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STATUTORY INSTRUMENTS

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**1998 No. 3162**

**The Fair Employment and Treatment  
(Northern Ireland) Order 1998**

**PART X**

**APPLICATION TO THE CROWN, THE POLICE AND PUBLIC AUTHORITIES**

**Other police bodies**

**94A.**—(1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable otherwise than as a police officer shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
- (b) by the police authority as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 36—

- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
- (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
- (c) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

(4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
- (b) any costs incurred and not recovered by such a person 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) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).

[<sup>F1</sup>(6) In this Article, in relation to any body of constables—

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**Changes to legislation:** There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Section 94A. (See end of Document for details)

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- (a) “chief officer of police” means the person who has the direction and control of the body;
  - (b) “police authority” means the authority by which the members of the body are paid; and
  - (c) “police fund” means money provided by that authority.]
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.

**F1** Art. 94A(6) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 59, 178(8), Sch. 4 para. 121; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (with art. 4(2)-(7))

**Changes to legislation:**

There are currently no known outstanding effects for the The Fair Employment and Treatment (Northern Ireland) Order 1998, Section 94A.