



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VI

THE POLICE

General functions

32 General functions of the police

- (1) It shall be the general duty of police officers—
 - (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.
- (2) A police officer 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,
 - (b) “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea,and that subsection, 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 that subsection.
- (4) In carrying out their functions, police officers shall be guided by the code of ethics under section 52.
- (5) Police officers shall, so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

33 General functions of Chief Constable

- (1) The police shall be under the direction and control of the Chief Constable.
- (2) In discharging his functions, the Chief Constable shall have regard to—
 - (a) the policing plan; and
 - (b) any code of practice under section 27.

34 Exercise of functions of Chief Constable in cases of absence, incapacity, etc

- (1) There shall be a deputy Chief Constable who may exercise all the functions of the Chief Constable—
 - (a) during any absence, incapacity or suspension from duty of the Chief Constable; or
 - (b) during any vacancy in the office of Chief Constable.
- (2) The deputy Chief Constable shall not have power to act by virtue of subsection (1) for a continuous period exceeding 3 months except with the consent of the Secretary of State.
- (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.

35 Appointment and removal of senior officers

- (1) The Board shall, subject to the approval of the Secretary of State, appoint the Chief Constable.
- (2) The Board shall, subject to the approval of the Secretary of State and after consultation with the Chief Constable, appoint the other senior officers.
- (3) The Board—
 - (a) may, with the approval of the Secretary of State, call upon any senior officer to retire in the interests of efficiency or effectiveness; and
 - (b) shall, if required by the Secretary of State, call upon the Chief Constable so to retire.
- (4) Before granting his approval under subsection (3)(a) or making any requirement under subsection (3)(b), the Secretary of State shall—
 - (a) give the officer concerned an opportunity to make, either personally or otherwise, representations to him; and
 - (b) where any such representations are made—
 - (i) appoint a person or persons to hold an inquiry and to report to him; and
 - (ii) consider any report so made.
- (5) A copy of any report made under subsection (4) shall be made available to the 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 police officer 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 Board may specify, or (in either case) on such earlier date as may be agreed between the officer and the Board.
- (9) This section has effect subject to any regulations made under section 25 of the 1998 Act.

36 Appointment and promotion of other police officers in the Police Service of Northern Ireland

- (1) This section applies to the Police Service of Northern Ireland.
- (2) Subject to subsection (3), appointments and promotions to any rank other than that of a senior officer shall be made, in accordance with regulations under section 25 of the 1998 Act, by the Chief Constable.
- (3) A person shall not be appointed to the rank of constable unless he has—
 - (a) completed such period of service as a trainee (a “police trainee”) as may be prescribed by regulations under section 41(3); and
 - (b) complied with such other conditions relating to training as may be so prescribed.

37 Appointments to the Police Service of Northern Ireland Reserve

- (1) This section applies to the Police Service of Northern Ireland Reserve.
- (2) Subject to subsection (3), the Chief Constable shall, in accordance with regulations under section 26 of the 1998 Act, appoint its members.
- (3) A person shall not be appointed as a reserve constable unless he has—
 - (a) completed such period of service as a trainee (a “police reserve trainee”) as may be prescribed by regulations under section 41(3); and
 - (b) complied with such other conditions relating to training as may be so prescribed.

38 Attestation of constables

- (1) Every police officer shall, on appointment, be attested as a constable by making before a justice of the peace a declaration in the following form—

“I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.”

Status: This is the original version (as it was originally enacted).

- (2) The Chief Constable shall take such steps as he considers necessary—
- (a) to bring the terms of the declaration to the attention of all police officers appointed before the coming into force of this section; and
 - (b) to ensure that they understand it and understand the need to carry out their duties in accordance with it.
- (3) “Traditions and beliefs” does not include a tradition or belief so far as it is incompatible with the rule of law.