



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.

^{F1}(4)

^{F1}(5)

Status: Point in time view as at 12/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, Cross Heading: General functions. (See end of Document for details)

Textual Amendments

F1 S. 32(4)(5) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 20\(4\)](#), [Sch. 4](#)

33 General functions of Chief Constable.

- (1) The police shall be under the direction and control of the Chief Constable.
- [^{F2}(2) The Chief Constable shall have regard to the policing plan in discharging his functions.
- (3) The Chief Constable shall have regard to any code of practice under section 27 in discharging his functions.
- (4) The duty under subsection (3) applies only so far as consistent with the duty under subsection (2).]

Textual Amendments

F2 S. 33(2)-(4) substituted for s. 33(2) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 21](#)

[^{F3}33A Provision of information to Board

- (1) The Chief Constable shall supply the Board with such information and documents as the Board may require for the purposes of, or in connection with, the exercise of any of its functions.
- (2) Subsection (1) does not require the Chief Constable to supply any information to the Board if it appears to the Chief Constable that the information is—
 - (a) information the disclosure of which would be likely to put an individual in danger, or
 - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- [^{F4}(3) Subsection (4) applies if the Chief Constable supplies the Board with information which, in his opinion, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (4) The Chief Constable—
 - (a) must inform the Secretary of State that the information has been supplied to the Board, and
 - (b) must inform the Secretary of State and the Board that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (5) Subsection (6) applies if the Chief Constable supplies the Board with information which, in his opinion, is—
 - (a) information the disclosure of which would be likely to put an individual in danger, or
 - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c).
- (6) The Chief Constable—

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- (a) must inform the Minister of Justice that the information has been supplied to the Board, and
- (b) must inform the Minister of Justice and the Board that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (5).]]

Textual Amendments

- F3** S. 33A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 22](#)
- F4** S. 33A(3)-(6) substituted for s. 33A(3)(4) (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 59\(2\)](#) (with arts. 28-31)

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 [^{F5}Department of Justice].
- (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.

Textual Amendments

- F5** Words in s. 34(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 60](#) (with arts. 28-31)

35 Appointment and removal of senior officers.

- (1) The Board shall, subject to the approval of the [^{F6}Minister of Justice], appoint the Chief Constable.
- (2) The Board shall, subject to the approval of the [^{F7}Minister of Justice] and after consultation with the Chief Constable, appoint the other senior officers.
- (3) The Board—
 - (a) may, with the approval of the [^{F8}Minister of Justice], call upon any senior officer to retire in the interests of efficiency or effectiveness; and
 - (b) shall, if required by the [^{F8}Minister of Justice], 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 [^{F9}Minister of Justice] shall—

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- (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 [F10Department of Justice].
- (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 [F11Minister of Justice] 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.

Textual Amendments

- F6** Words in s. 35(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(a)** (with arts. 28-31)
- F7** Words in s. 35(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(b)** (with arts. 28-31)
- F8** Words in s. 35(3)(a)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(c)** (with arts. 28-31)
- F9** Words in s. 35(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(d)** (with arts. 28-31)
- F10** Words in s. 35(7) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(e)** (with arts. 28-31)
- F11** Words in s. 35(8)(a) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 61(f)** (with arts. 28-31)

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—

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- (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.

[^{F12}(4) Subsection (3) does not apply to a person appointed in pursuance of an authorisation under section 47A(1).]

Textual Amendments

F12 S. 36(4) inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(2\)](#)

[^{F13}36A Fixed-term appointments to the Police Service of Northern Ireland

- (1) The Chief Constable may appoint a person to the Police Service of Northern Ireland for a fixed term not exceeding three years.
- (2) Appointments under subsection (1) shall be in accordance with regulations under section 25 of the 1998 Act.
- (3) A person shall not be appointed under subsection (1) to the rank of constable or the rank of a senior officer.
- (4) The [^{F14}Department of Justice] may by order make such modifications as [^{F15}it] considers necessary or expedient to any provision of the 1998 Act or this Act in its application to persons appointed under subsection (1).
- (5) The [^{F16}Department of Justice] shall consult the Board and the Police Association before making an order under subsection (4).]

Textual Amendments

F13 S. 36A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 24\(1\)](#)

F14 Words in s. 36A(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 62\(a\)\(i\)](#) (with arts. 28-31)

F15 Word in s. 36A(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 62\(a\)\(ii\)](#) (with arts. 28-31)

F16 Words in s. 36A(5) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 62\(b\)](#) (with arts. 28-31)

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

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- (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.”

- (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.

Status:

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