

SCHEDULES

SCHEDULE 3

Amendments relating to policing

Police (Northern Ireland) Act 1998

- 39.**—(1) Amend Schedule 3(1) (the Police Ombudsman for Northern Ireland) as follows.
- (2) In paragraph 1 (the Ombudsman)—
- (a) in sub-paragraph (1) after “Her Majesty” insert “on the recommendation of the First Minister and deputy First Minister acting jointly”;
 - (b) in sub-paragraphs (7), (8) and (9) for “Secretary of State” (wherever occurring) substitute “First Minister and deputy First Minister acting jointly”; and
 - (c) in sub-paragraph (8) for “him” substitute “them”.
- (3) In paragraphs 2 (remuneration) and 3 (staff) for “Secretary of State” (wherever occurring) substitute “Department of Justice”.
- (4) In paragraph 2(1) for “he” substitute “the Department of Justice”.
- (5) In paragraph 3 (staff)—
- (a) after sub-paragraph (2) insert—

“(2A) Employment by the Ombudsman shall be included among the kinds of employment to which a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972(2) can apply; and, accordingly, in Schedule 1 to that Order (kinds of employment etc. referred to in Article 3), at the appropriate place in the list of “Other Bodies” insert—

“Employment by the Police Ombudsman for Northern Ireland.”

(2B) Where a person who is employed by the Ombudsman and is by reference to that employment a participant in a scheme under Article 3 of the Superannuation (Northern Ireland) Order 1972 is appointed to the office of Ombudsman, the Department of Finance and Personnel 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).”; and
 - (b) omit sub-paragraphs (3) and (4) (and the Superannuation Act 1972(3) has effect accordingly).
- (6) In paragraph 6 (assistance from Chief Constable)—
- (a) in sub-paragraph (2)—
 - (i) for “Secretary of State” substitute “Department of Justice”; and
 - (ii) for “he” substitute “the Department of Justice”; and

(1) Amendments have been made to Schedule 3 but none are relevant.

(2) S.I. 1972/1073 (N.I. 10).

(3) 1972 c. 11.

Changes to legislation: There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 39. (See end of Document for details)

- (b) in sub-paragraphs (3) and (4) for “Secretary of State” substitute “Department of Justice”.
- (7) In paragraph 11 (expenses) for “Secretary of State” (in both places) substitute “Department of Justice”.
- (8) In paragraph 12 (accounts and statements)—
- (a) in sub-paragraph (1)(b) and (c) for “Secretary of State” substitute “Department of Justice”;
 - (b) in sub-paragraph (1)(c) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
 - (c) in sub-paragraph (2) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
 - (d) in sub-paragraph (2) for “each House of Parliament” substitute “the Northern Ireland Assembly”; and
 - (e) after sub-paragraph (2) insert—
“(3) Section 41(3) of the Interpretation Act (Northern Ireland) 1954⁽⁴⁾ applies for the purposes of sub-paragraph (2) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.”
- (9) Sub-paragraph (5)(b) above does not affect the position of any person under the Superannuation Act 1972⁽⁵⁾ in relation to the person’s employment by the Ombudsman, or the person’s service as the Ombudsman, before the coming into force of this Order.
- (10) Sub-paragraph (11) below applies in relation to a person who immediately before the coming into force of this Order is, by virtue of paragraph 3(3) or (4) of Schedule 3 to the Police (Northern Ireland) Act 1998⁽⁶⁾, a participant in the principal civil service pension scheme as defined in section 2(10) of the Superannuation Act 1972.
- (11) In relation to the person’s employment by the Ombudsman, or (as the case may be) service as the Ombudsman, after the coming into force of this Order, the person is entitled to be a participant in the principal civil service pension scheme as defined in Article 4(10) of the Superannuation (Northern Ireland) Order 1972⁽⁷⁾; and the person’s terms and conditions of service have effect accordingly.
- (12) Sub-paragraph (8) above does not apply in relation to a financial year ending before the coming into force of this Order.

Commencement Information

II Sch. 3 para. 39 in force at 12.4.2010, see [art. 1\(2\)](#)

(4) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.
(5) 1972 c. 11.
(6) 1998 c. 32.
(7) S.I. 1972/1073 (N.I. 10).

Changes to legislation:

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 39.