



# Police (Northern Ireland) Act 1998

## 1998 CHAPTER 32

### PART V

#### FUNCTIONS OF SECRETARY OF STATE

**F1**36 .....

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**F1** S. 36 repealed (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 8**; S. R. 2001/396, art. 2, Sch.

**F2**37 .....

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**F2** S. 37 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

**F3**38 .....

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**F3** S. 38 repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

**F4**39 .....

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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**F4** S. 39 repealed (4.11.2001) by 2000 c. 32, s. 78(1)(4), Sch. 6 para. 23(4)(a), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**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 [<sup>F5</sup>Board];
  - (b) the Chief Constable; and
  - (c) the Police Association.

<sup>F6</sup>(3) .....

<sup>F6</sup>(4) .....

**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.**

**F6** S. 40(3)(4) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), s. 53(1), **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (with art. 6); S.I. 2007/709, art. 3(q) (with art. 6)

**Commencement Information**

**II** 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 <sup>M1</sup>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 [<sup>F7</sup>—
  - (a) the Police Service of Northern Ireland;
  - (b) the Police Service of Northern Ireland Reserve;
  - (c) the police support staff; and
  - (d) traffic wardens.]

[<sup>F8</sup>[<sup>F9</sup>(3A) The Secretary of State may at any time require the inspectors to carry out an inspection under this section of the Police Service of Northern Ireland; and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service, to particular matters or to particular activities of the Service.]

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

[<sup>F10</sup>(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

- F7** 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.**
- F8** S. 41(3A) substituted for s. 41(3)(3A) (1.4.2006) by **Serious Organised Crime and Police Act 2005** (c. 15), s. 178(8), **Sch. 4 para. 116**; S.I. 2006/378, art. 4(1), Sch. para. 10
- F9** S. 41(3A)(3B) inserted (1.10.2002) by 2002 c. 30, s. 3(2); S.I. 2002/2306, **art. 2(a)**
- F10** 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

#### Modifications etc. (not altering text)

- C1** S. 41 power to apply conferred (7.4.2005) by **Commissioners for Revenue and Customs Act 2005** (c. 11), **ss. 27(2)(a)(ii)**, 53(1); S.I. 2005/1126, art. 2(1)
- C2** S. 41 power to apply conferred (21.7.2009) by **Borders, Citizenship and Immigration Act 2009** (c. 11), **ss. 29(2)(c)**, 58(1) (with s. 36(4))

#### 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) <sup>F11</sup>... [<sup>F12</sup>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 [<sup>F13</sup>Board]; and
  - (b) the Chief Constable.
- (4) The [<sup>F13</sup>Board] shall invite the Chief Constable to submit comments on the published report to [<sup>F14</sup>the Board] before such date as it may specify.

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- (5) The [<sup>F13</sup>Board] 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 [<sup>F14</sup>the Board] has to the comments submitted by the Chief Constable,
 to be published in such manner as appears to [<sup>F14</sup>the Board] to be appropriate.
- (6) The [<sup>F13</sup>Board] shall send a copy of any document published under subsection (5) to the Secretary of State.

<sup>F15</sup>(7) .....

**Textual Amendments**

- F11** Word in s. 42(1) omitted (1.4.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 117\(2\)](#), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(ff\)](#)
- F12** 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
- F13** 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.**
- F14** 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.**
- F15** S. 42(7) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 4 para. 117\(3\)](#), **Sch. 17 Pt. 2**; S.I. 2006/378, art. 4(1), [Sch. paras. 10, 13\(ff\)](#)

**Modifications etc. (not altering text)**

- C3** S. 42 power to apply conferred (7.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), **ss. 27(2)(a)(iii)**, 53(1); S.I. 2005/1126, art. 2(1)
- C4** S. 42 power to apply conferred (21.7.2009) by [Borders, Citizenship and Immigration Act 2009 \(c. 11\)](#), **ss. 29(2)(c)**, 58(1) (with s. 36(4))

**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.

<sup>F16</sup>**44 Inquiries.**

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#### Textual Amendments

**F16** S. 44 omitted (7.6.2005) by virtue of [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 17, 3 (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

#### 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 <sup>F17</sup>—
- (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 <sup>F17</sup>—
- (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

**F17** 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 <sup>F18</sup>—
- (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

**F18** 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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