

2000 No. 314

POLICE

The Police and Criminal Evidence (Application to Police Ombudsman) Order (Northern Ireland) 2000

Made 23rd October 2000

Coming into operation 6th November 2000

To be laid before Parliament

The Secretary of State, in exercise of the powers conferred on him by Section 56(2) of the Police (Northern Ireland) Act 1998(a) hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Police and Criminal Evidence (Application to Police Ombudsman) Order (Northern Ireland) 2000 and shall come into operation on 6th November 2000.

2. In this Order, unless the context otherwise requires “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989.

“Officer” means an officer of the Ombudsman;

“Ombudsman” means the Police Ombudsman for Northern Ireland established under section 51 of the Police (Northern Ireland) Act 1998.

3.—(1) Subject to the modifications in paragraphs (2) and (3) and Schedule 2, the provisions of the 1989 Order contained in Schedule 1 which relate to investigations of offences conducted by police officers or to persons detained by the police shall apply to investigations conducted by officers which relate to matters of the Ombudsman under Part VII of the Police (N.I.) Act 1998.

(2) Where in the 1989 Order any act or thing is to be done by a constable or police officers of a rank specified in column 1 of Part II of Schedule 2, that act or thing shall be done by an officer of at least the grade specified in column 2 of Schedule 2 and the 1989 Order shall be applied as if that grade were specified in that Order.

(3) Where any provision of the 1989 Order as applied to an officer—

(a) confers a power on an officer, and

(b) does not provide that that power may only be exercised with the consent of some person other than an officer
the officer may use reasonable force, if necessary, in the exercise of the power.

Peter Mandelson

Northern Ireland Office
23rd October 2000

One of Her Majesty's Principal
Secretaries of State

SCHEDULE 1

Provisions of the 1989 Order Applied to Officer of the Ombudsman

Article 3, Article 4, Article 5, Article 7

Article 10

Article 11(1) and (2) and Schedule 1, Article 12, 13, 14, 15 and 16

Article 17

Article 18

Article 19(1)(b), (2), (3)

Article 20(1) to (8)

Article 21

Article 22

Article 23

Article 24(1) to (4), Article 25, Article 26, Article 27

Article 30

Article 31

Article 32(1) to (4)(a) and (5) to (14)

Article 33

Article 34(1) to (9)

Article 35(1) to (6)

Article 40(2) and (3)

Article 44

Article 45

Article 46 and 47

Article 49

Article 50

Article 51(d)

Article 55

Article 56

Article 57(1) to (9)

Article 59(1) to (11) Article 60, Article 61

Article 62(1) to (9)

Article 63 and 63A

Article Article 64 (1) to (7)

Article 65 and 66

Article 88

SCHEDULE 2

Equivalent Grades of Officers

Where in the 1989 Order, an act or thing is to be done by a constable or police officer of the rank specified in column 1 below, that same act or thing shall, in the application of the 1989 Order be done by an officer of at least the grade specified in column 2 below.

Column 1 <i>Rank of constable or police officer</i>	Column 2 <i>Grade of officer</i>
Superintendent	Senior Investigation Officer
Inspector	Investigation Officer
Sergeant	Assistant Investigation Officer

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 3 of the Order applies to officers of the Police Ombudsman, subject to specified modifications, provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989, contained in Schedule 1 to the Order, relating to investigation of offences and detention of persons by the police. Schedule 2 to the Order substitutes for police ranks, the equivalent of Ombudsman Officer grades.

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