) the Director of Public Prosecutions for Northern Ireland;”.
- (5) After that subsection insert—

“(8) This section does not apply to a decision of the Director of Public Prosecutions for Northern Ireland not to institute, or to discontinue, criminal proceedings or, where such a decision has been made, to any act done for the purpose of enabling the decision whether to institute or continue the proceedings to be made or for securing that the proceedings are discontinued.

(9) No injunction may be granted in respect of a contravention of this section by the Director of Public Prosecutions for Northern Ireland unless the court

Changes to legislation: Justice (Northern Ireland) Act 2002, Section 38 is up to date with all changes known to be in force on or before 14 April 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) [View outstanding changes](#)

is satisfied that it would not prejudice any decision to institute criminal proceedings or any criminal proceedings.

- (10) Where a party to proceedings for a contravention of this section applies for a stay of those proceedings on the ground of prejudice to a decision to institute criminal proceedings, or of prejudice to particular criminal proceedings, the court must grant the stay unless it is satisfied that continuance of the proceedings for the contravention would not result in the prejudice alleged.”

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)