



Police (Northern Ireland) Act 1998

1998 CHAPTER 32

PART III

THE POLICE FORCE

29 Liability for wrongful acts of constables.

- (1) The Chief Constable shall be liable in respect of [^{F1}any unlawful conduct of] members of the police force under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of [^{F1}any unlawful conduct of] his servants in the course of their employment, and accordingly shall [^{F1}, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of funds put at the disposal of the Chief Constable under [^{F2}section 10(5) of the Police (Northern Ireland) Act 2000]—
 - (a) any damages or costs awarded against the Chief Constable in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in those proceedings; and
 - (b) any sum required in connection with the settlement of any claim made against the Chief Constable by virtue of this section, if the settlement is approved by the [^{F3}Board].
- (3) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
 - (a) any damages or costs awarded against a member of the police force in proceedings for [^{F4}any unlawful conduct of] that member;
 - (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, if the settlement is approved by the [^{F3}Board].
- (4) The Chief Constable may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in subsection (3).

Status: Point in time view as at 31/07/2017. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (5) This section applies to persons serving with the [^{F5}the Police Service of Northern Ireland] by virtue of section 98 of the ^{M1}Police Act 1996 or [^{F6}section 23 or 24 of the Serious Organised Crime and Police Act 2005] as it applies to members of the police force.
- [^{F7}(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—
- (a) a constable, nor
 - (b) an employee of the Board,
- were unlawful conduct of a constable under the direction and control of the Chief Constable.
- (7) In this section “ international joint investigation team ” means any investigation team formed in accordance with—
- (a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;
 - (b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or
 - (c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the [^{F8}Department of Justice].
- ^{F9}(8)]

Textual Amendments

- F1** Words in s. 29(1) substituted (1.10.2002) by 2002 c. 30, s. 102(1)(2); S.I. 2002/2306, art. 2(f)(xi)
- F2** Words in s. 29(2) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(2)(e); S.R. 2001/396, art. 2, Sch.
- F3** Words in s. 29(2)(b)(3)(c) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(2)(a); S.R. 2001/396, art. 2, Sch.
- F4** Words in s. 29(3)(a) substituted (1.10.2002) by 2002 c. 30, s. 102(4); S.I. 2002/2306, art. 2(f)(xi)
- F5** By 2000 c. 32, s. 78(1), Sch. 6 para. 23(2)(f) it is provided (4.11.2001) that words in s. 29(5) are substituted; S.R. 2001/396, art. 2, Sch.
- F6** Words in s. 29(5) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 115; S.I. 2006/378, art. 4(1), Sch. para. 10
- F7** S. 29(6)-(8) inserted (1.10.2002) by 2002 c. 30, s. 103(5); S.I. 2002/2306, art. 2(f)(xii)
- F8** Words in s. 29(7)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 13(a) (with arts. 28-31)
- F9** S. 29(8) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 13(b) (with arts. 28-31)

Modifications etc. (not altering text)

- C1** S. 29 applied (30.3.2001) by 2000 c. 32, s. 41(1)(a)(i); S.R. 2001/132, art. 2, Sch.
- C2** S. 29 modified (31.7.2017) by The Criminal Justice (European Investigation Order) Regulations 2017 (S.I. 2017/730), regs. 1(1), 34(5)(a) (with regs. 3, 34(1))
- C3** S. 29(1) excluded (25.7.2006) by S.I. 1978/1039 (N.I. 9), art. 2E(c) (as inserted (with effect in accordance with s. 27(4) of the amending Act) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 27(1), 31(1)(f) (with s. 27(5)))

Status: Point in time view as at 31/07/2017. This version of this provision has been superseded.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M1 1996 c. 16.

Status:

Point in time view as at 31/07/2017. This version of this provision has been superseded.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Police (Northern Ireland) Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations.