



Police (Northern Ireland) Act 1998

1998 CHAPTER 32

PART V

FUNCTIONS OF SECRETARY OF STATE

F136

Textual Amendments

F1 S. 36 repealed (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 8**; S. R. 2001/396, art. 2, Sch.

F237

Textual Amendments

F2 S. 37 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F338

Textual Amendments

F3 S. 38 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F439

Status: Point in time view as at 23/12/2004.

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Textual Amendments

- F4** S. 39 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

40 Power to require use by police of specified facilities, equipment or services.

- (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 force for it to do so.
- (2) Before making any regulations under this section, the Secretary of State shall consult—
 - (a) the [^{F5}Board];
 - (b) the Chief Constable; and
 - (c) the Police Association.
- (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 other technology by means of which information or other matter may be recorded or communicated without being reduced to documentary form.

Textual Amendments

- F5** Word in s. 40(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(b)**; S.R. 2001/396, art. 2, **Sch.**

Commencement Information

- I1** S. 40 partly in force; s. 40 not in force at Royal Assent see s. 75(1); s. 40(1)(2) in force at 1.4.1999 by S.R. 1999/176, **art. 3** (with **art. 4**)

41 Appointment of inspectors of constabulary.

- (1) The Secretary of State may appoint from among Her Majesty’s Inspectors of Constabulary appointed under section 54 of the ^{M1}Police Act 1996 such number of inspectors of constabulary for Northern Ireland as he may determine.
- (2) The inspectors shall at least once in every year inspect and report to the Secretary of State on the efficiency and effectiveness of [^{F6}—
 - (a) the Police Service of Northern Ireland;
 - (b) the Police Service of Northern Ireland Reserve;
 - (c) the police support staff; and
 - (d) traffic wardens.]
- (3) The inspectors may inspect and report to the Secretary of State on the efficiency and effectiveness of the National Criminal Intelligence Service.

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[^{F7}(3A) The Secretary of State may at any time require the inspectors to carry out an inspection under this section of—

- (a) the Police Service of Northern Ireland; or
- (b) the National Criminal Intelligence Service;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service in question, to particular matters or to particular activities of that Service.

(3B) Where the inspectors carry out an inspection under subsection (3A), they shall send a report on that inspection to the Secretary of State.]

[^{F8}(4) The inspectors shall—

- (a) if the Secretary of State so directs, carry out an inspection of the Board's compliance with the requirements of section 28 of the Police (Northern Ireland) Act 2000;
- (b) carry out such other duties for the purpose of furthering the efficiency and effectiveness of the police, the police support staff and traffic wardens as the Secretary of State may from time to time direct;
- (c) make such reports as the Secretary of State may from time to time direct.]

(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.

Textual Amendments

- F6** S. 41(2)(a)-(d) and “-” immediately preceding them substituted (4.11.2001) by 2000 c. 32, ss. 8(1), Sch. 6 para. 23(4)(c); S.R. 2001/396, art. 2, Sch.
- F7** S. 41(3A)(3B) inserted (1.10.2002) by 2002 c. 30, s. 3(2); S.I. 2002/2306, art. 2(a)
- F8** S. 41(4) substituted (28.2.2003) by Police (Northern Ireland) Act 2000 (c. 32), ss. 30(9), 79(1); S.R. 2003/66, art. 3

Marginal Citations

- M1** 1996 c. 16.

42 Publication of reports of inspectors of constabulary.

(1) Subject to subsection (2), the Secretary of State shall arrange for any report received by him under section 41(2) or (3) [^{F9}and any report of an inspection under section 41(4)(a)] to be published in such manner as appears to him to be appropriate.

(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.

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

- (a) the [^{F10}Board]; and
- (b) the Chief Constable.

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- (4) The [F10Board] shall invite the Chief Constable to submit comments on the published report to [F11the Board] before such date as it may specify.
- (5) The [F10Board] 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
 - (c) any response which [F11the Board] has to the comments submitted by the Chief Constable,
 to be published in such manner as appears to [F11the Board] to be appropriate.
- (6) The [F10Board] shall send a copy of any document published under subsection (5) to the Secretary of State.
- (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 [F10Board] were references to the Service Authority for the National Criminal Intelligence Service; and
 - (b) references to the Chief Constable were references to the Director General of the National Criminal Intelligence Service.

Textual Amendments

- F9** Words in s. 42(1) inserted (28.2.2003) by [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#), **ss. 30(10)**, 79(1); [S.R. 2003/66](#), **art. 3**
- F10** Words in s. 42(3)(a)(4)-(7) substituted (4.11.2001) by [2000 c. 32](#), **s. 78(1)**, **Sch. 6 para. 23(4)(b)**; [S.R. 2001/396](#), **art. 2**, **Sch.**
- F11** Words in s. 42(4)(5) substituted (4.11.2001) by [2000 c. 32](#), **s. 78(1)**, **Sch. 6 para. 23(4)(e)**; [S.R. 2001/396](#), **art. 2**, **Sch.**

43 Criminal statistics.

- (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.
- (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.

44 Inquiries.

- (1) The Secretary of State may cause an inquiry to be held by a person appointed by him into any matter connected with policing.
- (2) An inquiry under this section shall be held in public or in private as the Secretary of State may direct.
- (3) Schedule 8 to the ^{M2}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.

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- (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.

Marginal Citations

M2 1972 NI 14.

45 Research and advice.

- (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 [^{F12}—
- (a) the Police Service of Northern Ireland;
 - (b) the Police Service of Northern Ireland Reserve;
 - (c) the police support staff; and
 - (d) traffic wardens].
- (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 [^{F12}—
- (a) the Police Service of Northern Ireland;
 - (b) the Police Service of Northern Ireland Reserve;
 - (c) the police support staff; and
 - (d) traffic wardens.]

Textual Amendments

F12 S. 45(1)(a)-(d)(2)(a)-(d) and “-” immediately preceding them substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(4)(c)**; S.R. 2001/396, art. 2, **Sch.**

46 Expenditure by Secretary of State for police purposes.

The Secretary of State may—

- (a) make such contribution to the provision or maintenance of such organisations, facilities and services; and
- (b) make such other payments,

as he thinks necessary or expedient for promoting the efficiency and effectiveness of [^{F13}—

- (a) the Police Service of Northern Ireland;
- (b) the Police Service of Northern Ireland Reserve;
- (c) the police support staff; and
- (d) traffic wardens.]

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Textual Amendments

F13 S. 46(a)-(d) and “-” immediately preceding them substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 23\(4\)\(c\)](#); [S.R. 2001/396, art. 2](#), [Sch.](#)

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