

Police (Northern Ireland) Bill

EXPLANATORY AND FINANCIAL MEMORANDUM

The Bill will give effect in Northern Ireland to certain proposals for police reform which were set out in the Labour Party consultation paper "Policing in Northern Ireland - A Service for all People". The Bill also consolidates Northern Ireland policing legislation and provides for a Police Ombudsman to replace the Independent Commission for Police Complaints.

PART I

THE POLICE AUTHORITY FOR NORTHERN IRELAND

This part sets out the framework for the Police Authority for Northern Ireland.

Clause 1 provides for the continuance of the Police Authority for Northern Ireland.

Schedule 1 makes provision about the appointment of members to the Police Authority, and for the appointment of the Chairman, Chairman and members' tenure of office, and eligibility for appointment and allowances.

Clause 2 provides for the continuance of the Police Force and establishes the Northern Ireland Police Service. The Clause also requires the Police Authority for Northern Ireland to maintain an efficient and effective police service, and, in the discharge of its functions, to have regard to any objectives determined by the Secretary of State, any objectives determined by the Authority, the annual policing plan issued by the Authority, and any code of practice issued by the Secretary of State.

Clause 3 provides for the delegation of management functions in respect of civilian employees of the Police Authority, from the Authority to the Chief Constable. It also makes provision for the delegation to the Chief Constable of the management of civil servants seconded to the Police Authority.

Clause 4 provides a regulation making power through which the Secretary of State may transfer civil servants seconded to the Police Authority to the employ of the Authority.

Clause 5 provides for the functions of the Police Authority under this section (the provision and maintenance of buildings and equipment) to be delegated to the Chief Constable, except in cases where the Secretary of State directs that such delegation shall not be exercised.

Clause 6 makes provision for the Police Authority to acquire and dispose of land, including compulsory acquisition.

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Clause 7 places a duty upon the Police Authority to make arrangements to obtain the views of the community on policing, obtaining and inserts a provision requiring the Police Authority to consult with district councils in Northern Ireland, and, where councils make arrangements to facilitate this, appear before the council to answer questions from council members when so requested.

Clause 8 enables the Police Authority, subject to the consent of the Secretary of State, to provide advice and assistance to international organisations or bodies outside the UK engaged in policing. The Authority can arrange for RUC officers to serve with such organisations or bodies.

Clause 9 makes provision for the payment of grant for police purposes to the Police Authority and a grant for the general administrative purposes of the Authority.

Clause 10 makes arrangements relating to the estimates and accounts of the Police Authority, and inserts a new provision requiring the Authority to place any grant paid to the Authority for police purposes to be put at the disposal of the Chief Constable.

Clause 11 allows the Chief Constable to charge for special police services.

Clause 12 requires the Police Authority to keep accounts of all monies paid over to it, and makes provision for the auditing of Police Authority accounts.

Clause 13 makes provision for the payment of rewards for meritorious conduct to either members of the Royal Ulster Constabulary or civilian staff under the direction and control of the Chief Constable by the Police Authority.

PART II**POLICING OBJECTIVES, PERFORMANCE TARGETS AND PLANS**

This part sets out the framework for police accountability to the community by means of the mechanism of policing plans and objective setting.

Clause 14 enables the Secretary of State to set objectives for policing, and associated performance indicators for measuring achievement of those objectives.

Clause 15 requires the Police Authority to set policing objectives annually. It also requires the Authority to set performance targets related to objectives.

Clause 16 requires the Chief Constable to issue a strategic policing plan covering a period of between 3 and 5 years. It requires him to publish the plan.

Clause 17 requires the Police Authority to issue a policing plan annually. The Authority is required to publish the plan.

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PART III

THE POLICE FORCE

This part makes provision about members of the Royal Ulster Constabulary.

Clause 18 sets out the duties of members of the Royal Ulster Constabulary.

Clause 19 provides for the Chief Constable to have direction and control of the police force.

Clause 20 provides for the designation of a senior officer as deputy to the Chief Constable to exercise the functions of the Chief Constable during his absence or incapacity.

Clause 21 provides for the appointment and removal by the Police Authority of the Chief Constable of the Royal Ulster Constabulary subject to Secretary of State approval. It also makes provision for the appointment and removal by the Police Authority of the other senior officers of the Royal Ulster Constabulary.

Clause 22 makes provision for the appointment and promotion of other members of the Royal Ulster Constabulary to be made by the Chief Constable.

Clause 23 makes provision for the Chief Constable to appoint reserve constables.

Clause 24 provides for the attestation of constables of the Royal Ulster Constabulary.

Schedule 2 sets out the form of the declaration to be made by members of the Royal Ulster Constabulary upon taking up the office of constable.

Clause 25 provides for the Secretary of State to make regulations for the governance and conditions of service of members of the Royal Ulster Constabulary.

Clause 26 provides for the Secretary of State to make regulations for the governance and conditions of service of the Royal Ulster Constabulary Reserve.

Clause 27 makes provision for members of the Royal Ulster Constabulary engaged on service outside the RUC.

Clause 28 provides for the Secretary of State to make regulations to continue to maintain the RUC Fund.

Clause 29 makes the Chief Constable liable in respect of torts committed by members of the Royal Ulster Constabulary in the performance of their functions, and provides for the Police Authority to pay damages arising from such cases and to provide legal representation for the Chief Constable or other members of the Royal Ulster Constabulary.

Clause 30 provides protection from legal action to members of the RUC from actions resulting from irregularities in warrants served by members of the RUC.

Clause 31 provides for the disposal of property coming into the possession of the police.

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PART IV

POLICE REPRESENTATIVE INSTITUTIONS

This part sets out the means by which the views of police officers are to be represented.

Clause 32 provides for there to be a Police Association for Northern Ireland.

Clause 33 provides for the making of regulations by the Secretary of State for the governance of the Police Association for Northern Ireland.

Clause 34 amends the Police Act 1996 in relation to the operation of the Police Negotiating Board.

Clause 35 contains provisions preventing police officers from belonging to Trade Unions.

PART V

FUNCTIONS OF THE SECRETARY OF STATE

This part sets out the powers and duties of the Secretary of State under the Act.

Clause 36 sets out the general duties of the Secretary of State.

Clause 37 provides for the Secretary of State to produce a statement of policing principles relating to the policing of Northern Ireland.

Clause 38 makes provision for the issue by the Secretary of State of codes of practice to the Police Authority relating to any of its functions.

Clause 39 makes provision for the issue of general guidance to members of the police force in relation to their functions by the Secretary of State.

Clause 40 provides for the making of regulations by the Secretary of State requiring the police to use specified facilities, equipment or services. The provision places a duty upon the Secretary of State to consult the Police Authority and the Chief Constable before making such regulations.

Clause 41 makes provision for the appointment, by the Secretary of State, of Inspectors of Constabulary, and makes arrangements for the carrying out by them of inspections and other duties.

Clause 42 provides for the publication by the Secretary of State of reports made to him by Inspectors of Constabulary.

Clause 43 requires the Chief Constable to submit statistics on the state of crime in Northern Ireland and related matters to the Secretary of State, and makes provision for the publication of this information.

Clause 44 makes provision for the Secretary of State to cause inquiries into matters related to policing, and sets out arrangements for the publication of the findings of such inquiries.

Clause 45 provides for the setting up by the Secretary of State of bodies to research matters related to, or furnish advice on, policing.

Clause 46 provides the Secretary of State with a general power to contribute to organisations or facilities, or make other payments, where this is in the interests of efficient and effective policing.

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PART VI

REPORTS

This part sets out the duties to produce reports laid upon the Police Authority and Chief Constable.

Clause 47 requires the Police Authority to produce an annual report on the policing of Northern Ireland, and to produce ad hoc reports dealing with the discharge of its functions whenever so required by the Secretary of State.

Clause 48 requires the Chief Constable to produce an annual report, and makes provision for the production of ad hoc reports by the Chief Constable when required to do so by the Police Authority.

Clause 49 requires the Chief Constable to produce ad hoc reports on the policing of Northern Ireland whenever so required by the Secretary of State.

PART VII

POLICE COMPLAINTS

This part makes provision for a Police Ombudsman to replace the Independent Commission for Police Complaints.

Clause 50 deals with the interpretation of certain expressions in this Part.

Clause 51 provides for the office of Police Ombudsman for Northern Ireland, under terms set out in Schedule 3, as a corporation sole. It abolishes the Independent Commission for Police Complaints.

Clause 52 states that all complaints about the police force should be made to the Ombudsman, or if made to the police, Police Authority or Secretary of State, should be referred by them to the Ombudsman. The Ombudsman is required to record the complaint and to determine whether it is a complaint about the conduct of a member of the force. Where it is not, the Ombudsman is required to refer the case to the Secretary of State, Police Authority or police, as appropriate, and to notify the complainant. Where it is, and it is not about the direction and control of the force, the Article requires the Chief Constable to preserve evidence in relation to the complaint.

The remaining Clauses of this Part govern the treatment of complaints about conduct.

Clause 53 requires the Ombudsman to consider informal resolution of complaints, provided the complainant consents to this and the complaint is not a "serious" one. If informal resolution is impossible or not suitable the Article provides for the complaint to be formally investigated. No statement made during informal resolution is admissible in any subsequent criminal, civil or disciplinary proceedings.

Clause 54 provides for formal investigations which must be by the Ombudsman in serious cases.

Clause 55 makes provision for non-complaint cases to be referred to the Ombudsman by the Secretary of State, Police Authority or Chief Constable. It also provides the Ombudsman with an own motion power to investigate cases where a criminal or disciplinary offence may have been committed if this appears to the Ombudsman to be desirable in the public interest.

Clause 56 covers the arrangements where a complaint or other matter is to be formally investigated by the Ombudsman. It provides for him to appoint an officer of the Ombudsman, who will have the powers and privileges of a constable, and the Secretary of State may provide that the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 apply to the investigation.

Clause 57 provides for investigations by the Chief Constable, which may be under the supervision of the Ombudsman. It requires the Chief Constable to appoint a police officer and gives the Ombudsman the power to approve the person whom the Chief Constable proposes to appoint or, if an appointment has already been made, to ask the Chief Constable to select another officer. Reports on investigations under this Article shall be submitted to the Ombudsman.

Clause 58 requires the Ombudsman to determine whether a report of an investigation indicates a criminal offence and, if so, to send it to the Department of Public Prosecutions.

Clause 59 provides for the Ombudsman to consider disciplinary aspects of cases and to make a recommendation to the relevant disciplinary authority. The Ombudsman may in certain circumstances direct the Chief Constable to bring disciplinary charges.

Clause 60 provides that the Ombudsman may, with the approval of the Secretary of State, enter into an agreement with an authority maintaining any body of constables to establish procedures corresponding or similar to those in this Part. Such agreements can be varied or terminated.

Clause 61 sets out the duties laid upon the Ombudsman to produce a report; at the request of the Secretary of State; on any matter which the Ombudsman considers should be drawn to the Secretary of State's attention because of its gravity or exceptional circumstances; annually on his functions; and at least once every 5 years on the working of this Part. All reports must be published.

Clause 62 - the Ombudsman may publish statements about his actions, decision and determinations and the reasons for these.

Clause 63 places restrictions on disclosure of information by the Ombudsman and any officer of the Ombudsman.

Clause 64 empowers the Secretary of State to make regulations on a wide range of aspects covered under this Part.

Clause 65 empowers the Secretary of State to issue guidance to the Police Authority, police officers and the Ombudsman. Regard must be had to such guidance.

Schedule 3 - in addition to covering the appointment of the Ombudsman, also governs terms and conditions of staff, assistance by members of the police force, finance, and transitional arrangements.

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PART VIII

MISCELLANEOUS AND GENERAL

This part sets out certain offences under the Bill.

Clause 66 sets out the offence of assaulting or obstructing a constable.

Clause 67 makes it an offence to impersonate a police officer.

Clause 68 makes causing disaffection within the police force an offence.

Clause 69 makes it an offence to obtain a pension or gratuity by self-inflicted injury.

Clause 70 sets out the terms and conditions under which the Police Authority may employ traffic wardens, and how complaints against them are to be dealt with.

Clause 71 provides for expenses incurred by the Secretary of State to be met by money provided by Parliament.

Clause 72 provides for orders and regulations under the Bill.

Clause 73 deals with the interpretation of certain expressions in this Bill.

Clause 74 and Schedules 4, 5 and 6 provide for the amendment or repeal of a number of enactments relating to the police, and amendments consequential to the provisions of this Bill.

Clause 75 provides for the Act to come into operation on a day directed by the Secretary of State.

Clause 76 sets out the extent of this Bill.

Clause 77 sets out the title of this Act.

*Financial Effects of the Bill**Parts I to VI*

Present expenditure on policing in Northern Ireland is currently in excess of £600 million annually. It is intended that the clarification of roles and responsibilities and the coming together of all support services under the direction and control of the Chief Constable as provided for under this Bill will have a direct effect on reducing expenditure on policing.

Of the £600 million currently provided some £40 million is expended by the Police Authority for Northern Ireland and the RUC on the direct provision of support services for policing.

Current practices and procedures lead to bureaucracy and duplication and the intention is that these *structural* inefficiencies be removed and replaced with a streamlined and more effective support service for policing. In the first instance there are likely to be some conversion costs and savings may not be immediately realisable. However over time there will be real reductions in running costs though it is not possible to quantify these now.

PART VII

The Independent Commission for Police Complaints budget is £850K and Complaints and Discipline Department gross costs are in the region of £6,000K. Work is ongoing on how the changes will affect figures. It is anticipated that there will be some start up costs, for example on staff, on training and the accommodation required, but that in the medium term there may be some savings in Complaints and Discipline Department.

There are competing factors on cost. The provisions should reduce duplication and therefore lead to cases being dealt with more efficiently and economically. There should also be an increase in the use of the speedier and more "complainant friendly" informal resolution procedures. This, however, might be offset by an increase in the number of complaints received. Furthermore the requirement for the Ombudsman to investigate criminal aspects of cases will lead to increased expense for the Ombudsman, but these cases are being handled under the current system and the overall cost should not increase. The Ombudsman will have much greater research and reporting responsibilities than the ICPC and these will have associated costs.

Effects on Public Sector Manpower

PARTS I TO VI

The unification of support services into a single management structure under the direction and control of the Chief Constable will eventually lead to a reduction of the overall numbers of staff engaged in the provision of support services. There will also be some change in the balance between overall civilian and police numbers. *Where, it is appropriate to do so professional and specialist staff will be employed for specific duties.*

Civilian staff presently employed by the civil service but seconded to the Police Authority may at some future date be transferred to the employment of the Police Authority and therefore no longer be central government employees.

PART VII

The proposals shift responsibility for investigating complaints from Complaints and Discipline Department of the police to the new Police Ombudsman. It is anticipated that the Independent Commission for Police Complaints staff will be transferred to the new body and that the body will need to recruit other staff, principally investigators, who will be civilians and a number of temporary service police officers.

The current membership arrangements of the ICPC will be removed and a single, full time, Ombudsman appointed. The functions of the members will become the responsibility of staff. In the transitional period the staff in Complaints and Discipline will not be affected too much, thereafter there should be a significant reduction in the complement.

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*Jim Stein
Per G27*

*draft of
2/10/97*

Police (Northern Ireland) Bill [H.L.]

ARRANGEMENT OF CLAUSES

PART I

THE POLICE AUTHORITY FOR NORTHERN IRELAND

Clause

- ✓1. The Police Authority for Northern Ireland. [j3]
- ✓2. General functions of the Police Authority. [j6]
- ✓3. Staff of the Police Authority. [j17]
- ✓4. Power to transfer staff to employment of Police Authority. [j17A]
- AT 5. Provision and maintenance of buildings and equipment. [j5N]
- AT 6. Acquisition and disposal of land by Police Authority. [j4N]
- ✓7. Arrangements for obtaining the views of the public on policing. [j96]
- ✓8. Provision of advice and assistance to international organisations, etc. [j26]
- AT 9. Grants to, and borrowing by, the Police Authority. [j46]
- AT 10. Funding of Police Authority - ancillary provisions. [j30N]
- ✓11. Charges for special services. [j25]
- AT 12. Accounts and audit. [j29N]
- ✓13. Rewards for diligence. [j31]

PART II

POLICING OBJECTIVES, PERFORMANCE TARGETS AND PLANS

- ✓14. Setting of policing objectives and performance targets by Secretary of State. [j37]
- ✓15. Setting of policing objectives and performance targets by Police Authority. [j7]
- ✓16. The Chief Constable's strategic policing plan. [j8A]
- ✓17. The Police Authority's annual policing plan. [j8]

PART III

THE POLICE FORCE

- ✓18. General functions of the police force. [j30]
- ✓19. General functions of Chief Constable. [j10]
- AT 20. Exercise of functions of Chief Constable in cases of absence, incapacity, etc. [j12]
- ✓21. Appointment and removal of senior officers of RUC. [j11]
- ✓22. Appointment and promotion of other members of RUC. [j13]
- ✓23. Reserve constables. [j27]
- ✓24. Attestation of constables. [j29]

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Clause

- ✓25. Regulations for RUC. [j50]
- ✓26. Regulations for RUC Reserve. [j51]
- ✓27. Members of RUC engaged on other police service. [j97]
- ✓28. The RUC Fund. [j28N]
- ✓29. Liability for wrongful acts of constables. [j88]
- ✓30. Protection of members of the police force in executing warrants. [j50N]
- ✓31. Property coming into the possession of the police. [j1897]

PART IV

POLICE REPRESENTATIVE INSTITUTIONS

- ✓32. Police Association for Northern Ireland. [j59]
- ✓33. Regulations for Police Association. [j60]
- ✓34. The Police Negotiating Board for the United Kingdom. [j62]
- ✓35. Membership of trade unions. [j64]

PART V

FUNCTIONS OF SECRETARY OF STATE

- ✓36. General duty of Secretary of State. [j36]
- ✓37. Statement of policing principles. [j36A]
- ✓38. Codes of practice. [j39]
- ✓39. Guidance as to exercise of functions by police force. [j39A]
- ✓40. Power to require use by police of specified facilities, equipment or services. [j57]
- ✓41. Appointment of inspectors of constabulary. [j54]
- ✓42. Publication of reports of inspectors of constabulary. [j55]
- ✓43. Criminal statistics. [j45]
- ✓44. Inquiries. [j49]
- ✓45. Research and advice. [j58]
- ✓46. Expenditure by Secretary of State for police purposes. [j57A]

PART VI

REPORTS

- ✓47. Annual and other reports by Police Authority to Secretary of State. [j9]
- ✓48. Annual and other reports by Chief Constable to Police Authority. [j22]
- ✓49. Reports by Chief Constable to Secretary of State. [j44]

PART VII

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

- 50. Interpretation of this Part. [j201]
- 51. The Police Ombudsman for Northern Ireland. [j202]
- 52. Complaints - receipt and initial classification of complaints. [j203]
- 53. Complaints - informal resolution. [j204]

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- 54. Complaints - formal investigation. [j205]
- 55. Consideration of other matters by the Ombudsman. [j205A]
- 56. Formal investigation by the Ombudsman. [j206]
- 57. Formal investigation by a police officer. [j207]
- 58. Steps to be taken after investigation - criminal proceedings. [j208]
- 59. Steps to be taken after investigation - disciplinary proceedings. [j209]
- 60. Constabularies not maintained by Police Authority. [j226]
- 61. Reports. [j227]
- 62. Statements by Ombudsman about exercise of his functions. [j277A]
- 63. Restriction on disclosure of information. [j228]
- 64. Regulations. [j229]
- 65. Guidance concerning discipline, complaints, etc. [j230]

PART VIII

MISCELLANEOUS AND GENERAL

Offences

- ss 66. Assaults on, and obstruction of, constables, etc. [j89]
- ss 67. Impersonation, etc. [j90]
- ss 68. Causing disaffection. [j91]
- ✓ 69. Obtaining pension by self-inflicted injury, etc. [j91N]

Traffic wardens

- ✓ 70. Traffic wardens. [j23N]
- ✓ 71. Expenses of Secretary of State. [j32N]

Supplementary

- ss 72. Orders and regulations. [j102]
- 73. Interpretation. [j2]
- ss 74. Amendments, transitional provisions, repeals, etc. [j103]
- ✓ 75. Commencement. [j104]
- 76. Extent. [j105]
- ✓ 77. Short title. [j106]

SCHEDULES:

- Schedule 1 —The Police Authority for Northern Ireland [j501].
- Schedule 2 —Form of declaration [j502].
- Schedule 3 —The Police Ombudsman for Northern Ireland [j506].
- Schedule 4 —Amendments [j503].
- Schedule 5 —Transitional provisions and savings [j504].
 - Part I—General.
 - Part II—The Police Ombudsman for Northern Ireland.
- Schedule 6 —Repeals [j505].

Police (Northern Ireland) [H.L.]

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B I L L

INTITLED

An Act to make provision about the police force in Northern Ireland; and for connected purposes. A.D. 1997.

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:—

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PART I

THE POLICE AUTHORITY FOR NORTHERN IRELAND

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

The Police
Authority for
Northern Ireland.
[3]

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

10 2.—(1) The Police Authority shall secure the maintenance of the police force in Northern Ireland which shall continue to consist of—

General functions
of the Police
Authority. [6]

(a) the Royal Ulster Constabulary; and

(b) the Royal Ulster Constabulary Reserve.

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

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

20 (4) In carrying out its duty under subsection (3), the Police Authority shall keep itself informed as to—

(a) the workings of Part VII (police complaints and disciplinary proceedings); and

25 (b) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 70.

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

Staff of the Police
Authority. [17]

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

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

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

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

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

- (a) the power to engage and dismiss employees under subsection (3), the power to direct and control such employees and all other powers and duties of the Authority as employer of such employees; and
- (b) the power to direct and control persons providing assistance to the Authority in pursuance of arrangements under subsection (4).

(6) Subsection (5) does not apply to such of the persons employed by, or engaged in pursuance of arrangements under subsection (4) in providing assistance to, the Police Authority as may be agreed between the Chief Constable and the Authority or, in the absence of agreement, as may be determined by the Secretary of State.

(7) Persons who—

- (a) are employed by, or engaged in pursuance of arrangements under subsection (4) in providing assistance to, the Police Authority; and
- (b) are by virtue of subsection (5) subject to the direction and control of the Chief Constable,

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

Power to transfer
staff to
employment of
Police Authority.
[17A]

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

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

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subsection (1) ("the prescribed date") is—

- (a) employed in the civil service; and
- (b) engaged, in pursuance of arrangements under section 3(4), in providing assistance to the Police Authority.

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

- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
- (b) he is withdrawn from work with the Authority with effect from the prescribed date.

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

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

- (a) the Police Authority;
- (b) the Chief Constable; and
- (c) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

20 5.—(1) Subject to the following provisions of this section, the Police Authority may for the purposes of its functions provide and maintain buildings and equipment.

Provision and
maintenance of
buildings and
equipment. [j5N]

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

(3) Subsection (2) does not apply—

- 30 (a) to such buildings or equipment, or buildings or equipment of such description, as the Secretary of State may direct; or
- (b) in such circumstances or cases as the Secretary of State may direct.

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

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

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

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

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

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Acquisition and
disposal of land by
Police Authority.
[j4N]

6.—(1) The powers of the Police Authority to acquire and dispose of land shall not be exercised except with the consent of the Secretary of State.

(2) The consent of the Secretary of State under subsection (1) may be given—

- (a) either generally or in particular cases or descriptions of case; and 5
- (b) subject to conditions specified therein.

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

(4) Where the Police Authority proposes to acquire any land compulsorily it may apply to the Secretary of State for an order ("a vesting order") vesting 10 that land in the Authority and the Secretary of State may make such an order.

1972 c. 9 (N.I.).

(5) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act subject to the 15 following modifications—

- (a) for any reference to the council there shall be substituted a reference to the Police Authority;
- (b) for any reference to the Ministry concerned there shall be substituted a reference to the Secretary of State; 20
- (c) for any reference to that Act there shall be substituted a reference to this Act;
- (d) in paragraph 6(2) for the words from "the fund" to the end there shall be substituted the words "funds of the Police Authority (in this Schedule referred to as "the compensation fund"), and shall be 25 discharged by payments made by the Police Authority"; and
- (e) in paragraph 12(2) for "the clerk of the council" there shall be substituted "such person as may be designated for the purposes of this Schedule by the Police Authority".

Arrangements for
obtaining the
views of the public
on policing. [j96]

7.—(1) The Police Authority shall make arrangements for obtaining— 30

- (a) the views of the public about matters concerning policing; and
- (b) the co-operation of the public with the police in preventing crime.

(2) Before making any arrangements under this section the Police Authority shall—

- (a) consult the Chief Constable as to the arrangements that would be 35 appropriate; and
- (b) consult each district council in Northern Ireland as to the arrangements that would be appropriate for its district.

(3) The Police Authority shall from time to time review the arrangements made under this section. 40

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

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

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

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

8.—(1) Subject to the provisions of this section, the Police Authority may provide advice and assistance to—

Provision of
advice and
assistance to
international
organisations, etc.
[j26]

(a) an international organisation or institution; or
(b) any other person or body engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the Police Authority or the Chief Constable.

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

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

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

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

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

1980 c. 63.

9.—(1) The Secretary of State shall for each financial year make to the Police Authority—

Grants to, and
borrowing by, the
Police Authority.
[j46]

(a) a grant for police purposes; and
(b) a grant for general administrative purposes of the Authority.

(2) A grant under this section—

(a) shall be of such amount;
(b) shall be paid at such time, or in instalments of such amounts and at such times; and
(c) shall be made on such conditions,
as the Secretary of State may determine.

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

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PART I

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

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

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

(7) The Police Authority may, with the prior consent of the Secretary of State, borrow or raise money on such terms and subject to such conditions as the Secretary of State may approve upon the security of any property or assets of the Authority for all or any of the following purposes— 10

- (a) meeting expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital; 15
- (b) redeeming any loan previously borrowed or raised under this section; or
- (c) any other purpose for which capital moneys may properly be applied.

Funding of Police
Authority -
ancillary-
provisions. [j30N]

10.—(1) The Police Authority shall—

- (a) prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct, estimates of the receipts and payments of the Authority—
 - (i) for police purposes; and
 - (ii) for general administrative purposes of the Authority,
 during such period as may be specified in the direction; and 25
- (b) submit to the Secretary of State such other information relating to those estimates as he may require.

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

- (a) the Police Authority; and 30
- (b) the Secretary of State.

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

- (a) in the form of the draft submitted under subsection (2)(a); or
- (b) in that form with such amendments as the Authority may, after 35 consultation with the Chief Constable, determine.

(4) The Police Authority shall comply with such directions as the Secretary of State may give as to the application of moneys received by the Authority otherwise than by way of grant under section 9(1); and to the extent that any statutory provision or any such direction does not require 40 moneys so received to be applied in a particular manner or for a particular purpose, the Authority shall apply those moneys for police purposes.

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

- (a) an amount equal to the amount of the grant for police purposes 45 received in that year by the Authority under section 9(1); and

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

PART I

- (i) by subsection (4) or directions under that subsection; or
(ii) by any other statutory provision.

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

Charges for special services. [j25]

12.—(1) The Police Authority shall—

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

Accounts and audit. [j29N]

- (b) prepare a statement of accounts in respect of each financial year.

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

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

(4) The Comptroller and Auditor General shall—

- 20 (a) examine, certify and report on each statement of accounts received by him under this section; and
(b) lay copies of the statement of accounts and of his report before each House of Parliament.

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

Rewards for diligence. [j31]

PART II

POLICING OBJECTIVES, PERFORMANCE TARGETS AND PLANS

14.—(1) The Secretary of State may—

- 30 (a) determine, and from time to time revise, objectives for the policing of Northern Ireland; and
(b) establish, and from time to time revise, levels of performance ("performance targets") to be aimed at in seeking to achieve such objectives.

Setting of policing objectives and performance targets by Secretary of State. [j37]

- 35 (2) Before determining or revising any objectives under this section, the Secretary of State shall consult—

- (a) the Police Authority;
(b) the Chief Constable; and
(c) such other persons as he thinks appropriate.

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

PART II

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

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

Setting of policing objectives and performance targets by Police Authority. [j7]

15.—(1) The Police Authority shall, before the beginning of each financial year—

- (a) determine objectives for the policing of Northern Ireland during that year; and 10
- (b) establish levels of performance ("performance targets") to be aimed at in seeking to achieve such objectives.

(2) Objectives determined under this section may relate to matters to which objectives determined under section 14 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives determined under that section. 15

(3) Before determining objectives under this section, the Police Authority shall—

- (a) consult the Chief Constable; and 20
- (b) consider any views obtained by the Authority in accordance with arrangements made under section 7.

The Chief Constable's strategic policing plan. [j8A]

16.—(1) The Chief Constable shall, after consultation with the Secretary of State and the Police Authority, issue a plan ("the strategic policing plan") setting out the proposed arrangements for the policing of Northern Ireland during such period (not being less than 3 years nor more than 5 years) as is specified in the plan. 25

(2) The strategic policing plan shall include a statement of the Chief Constable's priorities for the period covered by the plan, of the financial resources expected to be available to him and of the proposed allocation of those resources by him, and shall give particulars of— 30

- (a) any objectives determined by the Secretary of State under section 14; and
- (b) any performance targets established by the Secretary of State under that section. 35

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

(4) The Chief Constable shall— 40

- (a) arrange for every strategic policing plan issued or revised by him under this section to be published in such manner as appears to him to be appropriate; and
- (b) send a copy of every plan so issued or revised to the Secretary of State and the Police Authority. 45

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

PART II
The Police
Authority's annual
policing plan. [j8]

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

- (a) any objectives determined by the Secretary of State under section 14;
- (b) any performance targets established by the Secretary of State under that section ;
- (c) any objectives determined by the Police Authority under section 15; and
- (d) any performance targets established by the Police Authority under that section.

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

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

- (a) in the form of the draft submitted under subsection (3); or
- (b) with such amendments as the Authority may, after consultation with the Chief Constable, determine.

(5) Before issuing an annual policing plan adopted by it under subsection (4), the Police Authority shall submit the plan to the Secretary of State and make such amendments to that plan as the Secretary of State, after consultation with the Authority, may require.

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

PART III

THE POLICE FORCE

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

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice.

General functions
of the police force.
[j30]

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

(3) In subsection (2)—

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

10

*Police (Northern Ireland)**territorial waters, including the
C.I.S. (C.I.S. 1967) limits*

PART III

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

and this section, so far as it relates to the powers under any statutory provision, makes them exercisable throughout the adjacent United Kingdom waters whether or not the statutory provision applies to those waters apart from this section. 5

General functions
of Chief
Constable. [j10]

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

(2) In discharging his functions, the Chief Constable shall have regard to the annual policing plan issued under section 17. 10

Exercise of
functions of Chief
Constable in cases
of absence,
incapacity, etc.
[j12]

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

(a) during any absence, incapacity or suspension from duty of the Chief Constable; or 15

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

(2) No more than one senior officer shall be authorised to act by virtue of a designation under subsection (1) at any one time; and an officer so authorised shall not have power to act by virtue of that subsection for a continuous period exceeding 3 months except with the consent of the Secretary of State. 20

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

Appointment and
removal of senior
officers of RUC.
[j11]

21.—(1) The Police Authority shall, subject to the approval of the Secretary of State, appoint the Chief Constable. 25

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

(3) The Police Authority— 30

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

(b) without prejudice to the generality of paragraph (a), shall, if required by the Secretary of State, call upon the Chief Constable so to retire. 35

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

(a) give the officer an opportunity to make, either personally or otherwise, representations to him; and 40

(b) where any such representations are made—

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

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(ii) consider any report so made.

PART III

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

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

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

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

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

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

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

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

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

Appointment and promotion of other members of RUC. [j13]

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

Reserve constables. [j27]

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

Attestation of constables. [j29]

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

Regulations for RUC. [j50]

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

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

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

(c) periods of service on probation;

(d) voluntary retirement of members of the Constabulary;

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

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

PART III

- (g) the maintenance of personal records of members of the Constabulary;
 - (h) the duties which are or are not to be performed by members of the Constabulary;
 - (i) the treatment as occasions of police duty of attendance at meetings of the Police Association and of any body recognised by the Secretary of State for the purposes of section 35; 5
 - (j) the hours of duty, leave, pay and allowances of members of the Constabulary;
 - (k) the pensions and gratuities in respect of service as a member of the Constabulary (including provision for the recognition for the purposes of such 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 10 15
 - (l) the issue, use and return of equipment.
- (3) Without prejudice to the powers conferred by this section, regulations under this section shall—
- (a) establish, or make provision for the establishment of, procedures for cases in which a member of the Royal Ulster Constabulary may be dealt with by dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution; and 20
 - (b) make provision for securing that any case in which a senior officer may be dismissed or dealt with in any of the other ways mentioned in paragraph (a) is decided by the Police Authority. 25
- (4) Without prejudice to the powers conferred by this section, regulations under this section shall provide for appeals to an appeals tribunal by members of the Royal Ulster Constabulary who are dismissed, required to resign or reduced in rank—
- (a) in a case where there is no right of appeal to any other person, by a decision taken in proceedings under regulations made in accordance with subsection (3); and 30
 - (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)— 35
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or 40
 - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.
- (6) Regulations under this section as to conditions of service shall secure that appointments for fixed terms are not made except where the person appointed holds the rank of superintendent or a higher rank. 45
- (7) Where regulations made in accordance with subsection (2)(a) vary the ranks held by members of the Royal Ulster Constabulary, the regulations may make such amendments as appear to the Secretary of State to be

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necessary or expedient to any statutory provision (including this Act) containing a reference to any rank held by a member of that Constabulary.

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

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

Regulations for
RUC Reserve.
[51]

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

- 10 (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;
- 15 (e) the suspension or dismissal of reserve constables from their office;
- (f) the remuneration and allowances of reserve constables; and
- (g) the application to reserve constables, subject to such modifications as may be prescribed by the regulations, of any provision made under section 25 or any other statutory provision with respect to pensions payable to or in respect of members of the Royal Ulster Constabulary.
- 20

(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—

- 30 (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—

- 35 (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Police Authority, the Chief Constable or other persons; or
- 40 (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

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

PART III
Members of RUC
engaged on other
police service.
[197]

1996 c. 16.

1945 c. 17.

1980 c. 63.

- 27.—(1) For the purposes of this section "relevant service" means—
- (a) service in a police force in Great Britain, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable and the Secretary of State;
 - (b) temporary service with the National Criminal Intelligence Service on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; 5
 - (c) temporary service with the Police Information Technology Organisation on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; 10
 - (d) temporary service on which a member of the Royal Ulster Constabulary is engaged in accordance with arrangements under section 8 of this Act;
 - (e) temporary service as an inspector of constabulary under section 56 of the Police Act 1996 on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; 15
 - (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 Police Act 1996, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; 20
 - (g) service the expenses of which are payable under section 1(1) of the Police (Overseas Service) Act 1945, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable; or 25
 - (h) service pursuant to an appointment under section 10 of the Overseas Development and Co-operation Act 1980, on which a member of the Royal Ulster Constabulary is engaged with the consent of the Chief Constable.

(2) In this section "member of the Royal Ulster Constabulary" does not include the Chief Constable. 30

(3) Subject to subsections (4) to (7), a member of the Royal Ulster Constabulary engaged on relevant service shall be treated as if he were not a member of that Constabulary during that service; but, except where a pension, allowance or gratuity becomes payable to him by virtue of regulations under section 25— 35

- (a) he shall be entitled at the end of the period of relevant service to revert to that Constabulary in the rank in which he was serving immediately before that period began; and
- (b) he shall be treated as if he had been serving in that Constabulary during the period of relevant service for the purpose of any scale prescribed by or under regulations made under section 25 fixing his rate of pay by reference to his length of service. 40

(4) A member of the Royal Ulster Constabulary may, when engaged on relevant service, be promoted in that Constabulary, as if he were serving in it; and in any such case— 45

- (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 50

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

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

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

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

10 (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 Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal, 1945 c. 17.

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

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

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

25 (a) shall continue to be a constable; and

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

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

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

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

(b) for the payment into that fund of—

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

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

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

29.—(1) The Chief Constable shall be liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of

The RUC Fund.
[28N]

Detail needed

Liability for
wrongful acts of
constables. [j88]

PART III

their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.

(2) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

- (a) any damages or costs awarded against a member of the police force in proceedings for a tort committed by that member; 5
- (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. 10

(3) The Chief Constable may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in subsection (2).

1996 c. 16.
1997 c. 50.

(4) This section applies to persons serving with the Royal Ulster Constabulary by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies to members of the police force. 15

Protection of
members of the
police force in
executing
warrants. [j50N]

30.—(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. 20

(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.

5a
Property coming
into the possession
of the police.
[j1897]

31.—(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— 25

- (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. 30

(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. 35

(4) The Secretary of State may make regulations for the disposal of property which has come into the possession of the police (whether as mentioned in subsection (1) or otherwise), in cases where— 40

- (a) the owner of the property has not been ascertained; and

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- (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;
- 5 (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;
- 10 (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—
- 15 (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 Police Authority, the property can be used for police purposes; and
- 20 (iv) the Police Authority determines, in such manner as may be prescribed by the regulations, that the property is to be retained by the Authority,
- the Police Authority is to become the owner of the property on the making of the determination or at such later time as the regulations may specify;
- 25 (d) in relation to property which is in the possession of the police by virtue of Article 10 of the Criminal Justice (Northern Ireland) Order 1994, make (subject to subsection (6)) provision for disposal (including disposal by vesting in the Police Authority) in cases where no application 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;
- 30 (e) provide for the publication of determinations under paragraph (c)(iv).
- (6) Regulations under subsection (4) may not provide for the vesting in the Police Authority of property in relation to which an order has been made under Article 12 of the 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—
- 40 (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.
- 45 (9) Where property is in the possession of the police by virtue of Article 11 of the Criminal Justice (Northern Ireland) Order 1994—
- (a) no application shall be made under subsection (1) by any claimant after the expiration of 6 months from the date on which the order in respect of the property was made under that Article;

1994 NI 15.

PART III

- (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. 5

PART IV

POLICE REPRESENTATIVE INSTITUTIONS

10

Police Association
for Northern
Ireland. (j59)

32.—(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 15 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 20 mentioned in subsection (2), a member of the police force may only be represented under subsection (2) by another member of the police force.

(4) The Police Association shall be entirely independent of, and subject to subsection (5) unassociated with, any body or person outside the police services of the United Kingdom, but may employ persons outside those 25 services in an administrative or advisory capacity.

(5) The Secretary of State—

- (a) may authorise the Police Association or a section thereof to be associated with a person or body outside the police services of the United Kingdom in such cases and manner, and subject to such 30 conditions and restrictions, as he may specify; and
- (b) may vary or withdraw an authorisation previously given; and anything for the time being so authorised shall not be precluded by subsection (4).

Regulations for
Police
Association. (j60)

33.—(1) The Secretary of State may by regulations—

35

- (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. 40

(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;

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- (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;
- 5 (c) with respect to the manner in which representations may be made by the Police Association, or any section thereof, to the Police Authority, the Chief Constable or the Secretary of State;
- (d) for the payment by the Secretary of State of expenses incurred in connection with the Police Association;
- 10 (e) for modifying any regulations under section 25 or 26 in relation to any member of the police force who is the secretary or an officer of the Police Association and for requiring the Police Association to make contributions in respect of the pay, pension or allowances payable to or in respect of any such person.

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

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

“(c) regulations under section 25 of the Police (Northern Ireland) Act 1997;”.

The Police
Negotiating Board
for the United
Kingdom. [j62]

1996 c. 16.

(2) In section 62(3) of the Police Act 1996 (no regulations relating to
25 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 1997”.

35.—(1) Subject to the following provisions of this section, a member of
30 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.

Membership of
trade unions. [j64]

(2) Where a person was a member of a trade union before becoming a
35 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 Industrial Relations (Northern Ireland) Order 1992; and if any
40 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.

1992 NI 5.

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

PART V

FUNCTIONS OF SECRETARY OF STATE

- General duty of Secretary of State. [j36] 36. The Secretary of State shall exercise his powers under this Act in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of the Northern Ireland Police Service. 5
- Statement of policing principles. [j36A] 37.—(1) For the purpose of providing a common set of aims, values and aspirations in connection with the exercise of their respective functions under this Act by—
 (a) the Secretary of State;
 (b) the Police Authority; and
 (c) the Chief Constable, 10
 the Secretary of State may issue a statement of the principles on which the policing of Northern Ireland is to be conducted.
 (2) The Secretary of State shall lay before both Houses of Parliament any statement of principles issued by him under this section. 15
- Codes of practice. [j39] 38.—(1) The Secretary of State may issue, and from time to time revise, codes of practice relating to the discharge by the Police Authority of any of its functions.
 (2) The Secretary of State shall publish a copy of any code of practice and of any revision of a code of practice issued by him under this section in such 20 manner as he thinks appropriate.
- Guidance as to exercise of functions by police force. [j39A] 39.—(1) The Secretary of State may issue, and from time to time revise, general guidance as to the exercise by members of the police force of any of their functions.
 (2) The Secretary of State shall publish any guidance issued by him under 25 this section in such manner as he thinks appropriate.
- Power to require use by police of specified facilities, equipment or services. [j57] 40.—(1) The Secretary of State may by regulations make provision for requiring the police force to use specified facilities, equipment or services, or facilities, equipment or services of a specified description, if he considers that it would be in the interests of the efficiency or effectiveness of the police 30 force for it to do so.
 (2) Before making any regulations under this section, the Secretary of State shall consult—
 (a) the Police Authority;
 (b) the Chief Constable; and
 (c) the Police Association. 35
 (3) Before making any regulations under this section relating to information technology, the Secretary of State shall consult the Police Information Technology Organisation.
 (4) In subsection (3) "information technology" includes any computer or 40 other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.

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

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Appointment of
inspectors of
constabulary. [j54]

5 (2) The inspectors shall at least once in every year inspect and report to the Secretary of State on the efficiency and effectiveness of the Northern Ireland Police Service.

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

10 (4) The inspectors shall carry out such other duties for the purpose of furthering the efficiency and effectiveness of the Northern Ireland Police Service and make such other reports as the Secretary of State may from time to time direct.

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

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

Publication of
reports of
inspectors of
constabulary. [j55]

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

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

(b) might jeopardise the safety of any person.

25 (3) The Secretary of State shall send a copy of the published report to—

(a) the Police Authority; and

(b) the Chief Constable.

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

30 (5) The Police Authority shall prepare comments on the published report and shall arrange for—

(a) its comments;

(b) any comments submitted by the Chief Constable in accordance with subsection (4); and

35 (c) any response which the Authority has to the comments submitted by the Chief Constable,

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

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

40 (7) Subsections (3) to (6) shall apply in relation to a report relating to the National Criminal Intelligence Service as if—

(a) references to the Police Authority were references to the Service Authority for the National Criminal Intelligence Service; and

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(b) references to the Chief Constable were references to the Director General of the National Criminal Intelligence Service.

Criminal statistics.
[j45]

43.—(1) The Chief Constable shall, at such times and in such form as the Secretary of State may direct, transmit to the Secretary of State such particulars with respect to offences, offenders, criminal proceedings and the state of crime in Northern Ireland as the Secretary of State may require. 5

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

Inquiries. [j49]

44.—(1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with policing. 10

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

1972 NI 14.

(3) Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (inquiries and investigations) shall apply to an inquiry under this section with the substitution for references to the Ministry of references to the Secretary of State. 15

(4) Where the report of the person holding an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Secretary of State so far as appears to him consistent with the public interest. 20

Research and
advice. [j58]

45.—(1) The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency and effectiveness of the Northern Ireland Police Service. 25

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

Expenditure by
Secretary of State
for police
purposes. [j57A]

46. The Secretary of State may—

(a) make such contribution to the provision or maintenance of such organisations, facilities and services; and 30

(b) make such other payments,

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

PART VI

35

REPORTS

Annual and other
reports by Police
Authority to
Secretary of State.
[j9]

47.—(1) The Police Authority shall, not later than 4 months after the end of each financial year, issue a report relating to the policing of Northern Ireland for the year.

(2) A report issued under subsection (1) for any year shall include— 40

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

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- (b) an assessment—
- (i) of the extent to which the membership of the police force is representative of the community in Northern Ireland; and
 - (ii) of the effectiveness of any measures taken by the Chief Constable with a view to securing that the membership of the police force is representative of that community.
- (3) The Police Authority shall—
- (a) arrange for every report issued under subsection (1) to be published in such manner as appears to it to be appropriate; and
 - (b) send a copy of the report to the Secretary of State.
- (4) The Police Authority shall, whenever required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the Authority's functions, or otherwise with the policing of Northern Ireland, as may be specified in the requirement.
- (5) A report under subsection (4) shall be made—
- (a) in such form as may be specified in the requirement under that subsection; and
 - (b) within the period of one month from the date on which that requirement is made or within such longer period as may be agreed between the Police Authority and the Secretary of State.
- (6) The Secretary of State may arrange, or require the Police Authority to arrange, for a report under subsection (4) to be published in such manner as appears to him to be appropriate.
- 48.—(1) The Chief Constable shall, not later than 3 months after the end of each financial year, submit to the Police Authority a general report on the policing of Northern Ireland during that year.
- (2) The Chief Constable shall arrange for a report submitted under subsection (1) to be published in such manner as appears to him to be appropriate.
- (3) The Chief Constable shall, whenever so required by the Police Authority, submit to the Authority a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement.
- (4) A report under subsection (3) shall be made—
- (a) in such form as may be specified in the requirement under that subsection; and
 - (b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Police Authority.
- (5) If it appears to the Chief Constable that a report in compliance with subsection (3) would contain information which—
- (a) in the public interest ought not to be disclosed; or
 - (b) is not needed for the discharge of the functions of the Police Authority,
- he may request the Authority to refer the requirement to submit the report to the Secretary of State, and in any such case the requirement shall be of no effect unless it is confirmed by the Secretary of State.

Annual and other
reports by Chief
Constable to
Police Authority.
[j22]

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

Reports by Chief
Constable to
Secretary of State.
[j44]

49.—(1) The Chief Constable shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement. 5

(2) A report under subsection (1) shall be made—

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

(b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Secretary of State. 10

(3) The Secretary of State may arrange, or require the Chief Constable to arrange, for a report under subsection (1) to be published in such manner as appears to the Secretary of State to be appropriate. 15

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

(5) The Secretary of State shall lay before both Houses of Parliament every report submitted to him under subsection (4). 20

PART VII

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

Interpretation of
this Part. [j201]

50.—(1) In this Part—

“the appropriate disciplinary authority” means—

(a) in relation to a senior officer, the Police Authority; and 25

(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; 30

“disciplinary proceedings” means—

(a) in relation to a member of the Royal Ulster Constabulary, proceedings identified as such by regulations under section 25;

(b) in relation to a reserve constable, proceedings identified as such by regulations under section 26; 35

“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; 40

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

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- (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 4;
- 5 "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;
- 10 "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;
- 15 "serious injury" means a fracture, damage to an internal organ or impairment of bodily function.

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

- 20 51.—(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 Independent Commission for Police Complaints for Northern Ireland is hereby abolished.

The Police
Ombudsman for
Northern Ireland.
[j202]

- 52.—(1) For the purposes of this Part, all complaints about the police force shall either—
- 30 (a) be made to the Ombudsman; or
- (b) if made to a member of the police force, the Police Authority or the Secretary of State, be referred immediately to the Ombudsman.

Complaints -
receipt and initial
classification of
complaints. [j203]

- (2) Where a complaint—
- (a) is made to the Chief Constable; and
- 35 (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—
- 40 (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 Police Authority or the Secretary of State as he thinks fit and shall notify the complainant accordingly.

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

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

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

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

Complaints -
informal
resolution. [j204]

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

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

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

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

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

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

(6) If, after attempts have been made to resolve a complaint informally, it appears to the appropriate disciplinary authority—

- (a) that informal resolution of the complaint is impossible; or

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- (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.
- 5 (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
10 be resolved informally.

54.—(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),
15 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
20 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.

Complaints-
formal
investigation.
[j205]55.—(1) The Police Authority or the Secretary of State may refer to the
25 Ombudsman any matter which—

- (a) appears to the Authority or the Secretary of State to indicate that a member of the police force may have—
(i) committed a criminal offence; or
30 (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 the Authority or the Secretary of State that it is desirable in the public interest that the Ombudsman should investigate the matter.
- 35 (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.
- 40 (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

Consideration of
other matters by
the Ombudsman.
[j205A]

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

5

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

(6) The Ombudsman may of his own motion formally investigate in accordance with section 56 any matter which—

10

(a) appears to the Ombudsman to indicate that a member of the police force may have—

(i) committed a criminal offence; or

(ii) behaved in a manner which would justify disciplinary proceedings; and

15

(b) is not the subject of a complaint,

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

(7) The Ombudsman shall notify—

(a) the Police Authority or the Secretary of State, in the case of a matter referred under subsection (1);

20

(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.

25

Formal
investigation by
the Ombudsman.
[j206]

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

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

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(3) The Secretary of State may by order provide that any provision of the 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 conducted by a person to whom subsection (2) applies.

1989 NI 12.

(4) Section 66 applies to a person to whom subsection (2) applies as it applies to a constable.

(5) A person to whom subsection (2) applies shall not be regarded as in police service for the purposes of—

45

(a) Article 145 of the Trade Union and Labour Relations (Northern Ireland) Order 1995; or

1995 NI 12.

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(b) Article 243 of the Employment Rights (Northern Ireland) Order 1996.

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1996 NI 16.

(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
5 Ombudsman.

57.—(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.

Formal
investigation by a
police officer.
{207}

(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
10 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
15 Constable proposes to appoint; or

(b) if such an appointment has already been made and the Ombudsman is not satisfied with the person appointed, that—

(i) the Chief Constable shall, as soon as is reasonably practicable, select another police officer and notify the Ombudsman that he
20 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
25 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
30 conducting that investigation, have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters; and subsection (3) of section 18 applies for the purposes of this subsection as it applies for the purposes of subsection (2) of that section.

(7) The Ombudsman may impose requirements as to the conduct of an investigation which the Ombudsman is supervising; and it shall be the duty
35 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
40 investigation to the Ombudsman.

58.—(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.

Steps to be taken
after investigation
- criminal
proceedings.
{208}

(2) If the Ombudsman determines that the report indicates that a criminal
45 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.

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1972 NI 1.

Steps to be taken
after investigation
- disciplinary
proceedings.
[j209]

(3) Where a report is sent to the Director under subsection (2), the Ombudsman shall, at the request of the Director, ascertain and furnish to the Director all such further information in relation to the complaint or matter dealt with in the report as appears to the Director to be necessary for the discharge of his functions under the Prosecution of Offences (Northern Ireland) Order 1972. 5

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

59.—(1) Where—

- (a) the Director has dealt with the question of criminal proceedings; or 10
 - (b) the Ombudsman determines that the report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force,
- the Ombudsman shall consider the question of disciplinary proceedings.

(2) The Ombudsman shall send the appropriate disciplinary authority a 15 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; 20 and
- (c) where he recommends that disciplinary proceedings should be brought, such particulars in relation to the disciplinary proceedings which he recommends as he thinks appropriate.

(3) No disciplinary proceedings shall be brought by the appropriate 25 disciplinary authority before it receives the memorandum of the Ombudsman under subsection (2).

(4) The Police Authority shall advise the Ombudsman of what action it has taken in response to a recommendation contained in a memorandum sent to it under subsection (2); and nothing in the following provisions of this 30 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 35
- (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)— 40

- (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 45 subsection (2); or

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(ii) a direction under subsection (5).

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

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

- 10 (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
- 15 (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).

20 60.—(1) An agreement for the establishment in relation to any body of constables maintained by an authority other than the Police Authority of procedures corresponding or similar to any of those established by virtue of this Part may, with the approval of the Secretary of State, be made between the Ombudsman and the authority maintaining the body of constables.

Constabularies not
maintained by
Police Authority.
[j226]

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

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

(4) Before making an order under this section the Secretary of State shall
30 consult—

- (a) the Ombudsman; and
- (b) the authority maintaining the body of constables to whom the order would relate.

35 (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.

40 61.—(1) The Ombudsman shall, at the request of the Secretary of State, report to the Secretary of State on such matters relating generally to the functions of the Ombudsman as the Secretary of State may specify, and the Ombudsman may for that purpose carry out research into any such matters.

Reports. [j227]

(2) The Ombudsman may make a report to the Secretary of State on any matters coming to the Ombudsman's attention under this Part to which the

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PART VII

Ombudsman considers that the Secretary of State's attention should be drawn in the public interest.

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

5

(4) The Ombudsman shall—

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

(5) The Ombudsman shall send a copy of any report under this section 10 to—

- (a) the Police Authority and the Chief Constable; and
- (b) if the report concerns any such body of constables as is mentioned in section 60, to the authority maintaining it and the officer having the direction and control of it.

15

(6) The Secretary of State shall—

- (a) lay before both Houses of Parliament a copy of every report received by him under this section; and
- (b) cause every such report to be published.

(7) The Ombudsman shall send to the Police Authority any statistical or 20 other general information which the Ombudsman considers should be brought to the attention of the Police Authority in connection with its functions under section 2(4)(a).

Statements by
Ombudsman about
exercise of his
functions. [j277A]

62. The Ombudsman may, in relation to any exercise of his functions under this Part, publish a statement as to his actions, his decisions and 25 determinations and the reasons for his decisions and determinations.

Restriction on
disclosure of
information.
[j228]

63.—(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—

30

- (a) to a person to whom this subsection applies;
- (b) to the Secretary of State;
- (c) to other persons in or in connection with the exercise of any function of the Ombudsman;
- (d) for the purposes of any criminal, civil or disciplinary proceedings; or 35
- (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 40 necessary in the public interest, identify any person to whom the information relates.

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(2) Subsection (1) applies to—

- (a) the Ombudsman; and
- (b) an officer of the Ombudsman.

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

64.—(1) The Secretary of State may make regulations—

Regulations.
[j229]

- (a) as to the procedure to be followed under this Part; and
- (b) for prescribing anything authorised or required to be prescribed by
10 any provision in this Part.

(2) The Secretary of State shall by regulations provide—

- (a) that, subject to such exceptions and in accordance with such
15 procedures as may be prescribed, the Ombudsman shall furnish a copy of, or of the record of, a complaint against a member of the police force to—
 - (i) that member;
 - (ii) the complainant; and
 - (iii) the appropriate disciplinary authority;
- (b) procedures for the informal resolution of complaints of such
20 descriptions as may be prescribed, and for giving the complainant a record of the outcome of any such procedure if he applies for one within such period as may be prescribed;
- (c) procedures for giving a member of the police force, whose conduct is
25 the subject of a complaint which falls to be resolved informally, an opportunity to comment orally or in writing on the complaint;
- (d) for cases in which any provision of this Part is not to apply where—
 - (i) a complaint, other than a complaint which falls to be resolved
30 informally, is withdrawn;
 - (ii) the complainant indicates that he does not wish any further steps to be taken; or
 - (iii) the complainant fails to indicate, in response to a request from the Ombudsman to do so, whether he wishes any further steps to be taken;
- (e) for enabling the Ombudsman to dispense with any requirement of
35 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 to be
40 continued, where the Ombudsman so directs, as if it had originally been referred to the Chief Constable for investigation under section 57;
- (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
45 documents of such description as may be prescribed at such time or in such circumstances as may be prescribed;

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PART VII

- (j) that any action, determination or decision of a prescribed description taken by the Ombudsman shall be notified to prescribed persons within a prescribed time and that, in connection with such a notification, the Ombudsman shall have power to supply the person notified with any relevant information; 5
- (k) that the Chief Constable shall have power to delegate any functions conferred on him by or by virtue of this Part;
- (l) 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, 10
 in accordance with such scales and subject to such conditions as may be prescribed.

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

(3) Before making any regulations under this section, the Secretary of 15 State shall consult—

- (a) the Ombudsman;
- (b) the Police Authority; and
- (c) the Police Association.

Guidance -
concerning
discipline,
complaints, etc.
[j230]

65.—(1) The Secretary of State may issue guidance to the Police 20 Authority and police officers concerning the discharge of their functions—

- (a) under this Part;
- (b) under regulations made under section 25 in relation to the matters mentioned in subsection (2)(e) of that section; and
- (c) under regulations made under section 26 in relation to the matters 25 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. 30

(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 35 have regard—

- (a) to any guidance given to him by the Secretary of State with respect to such matters as are for the time being the subject of guidance under subsection (1); and
- (b) in particular, but without prejudice to the generality of paragraph (a), 40 to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings.

(5) In discharging his functions under this Part the Ombudsman shall have regard to any guidance given to him by the Secretary of State with respect to matters the disclosure of which may be prejudicial to the public interest. 45

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PART VIII

MISCELLANEOUS AND GENERAL

Offences

66.—(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.

Assaults on, and
obstruction of,
constables, etc.
[j89]

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

(a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;

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

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

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

67.—(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.

Impersonation,
etc. [j90]

(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) or (2) shall be liable—

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

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

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

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

68.—(1) Any person who—

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

Causing
disaffection. [j91]

PART VIII

(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.

Obtaining pension by self-inflicted injury, etc. [91N]

69. 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.

Traffic wardens

Traffic wardens. [23N]

70.—(1) Traffic wardens—

(a) shall be appointed by the Police Authority, on such terms and conditions as the Secretary of State may determine; and

(b) shall be under the direction and control of the Chief Constable.

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

Expenses of Secretary of State. [32N]

71. 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.

Supplementary

Orders and regulations. [102] 1979 NI 12.

72.—(1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

(2) Orders or regulations under this Act—

(a) may make different provision for different cases and circumstances;

(b) may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate.

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

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(4) A statutory rule made under this Act (other than one containing an order under section 75) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

PART VIII

1946 c. 36.

73.—(1) In this Act—

Interpretation. [j2]

"building" includes any structure;

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

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

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

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

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

"functions" includes powers and duties;

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

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

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

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

1996 c. 16.

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

1967 c. 77.

1972 c. 9 (N.I.).

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

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

1954 c. 33 (N.I.).

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

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

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

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

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

(b) employing the staff of the Authority (other than the civilian staff);

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

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

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

PART VIII Amendments, transitional provisions, repeals, etc. [j103]	74.—(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.	5
S.I. 1973/2163.	(4) In the Northern Ireland (Modification of Enactments - No. 1) Order 1973 the following provisions are revoked, namely—	
	(a) Article 6(5) and (6)(c);	
1836 c. 13.	(b) in Schedule 1, the entries relating to—	10
1897 c. 30.	the Constabulary (Ireland) Act 1836;	
1919 c. 68.	the Police (Property) Act 1897;	
1969 c. 63.	the Constabulary and Police (Ireland) Act 1919;	
1922 c. 8 (N.I.).	the Police Act 1969;	
1970 c. 9 (N.I.).	the Constabulary Act (Northern Ireland) 1922;	15
	the Police Act (Northern Ireland) 1970;	
	(c) in Schedule 4, the entry relating to the Police Act (Northern Ireland) 1970; and	
	(d) in Schedule 5, paragraphs 11, 21 and 61.	
Commencement [j104]	75.—(1) This Act shall come into operation on such day as the Secretary of State may by order appoint.	20
	(2) An order under this section may appoint different days for different purposes and for different provisions.	
Extent. [j105]	76.—(1) Except as provided by subsections (2) and (3), this Act extends to Northern Ireland only.	25
	(2) Paragraph 8 of Schedule 3 extends throughout the United Kingdom.	
	(3) The amendment or repeal by this Act of any provision of—	
1945 c. 17.	(a) the Police (Overseas Service) Act 1945;	
1967 c. 77.	(b) the Police (Scotland) Act 1967;	
1987 c. 4.	(c) the Ministry of Defence Police Act 1987;	30
1989 c. 6.	(d) the Official Secrets Act 1989;	
1996 c. 16.	(e) the Police Act 1996; -	
1997 c. 50.	(f) the Police Act 1997,	
	has the same extent as that provision.	
Short title. [j106]	77. This Act may be cited as the Police (Northern Ireland) Act 1997.	35

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SCHEDULES

SCHEDULE 1

Section 1.

THE POLICE AUTHORITY FOR NORTHERN IRELAND (1501)

Status

- 5 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

- 10 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.
- 15 (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.
- 20 (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
 25 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.
- 30 (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 in the membership of the Police Authority shall hold office for the remainder of the term of the member in whose place he is appointed.
- (3) A person may at any time resign as a member or as chairman or vice-
 35 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
 40 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.

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Police (Northern Ireland)

SCH. 1

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. 5

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. 10
- (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. 15
- (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— 20
- (a) any defect in the appointment of the chairman, vice-chairman or any other member, or
 - (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— 25
- (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. 30

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. 35
- (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— 40
- (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.

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Disclosure of pecuniary interests, family connections, etc.

SCH. 1

10. Sections 28 to 33, 42, 46, 47 and 146 of the 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—

1972 c. 9 (N.I.).

- (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;
 - 10 (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";
- 15 (c) in section 29 of that Act any reference to the Ministry were a reference to the Secretary of State.

Committees

11.—(1) For the purposes of Article 5(2) of the Public Order (Northern Ireland) Order 1987 (consultation by Secretary of State before making orders under that Article), the Police Authority shall constitute a committee consisting of—

1987 NI 7.

- (a) the chairman of the Authority (or in his absence the vice-chairman); and
- (b) four other members of the Authority.

(2) Where a member of the committee constituted under sub-paragraph (1) is not, or is not likely to be, available during any period for consultation by the Secretary of State, the chairman of the Police Authority (or in his absence the vice-chairman) shall nominate another member of the Authority to act during that period as a member of that committee in the place of the first-mentioned member.

(3) The quorum for a meeting of the committee constituted under sub-paragraph (1) shall be 3.

30 (4) The Police Authority may—

- (a) constitute other 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.

35 (5) 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 [J502]

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

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Police (Northern Ireland)

Section 51.

SCHEDULE 3

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND (1506)

The Ombudsman

- 1.—(1) The Ombudsman shall be appointed by Her Majesty.
- (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. 5
- (3) An appointment as Ombudsman—
- (a) shall be for a fixed period of not longer than 5 years; and
 - (b) may be full-time or part-time.
- (4) Subject to sub-paragraph (5), a person whose term of appointment as Ombudsman expires shall be eligible for re-appointment. 10
- (5) A person shall not hold office as Ombudsman for a continuous period which is longer than 10 years.
- (6) A person may at any time resign his office as Ombudsman by notice in writing to Her Majesty. 15
- (7) The Secretary of State 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 an arrangement with his creditors. 20
- (8) Before calling upon the Ombudsman to retire, the Secretary of State shall give the Ombudsman an opportunity to make, either personally or otherwise, representations to him 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 Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State. 25

Remuneration, pensions, allowances, etc.

- 2.—(1) The Secretary of State 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 he may determine. 30
- (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 Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine. 35

Staff

- 3.—(1) The Ombudsman may, with the approval of the Secretary of State 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. 40
- (3) Employment by the Ombudsman shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of "Other Bodies" there shall be inserted— 45
- "Employment by the Police Ombudsman for Northern Ireland."

1972 c. 11.

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(4) Where a person who is employed by the Ombudsman and is by reference to that employment a participant in a scheme under section 1 of the said Act of 1972 is appointed to the office of Ombudsman, the Minister for the Civil Service 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).

4. The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Ombudsman. 1972 NI 6.

10 *Assistance by members of the police force*

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

15 (2) Arrangements under this paragraph shall provide for the payment by the Ombudsman to the Police Authority of such contribution as may be determined by or in accordance with the arrangements.

(3) Arrangements under this paragraph shall be—

- (a) such as may be agreed by the Ombudsman and the Chief Constable and approved by the Secretary of State; or
- 20 (b) in the absence of any agreement under sub-paragraph (a), such as may be determined by the Secretary of State.

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

25 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 Secretary of State—

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

he 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.

35 (3) Directions given under sub-paragraph (2) may be amended or revoked by the Secretary of State.

(4) Before giving, amending or revoking any directions under this paragraph, the Secretary of State shall consult the Chief Constable and the Ombudsman.

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

- 40 (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.

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

- (a) notwithstanding section 19, 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.

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(3) The Ombudsman shall be liable in respect of torts committed by 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 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.

(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 a tort committed by 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).

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 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 section 18 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).

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

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1996 c. 16.

(9) In the application of this paragraph to Scotland, any expression used in this paragraph and in the Police (Scotland) Act 1967 has the same meaning in this paragraph as in that Act.

1967 c. 77.

Exercise of functions

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

10

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 Secretary of State shall pay to the Ombudsman such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Ombudsman under this Order.

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 Secretary of State may direct; and
- (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

(2) The Comptroller and Auditor General 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 each House of Parliament.

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 [1503]

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 1997".

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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. 5

(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— 10

““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; 15

(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 1997;”.

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 1997;”.

(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 1997”.

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 1997”.

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The Overseas Pensions Act 1973 (c. 21)

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

- 5 (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 1997."

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

8. 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."

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

9.—(1) Section 53 of the Fair Employment (Northern Ireland) Act 1976 shall be amended as follows.

- 15 (2) After subsection (4) there shall be inserted—

"(4A) Subsections (2) and (4) do not apply in relation to the Police Authority for Northern Ireland or the Chief Constable of the Royal Ulster Constabulary."

- 20 (3) In subsection (6) in the definition of "police force" for "Police Act (Northern Ireland) 1970" there shall be substituted "Police (Northern Ireland) Act 1997".

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

10. 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)

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

- 30 (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 1997".

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

"(4A) Paragraph (4) does not apply in relation to the Police Authority for Northern Ireland or the Chief Constable of the Royal Ulster Constabulary."

- 35 (4) In paragraph (6) in the definition of "police force" for "Police Act (Northern Ireland) 1970" there shall be substituted "Police (Northern Ireland) Act 1997".

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

12. 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 1997" and for "that Act" there shall be substituted "that section".

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The Customs and Excise Act 1979 (c. 2)

13. 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 1997".

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

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14. 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 1997".

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

15. 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". 10

The Public Order (Northern Ireland) Order 1987 (NI 7)

16. In Article 5(2) of the Public Order (Northern Ireland) Order 1987 for "paragraph 15(2) of Schedule 1 to the Police Act (Northern Ireland) 1970" there shall be substituted "paragraph 11(1) of Schedule 1 to the Police (Northern Ireland) Act 1997". 15

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 1997".

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) 20

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 1997".

(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 1997". 25

(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 1997".

(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 1997". 30

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

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— 35

"(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 1997 has been made." 40

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 1997". 45

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(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 1997.”.

5 (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 1997”.

10 *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.”.

15 *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 1997”.

20 (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 1997”.

(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 1997”.

25 (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 1997”.

(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 1997”.

30 (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 1997”.

(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 1997, and for that purpose the regulations may confer additional functions on the Police Ombudsman for Northern Ireland”.

35 (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 1997”.

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

40 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)

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

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

“(3A) Paragraphs (2) and (3) do not apply in relation to the Police Authority for Northern Ireland or the Chief Constable of the Royal Ulster Constabulary.”.

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(3) In paragraph (4) in the definition of "police force" for "Police Act (Northern Ireland) 1970" there shall be substituted "Police (Northern Ireland) Act 1997".

Section 74.

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS [1504]

PART I

5

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. 10

Statutory references to Royal Irish Constabulary, etc.

2. Any reference in any statutory provision passed or made before 1st June 1922 to a person holding a particular rank in the Royal Irish Constabulary shall be construed as a reference to a member of the Royal Ulster Constabulary of the corresponding rank. 15

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. 20

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; 25

"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(4).

Transfer of property, rights and liabilities of Commission

30

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). 35

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. 40

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- (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.

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.

25 *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.

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Stamp duty

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

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SCHEDULE 6

REPEALS [1505]

5

Chapter	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.	10
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.	15
1883 c. 14.	The Constabulary and Police (Ireland) Act 1883.	The whole Act.	
1897 c. 30.	The Police (Property) Act 1897.	The whole Act.	20
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.	25
1919 c. 68.	The Constabulary and Police (Ireland) Act 1919.	The whole Act.	
1922 c. 8 (N.I.).	The Constabulary Act (Northern Ireland) 1922.	The whole Act.	
1922 c. 55.	The Constabulary (Ireland) Act 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".	35
1945 c. 17.	The Police (Overseas Service) Act 1945.	Section 3(4).	40
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.	45

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Chapter	Short title	Extent of repeal
1954 c. 17.	The Royal Irish Constabulary (Widow's Pension) Act 1954.	The whole Act.
5 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". Section 37.
10 1958 c. 9 (N.I.).	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958.	
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". Section 7(1)(a).
15		
1968 c. 28 (N.I.).	The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	
20		
1969 c. 16 (N.I.).	The Theft Act (Northern Ireland) 1969.	Section 25(4).
25 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.
30		In Schedule 1, the entry relating to the Police Complaints Board for Northern Ireland.
1972 NI 10.	The Superannuation (Northern Ireland) Order 1972.	In Part II of Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
35		Section 53(5).
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	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".
40		Article 19(5).
1976 c. 25.	The Fair Employment (Northern Ireland) Act 1976.	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
45		
50 1976 NI 15.	The Sex Discrimination (Northern Ireland) Order 1976.	
55		

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Chapter	Short title	Extent of repeal
1976 NI 15.— <i>cont.</i>	The Sex Discrimination (Northern Ireland) Order 1976.— <i>cont.</i>	of "police cadet".
1977 NI 2.	The Police (Northern Ireland) Order 1977.	The whole Order. 5
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendment to the Constabulary (Ireland) Act 1836. 10
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. 15
1987 NI 7.	The Public Order (Northern Ireland) Order 1987.	In Schedule 1, paragraph 4.
1987 NI 10.	The Police (Northern Ireland) Order 1987.	The whole Order. 20
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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". 25
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