



Police (Northern Ireland) Act 1998

1998 CHAPTER 32

PART VII

POLICE COMPLAINTS AND DISCIPLINARY PROCEEDINGS

59 Steps to be taken after investigation – disciplinary proceedings.

[^{F1}(1) Subsection (1B) applies if—

- (a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or
- (b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.

^{F1}(1A) Subsection (1B) also applies if the Ombudsman determines that a report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force and—

- (a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or
- (b) he determines that the complaint is suitable for resolution through mediation under that section but—
 - (i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or
 - (ii) attempts to resolve the complaint in that way have been unsuccessful.

^{F1}(1B) The Ombudsman shall consider the question of disciplinary proceedings.]

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

- (a) his recommendation as to whether or not disciplinary proceedings should be brought in respect of the conduct which is the subject of the investigation;
- (b) a written statement of his reasons for making that recommendation; and

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

- (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.
- [^{F2}(2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.]
- (3) No disciplinary proceedings shall be brought by the appropriate disciplinary authority before it receives the memorandum of the Ombudsman under subsection (2).
- (4) The [^{F3}Board] shall advise the Ombudsman of what action it has taken in response to a recommendation contained in a memorandum sent to it under subsection (2); and nothing in the following provisions of this section has effect in relation to senior officers.
- (5) If—
- (a) a memorandum sent to the Chief Constable under subsection (2) contains a recommendation that disciplinary proceedings should be brought; but
 - (b) the Chief Constable is unwilling to bring such disciplinary proceedings,
- the Ombudsman may, after consultation with the Chief Constable, direct him to bring disciplinary proceedings.
- (6) Subject to subsection (7)—
- (a) it shall be the duty of the Chief Constable to comply with a direction under subsection (5);
 - (b) the Chief Constable may not discontinue disciplinary proceedings which he has brought in accordance with—
 - (i) a recommendation contained in a memorandum under subsection (2);
 - or
 - (ii) a direction under subsection (5).
- (7) The Ombudsman may give the Chief Constable leave—
- (a) not to bring disciplinary proceedings which subsection (6)(a) would otherwise oblige him to bring; or
 - (b) to discontinue disciplinary proceedings with which subsection (6)(b) would otherwise require him to proceed.
- (8) Regulations made in accordance with section 25(3) or 26(3) may establish, or make provision for the establishment of, a special procedure for any case in which disciplinary proceedings are brought—
- (a) where a memorandum under subsection (2) recommending the bringing of those proceedings contains a statement to the effect that, by reason of exceptional circumstances affecting the case, the Ombudsman considers that such special procedures are appropriate; or
 - (b) in compliance with a direction under subsection (5).
- (9) The Chief Constable shall advise the Ombudsman of what action he has taken in response to—
- (a) a recommendation contained in a memorandum under subsection (2);
 - (b) a direction under subsection (5).

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

Textual Amendments

- F1** S. 59(1)(1A)(1B) substituted (22.12.2000) for s. 59(1) by 2000 c. 32, s. 62(2); S.R. 2000/412, art. 2, [Sch.](#)
- F2** S. 59(2A) inserted (22.12.2000) by 2000 c. 32, s. 62(3); S.R. 2000/412, art. 2, [Sch.](#)
- F3** Words in s. 59(4) substituted (4.11.2001) by 2000 c. 32, s. 78(1), [Sch. 6 para. 23\(5\)\(a\)](#); S.R. 2001/396, art. 2, [Sch.](#)

Changes to legislation:

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

[View outstanding changes](#)

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

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

- s. 50A inserted by [2023 c. 41 s. 45\(1\)](#)
- s. 60ZD inserted by [2023 c. 41 Sch. 13 para. 3](#)
- s. 66(3A) modified by 2003 c. 6 s. 30(11) (as added) by [S.I. 2007/912 \(N.I.\) Sch. 4 para. 4](#)