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## SCHEDULES

### SCHEDULE 3

Section 51.

#### THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

##### Extent Information

**E1** For the extent of Sch. 3 see s. 76(1)(2).

##### *The Ombudsman*

- 1 (1) The Ombudsman shall be appointed by Her Majesty.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as Ombudsman in accordance with the terms of his appointment.
- (3) An appointment as Ombudsman may be full-time or part-time.
- (4) An appointment as Ombudsman shall be for—
  - (a) a period of 7 years; or
  - (b) a period ending on the date on which the person appointed attains the age of 70,whichever is the shorter.
- (5) A person whose term of appointment as Ombudsman expires shall not be eligible for re-appointment.
- (6) A person may at any time resign his office as Ombudsman by notice in writing to Her Majesty.
- (7) The Secretary of State may call upon the Ombudsman to retire—
  - (a) in the interests of efficiency or effectiveness; or
  - (b) if satisfied that the Ombudsman has—
    - (i) been convicted of a criminal offence; or
    - (ii) become bankrupt or made a composition or arrangement with his creditors.
- (8) Before calling upon the Ombudsman to retire, the Secretary of State shall give the Ombudsman an opportunity to make, either personally or otherwise, representations to him and shall consider any representations that he makes.
- (9) An Ombudsman who is called upon to retire under sub-paragraph (7) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State.

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*Remuneration, pensions, allowances, etc.*

- 2 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Ombudsman as he may determine.
- (2) Where a person ceases to hold office as Ombudsman otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.

*Staff*

- 3 (1) The Ombudsman may, with the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.
- (2) The Ombudsman may make arrangements for administrative, secretarial or other assistance to be provided for him by persons employed in the civil service.
- (3) Employment by the Ombudsman shall be included among the kinds of employment to which a scheme under section 1 of the <sup>M1</sup>Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of “Other Bodies” there shall be inserted—
- “Employment by the Police Ombudsman for Northern Ireland.”.
- (4) Where a person who is employed by the Ombudsman and is by reference to that employment a participant in a scheme under section 1 of the said Act of 1972 is appointed to the office of Ombudsman, the Minister for the Civil Service may determine that his service in that office may be treated for the purposes of the scheme as service as an employee of the Ombudsman; and his rights under the scheme shall not be affected by paragraph 2(1).

**Marginal Citations**

**M1** 1972 c. 11.

- 4 The <sup>M2</sup>Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Ombudsman.

**Marginal Citations**

**M2** 1972 NI 6.

*Assistance by members of the police force*

- 5 (1) The Ombudsman and the Chief Constable may enter into arrangements for members of the police force to be engaged for a period of temporary service with the Ombudsman.

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- (2) Arrangements under this paragraph shall provide for the payment by the Ombudsman to the [<sup>F1</sup>Board] of such contribution as may be determined by or in accordance with the arrangements.
- (3) In this paragraph and paragraph 6 “member of the police force” does not include the Chief Constable.

#### Textual Amendments

**F1** Words in Sch. 3 para. 5(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(7)(a); S.R. 2001/396, art. 2, Sch.

- 6 (1) The Chief Constable may, on the application of the Ombudsman, provide members of the police force or other assistance for the purpose of enabling the Ombudsman to meet any special demand on his resources.
- (2) If it appears to the Secretary of State—
  - (a) that it is expedient that members of the police force or other assistance should be provided for the purpose of enabling the Ombudsman to meet any special demand on his resources; and
  - (b) that satisfactory arrangements under sub-paragraph (1) cannot be made, or cannot be made in time,he may direct the Chief Constable to provide such members of the police force or other assistance for that purpose as may be specified in the direction.
- (3) Directions given under sub-paragraph (2) may be amended or revoked by the Secretary of State.
- (4) Before giving, amending or revoking any directions under this paragraph, the Secretary of State shall consult the Chief Constable and the Ombudsman.
- 7 (1) In this paragraph “relevant service” means—
  - (a) temporary service with the Ombudsman on which a member of the police force is engaged in accordance with arrangements under paragraph 5; and
  - (b) service by a member of the police force providing assistance to the Ombudsman under paragraph 6.
- (2) A member of the police force on relevant service shall—
  - (a) notwithstanding [<sup>F2</sup>section 33 of the Police (Northern Ireland) Act 2000], be under the direction and control of the Ombudsman; but
  - (b) have the same powers and privileges and be treated in all other respects as if he were not on relevant service.
- (3) The Ombudsman shall be liable in respect of [<sup>F3</sup>any unlawful conduct of] members of the police force on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of [<sup>F3</sup>any unlawful conduct of] his servants in the course of their employment, and shall [<sup>F3</sup>, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (4) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—

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- (a) any damages or costs awarded against a member of the police force in proceedings for [<sup>F4</sup>any unlawful conduct of] that member while on relevant service;
  - (b) any costs incurred and not recovered by a member of the police force in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) The Ombudsman may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in sub-paragraph (4).

#### Textual Amendments

- F2** Words in Sch. 3 para. 7(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(7)(b); S.R. 2001/396, art. 2, Sch.
- F3** Words in Sch. 3 para. 7(3) substituted (1.10.2002) by 2002 c. 30, s. 102(1)(2)(g); S.I. 2002/2306, art. 2(f)(xi)
- F4** Words in Sch. 3 para. 7(4)(a) substituted (1.10.2002) by 2002 c. 30, s. 102(4)(5)(e); S.I. 2002/2306, art. 2(f)(xi)

#### *Assistance by members of a police force in Great Britain*

- 8 (1) The Ombudsman may enter into arrangements with the chief officer of a police force in Great Britain for members of that police force to be engaged for a period of temporary service with the Ombudsman.
- (2) Arrangements under this paragraph with the chief officer of a police force in Great Britain shall provide for the payment by the Ombudsman to the police authority maintaining that police force of such contribution as may be determined by or in accordance with the arrangements.
- (3) In the following provisions of this paragraph “relevant service” means temporary service with the Ombudsman on which a member of a police force in Great Britain is engaged in accordance with arrangements under this paragraph.
- (4) Notwithstanding anything in any other statutory provision, a member of a police force in Great Britain shall, while engaged on relevant service—
- (a) be under the direction and control of the Ombudsman; and
  - (b) have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters;
- and subsection (3) of [<sup>F5</sup>section 32 of the Police (Northern Ireland) Act 2000] applies for the purposes of this sub-paragraph as it applies for the purposes of subsection (2) of that section.
- (5) The Ombudsman shall be liable in respect of torts committed by members of a police force in Great Britain on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (6) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—

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- (a) any damages or costs awarded against a member of a police force in Great Britain in proceedings for a tort committed by that member while on relevant service;
  - (b) any costs incurred and not recovered by such a member in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (7) The Ombudsman may make arrangements for the legal representation of any member of the police force in Great Britain in any proceedings mentioned in subparagraph (6).
- (8) In the application of this paragraph to England and Wales, any expression used in this paragraph and in the <sup>M3</sup>Police Act 1996 has the same meaning in this paragraph as in that Act.
- (9) In the application of this paragraph to Scotland, any expression used in this paragraph and in the <sup>M4</sup>Police (Scotland) Act 1967 has the same meaning in this paragraph as in that Act.

#### Extent Information

**E2** For extent of para. 8 see s. 76(2).

#### Textual Amendments

**F5** Words in Sch. 3 para. 8(4) substituted (4.11.2001) by [2000 c. 32, s. 78\(1\)](#), [Sch. 6 para. 23\(7\)\(c\)](#); [S.R. 2001/396, art. 2](#), [Sch.](#)

#### Marginal Citations

**M3** [1996 c. 16](#).

**M4** [1967 c. 77](#).

### *Exercise of functions*

- 9 Any functions of the Ombudsman under this Act may be performed by any officer of the Ombudsman authorised for the purpose by the Ombudsman.

### *Evidence*

- 10 A document purporting to be duly signed by, or on behalf of, the Ombudsman shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

### *Finance*

- 11 The Secretary of State shall pay to the Ombudsman such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Ombudsman under this Act.
- 12 (1) The Ombudsman shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct; and

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- (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

#### *Property*

- 13
- (1) The Ombudsman may, for the purposes of his functions as such, acquire, hold and dispose of real or personal property.
  - (2) Any real or personal property vesting in the Ombudsman for such purposes shall (unless and until disclaimed or disposed of) vest in his successor in office for the time being.
  - (3) Where there is a vacancy in the office of Ombudsman at the time when real or personal property would otherwise have vested, the property shall vest in the successor on his appointment.

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