



# Police (Northern Ireland) Act 1998

## 1998 CHAPTER 32

### PART III

#### THE POLICE FORCE

- 27** **Members of [<sup>F1</sup>Police Service of Northern Ireland] engaged on other police service.**
- (1) For the purposes of this section “relevant service” means—
- (a) service in a police force in Great Britain, on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable and the Secretary of State;
  - (b) temporary service with the National Criminal Intelligence Service on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable;
  - (c) temporary service with the Police Information Technology Organisation on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable;
  - (d) temporary service on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged in accordance with arrangements under section 8 of this Act;
  - (e) temporary service as an inspector of constabulary under section 56 of the <sup>M1</sup>Police Act 1996 on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable;
  - (f) temporary service under the Crown in connection with the provision by the Secretary of State of such organisations and services as are described in section 57 of the <sup>M2</sup>Police Act 1996, on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable;
  - (g) service the expenses of which are payable under section 1(1) of the <sup>M3</sup>Police (Overseas Service) Act 1945, on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable; <sup>F2</sup> . . .

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*Status: Point in time view as at 17/06/2002. This version of this provision has been superseded.*

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- (h) service pursuant to an appointment under section 10 of the <sup>M4</sup>Overseas Development and Co-operation Act 1980, on which a member of [<sup>F1</sup>the Police Service of Northern Ireland] is engaged with the consent of the Chief Constable [<sup>F3</sup>, or
  - (j) service in connection with the provision by the Secretary of State of assistance under the International Development Act 2001 on which a member of the Police Service of Northern Ireland is engaged with the consent of the Chief Constable.]
- (2) In this section “member of the Police Service of Northern Ireland” does not include the Chief Constable.
- (3) Subject to subsections (4) to (7), a member of [<sup>F1</sup>the Police Service of Northern Ireland] engaged on relevant service shall be treated as if he were not a member of [<sup>F1</sup>the Police Service of Northern Ireland] during that service; but, except where a pension, allowance or gratuity becomes payable to him by virtue of regulations under section 25—
- (a) he shall be entitled at the end of the period of relevant service to revert to [<sup>F1</sup>the Police Service of Northern Ireland] in the rank in which he was serving immediately before that period began; and
  - (b) he shall be treated as if he had been serving in [<sup>F1</sup>the Police Service of Northern Ireland] during the period of relevant service for the purpose of any scale prescribed by or under regulations made under section 25 fixing his rate of pay by reference to his length of service.
- (4) A member of [<sup>F1</sup>the Police Service of Northern Ireland] may, when engaged on relevant service, be promoted in [<sup>F1</sup>the Police Service of Northern Ireland], as if he were serving in it; and in any such case—
- (a) the reference in paragraph (a) of subsection (3) to the rank in which he was serving immediately before the period of relevant service began shall be construed as a reference to the rank to which he is promoted; and
  - (b) for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.
- (5) A member of [<sup>F1</sup>the Police Service of Northern Ireland] who—
- (a) while engaged on relevant service within subsection (1)(a), is dismissed from that service or is required to resign as an alternative to dismissal; or
  - (b) has completed a period of relevant service within subsection (1)(b), (c), (d), (e), (f) [<sup>F4</sup>, (h) or (j)]; or
  - (c) while engaged on relevant service within subsection (1)(g), is dismissed from that service by the disciplinary authority established by regulations made under section 1 of the <sup>M5</sup>Police (Overseas Service) Act 1945 or is required to resign as an alternative to dismissal,
- may be dealt with under regulations made in accordance with section 25(3) for anything done or omitted while he was engaged on that service as if that service had been service in [<sup>F1</sup>the Police Service of Northern Ireland].
- (6) For the purposes of subsection (5)(a), a certificate certifying that a person has been dismissed, or required to resign as an alternative to dismissal, shall be evidence of the fact so certified if it is given by or on behalf of the chief officer of the police force in which that person was engaged in relevant service.

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- (7) A member of [<sup>F1</sup>the Police Service of Northern Ireland] engaged on relevant service within subsection (1)(b) or (c)—
- (a) shall continue to be a constable; and
  - (b) shall be treated for the purposes of sections <sup>F5</sup>. . . , 32, 33, 35 and 67 of this Act [<sup>F6</sup>and section 32 of the Police (Northern Ireland) Act 2000] as if he were a member of [<sup>F1</sup>the Police Service of Northern Ireland].
- (8) The Secretary of State shall be liable in respect of torts committed by a member of [<sup>F1</sup>the Police Service of Northern Ireland] engaged on relevant service within subsection (1)(e) or (f) in the performance or purported performance of his 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.
- [<sup>F7</sup>(9) The preceding provisions of this section apply to a police officer serving in the Police Service of Northern Ireland Reserve as they apply to a police officer serving in the Police Service of Northern Ireland, but with the substitution—
- (a) for references to the Police Service of Northern Ireland of references to the Police Service of Northern Ireland Reserve;
  - (b) for the references in subsection (3) to section 25 of references to section 26; and
  - (c) for the reference in subsection (5) to section 25(3) of a reference to section 26(3).]

#### Textual Amendments

- F1** Words in s. 27 substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(b)**; S.R. 2001/396, art. 2, **Sch.**
- F2** Word in s. 27(1)(g) repealed (17.6.2002) by 2002 c. 1, s. 19(2), **Sch. 4** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F3** S. 27(1)(j) and the word preceding it inserted (17.6.2002) by 2002 c. 1, s. 19(1), **Sch. 3 para. 12(2)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F4** Words in s. 27(5) substituted (17.6.2002) by 2002 c. 1, s. 19(1), **Sch. 3 para. 12(3)** (with Sch. 5 para. 5); S.I. 2002/1408, **art. 2**
- F5** Words in s. 27(7)(b) omitted (4.11.2001) by virtue of 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(c)**; S.R. 2001/396, art. 2, **Sch.**
- F6** Words in s. 27(7)(b) inserted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(2)(c)**; S.R. 2001/396, art. 2, **Sch.**
- F7** S. 27(9) added (30.3.2001) by 2000 c. 32, s. 50; S.R. 2001/132, art. 2, **Sch.**

#### Marginal Citations

- M1** 1996 c. 16.  
**M2** 1996 c. 16.  
**M3** 1945 c. 17.  
**M4** 1980 c. 63.  
**M5** 1945 c. 17.

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