



# Police (Northern Ireland) Act 1998

## 1998 CHAPTER 32

### PART VIII

#### MISCELLANEOUS AND GENERAL

##### *Offences*

#### **66 Assaults on, and obstruction of, constables, etc.**

- (1) Any person who assaults, resists, obstructs or impedes a constable in the execution of his duty, or a person assisting a constable in the execution of his duty, shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.
- (3) Any person may arrest without a warrant anyone who is, or whom he with reasonable cause suspects to be, committing an offence under subsection (1).
- (4) This section also applies to a constable who is a member of a police force in Great Britain when he is executing a warrant, or otherwise acting in Northern Ireland, by virtue of any statutory provision conferring powers on him in Northern Ireland.

#### **67 Impersonation, etc.**

- (1) Any person who with intent to deceive impersonates a member of the police force, or makes any statement or does any act calculated falsely to suggest that he is such a member, shall be guilty of an offence.

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- (2) Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of the police force as to be calculated to deceive shall be guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months or to a fine, or to both.
- (4) Any person who, not being a member of the police force, has in his possession any article of police uniform shall, unless he proves that he obtained possession of that article lawfully and has possession of it for a lawful purpose, be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) In this section “article of police uniform” means any article of uniform or any distinctive badge or mark or document of identification usually issued to members of the police force or anything having the appearance of such an article, badge, mark or document.

**Modifications etc. (not altering text)**

C1 S. 67 applied (30.3.2001) by 2000 c. 32, s. 41(1)(a)(iv); S.R. 2001/132, art. 2, Sch.

**68 Causing disaffection.**

- (1) Any person who—
  - (a) causes, or does any act calculated to cause, disaffection among the members of the police force; or
  - (b) induces, or does any act calculated to induce, any member of the police force to withhold his services,
 shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

**Modifications etc. (not altering text)**

C2 S. 68 applied (30.3.2001) by 2000 c. 32, s. 41(1)(a)(v); S.R. 2001/132, art. 2, Sch.

**69 Obtaining pension by self-inflicted injury, etc.**

Any person who obtains for himself or any other person any pension or gratuity under regulations made under section 25 or 26 by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing injury or infirmity shall be guilty of an offence and liable—

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- (a) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

### *Traffic wardens*

## **70 Traffic wardens.**

- (1) Traffic wardens—
  - (a) shall be appointed by the Police Authority, on such terms and conditions as the Secretary of State may determine; and
  - (b) shall be under the direction and control of the Chief Constable.
- (2) Where a complaint is made by a member of the public against a traffic warden, the complaint shall be referred to the Chief Constable who shall (unless the complaint alleges an offence with which the traffic warden has then been charged) forthwith record the complaint and cause it to be investigated.

### *Supplementary*

## **71 Expenses of Secretary of State.**

There shall be defrayed out of money provided by Parliament—

- (a) any expenses of the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other statutory provision.

## **72 Orders and regulations.**

- (1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979.
- (2) Orders or regulations under this Act—
  - (a) may make different provision for different cases and circumstances;
  - (b) may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate.

[<sup>F1</sup>(2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the Treasury.]

- (3) Subsections (1) and (2) do not apply to vesting orders made under section 6.
- (4) A statutory rule made under this Act (other than one containing an order under section 75) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M2</sup>Statutory Instruments Act 1946 shall apply accordingly.

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#### Textual Amendments

- F1** S. 72(2A) inserted (22.12.2000) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(6)(a)**; S.R. 2000/412, art. 2, **Sch.**

#### Marginal Citations

- M1** 1979 NI 12.  
**M2** 1946 c. 36.

### 73 Interpretation.

(1) In this Act—

“building” includes any structure;

“Chief Constable” means the Chief Constable of the Royal Ulster Constabulary;

“civil service” means the civil service of Northern Ireland or the civil service of the United Kingdom;

“equipment” includes vehicles, apparatus, furniture, fittings, accoutrements and clothing;

“financial year” means the period of 12 months ending with 31st March;

“functions” includes powers and duties;

“Police Association” means the Police Association for Northern Ireland;

“Police Authority” means the Police Authority for Northern Ireland;

“the police force” means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;

“a police force in Great Britain” means a police force within the meaning of the <sup>M3</sup>Police Act 1996 or the <sup>M4</sup>Police (Scotland) Act 1967;

“police service staff” has the meaning assigned by section 3(7);

“provide” and “maintain” have the same meaning as, by virtue of section 147 of the <sup>M5</sup>Local Government Act Northern Ireland) 1972, they have for the purposes of that Act;

“senior officer”, in relation to the Royal Ulster Constabulary, means an officer above the rank of superintendent;

“statutory provision” has the meaning assigned to it by section 1(f) of the <sup>M6</sup>Interpretation Act Northern Ireland) 1954.

(2) In this Act “police purposes” means—

- (a) the purposes of the police force and traffic wardens; and
- (b) the purposes of the Police Authority, other than its general administrative purposes.

(3) In this Act “general administrative purposes” of the Police Authority means the purposes of—

- (a) providing general administrative support and assistance to the members of the Authority, including paying any remuneration and allowances to such members;
- (b) employing the staff of the Authority (other than the police service staff);

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- (c) providing and maintaining buildings and equipment for the staff of the Authority (other than the police service staff) and for members of the Authority;
  - (d) exercising the functions of the Authority under section 7,
- and such other purposes as the Secretary of State may from time to time direct.

#### Marginal Citations

- M3** 1996 c. 16.
- M4** 1967 c. 77.
- M5** 1972 c. 9 (N.I.).
- M6** 1954 c. 33 (N.I.).

## 74 Amendments, transitional provisions, repeals, etc.

- (1) The statutory provisions mentioned in Schedule 4 shall be amended as provided in that Schedule.
- (2) Schedule 5 (which contains transitional provisions and savings) shall have effect.
- (3) The statutory provisions mentioned in Schedule 6 are repealed to the extent specified in the third column of that Schedule.
- (4) In the <sup>M7</sup>Northern Ireland (Modification of Enactments – No. 1) Order 1973 the following provisions are revoked, namely—
  - (a) Article 6(5) and (6)(c);
  - (b) in Schedule 1, the entries relating to—
    - the <sup>M8</sup>Constabulary (Ireland) Act 1836;
    - the <sup>M9</sup>Police (Property) Act 1897;
    - the <sup>M10</sup>Constabulary and Police (Ireland) Act 1919;
    - the <sup>M11</sup>Police Act 1969;
    - the <sup>M12</sup>Constabulary Act Northern Ireland) 1922;
    - the <sup>M13</sup>Police Act Northern Ireland) 1970;
  - (c) in Schedule 4, the entry relating to the <sup>M14</sup>Police Act Northern Ireland) 1970; and
  - (d) in Schedule 5, paragraphs 11, 21 and 61.

#### Commencement Information

- I1** S. 74 partly in force; s. 74 not in force at Royal Assent see s. 75(1), s. 74(1) in force and 74(3) in force for certain purposes at 8.10.1998 by S.R. 1998/346, art. 3; s. 74(1)(2)(3) in force for certain purposes at 9.2.1999 by S.R. 1999/48, art. 3 (with art. 4); s. 74(4) in force and (1)(2)(3) in force for certain purposes at 1.4.1999 by S.R. 1999/176, art. 3 (with art. 4)

#### Marginal Citations

- M7** S.I. 1973/2163.
- M8** 1836 c. 13.
- M9** 1897 c. 30.
- M10** 1919 c. 68.
- M11** 1969 c. 63.

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**M12** 1922 c. 8 (N.I.).

**M13** 1970 c. 9 (N.I.).

**M14** 1970 c. 9 (N.I.).

## 75 Commencement.

- (1) This Act shall come into operation on such day as the Secretary of State may by order appoint.
- (2) An order under this section may appoint different days for different purposes and for different provisions.

### Subordinate Legislation Made

- P1** S. 75(1) power partly exercised (5.10.1998): 8.10.1998 appointed for specified provisions by S.R. 1998/346, **art. 3** (with **art. 4**)
- S. 75(1) power partly exercised (8.2.1999): 9.2.1999 appointed for specified provisions by S.R. 1999/48, **art. 3** (with **art. 4**)
- S. 75(1) power partly exercised (30.3.1999): 1.4.1999 appointed for specified provisions by S.R. 1999/176, **art. 3** (with **art. 4**)
- S. 75(1) power partly exercised (2.11.2000): 6.11.2000 appointed for specified provisions by S.R. 2000/399, **art. 3** (with transitional provisions in **arts. 4, 5**)

## 76 Extent.

- (1) Except as provided by subsections (2) and (3), this Act extends to Northern Ireland only.
- (2) Paragraph 8 of Schedule 3 extends throughout the United Kingdom.
- (3) The amendment or repeal by this Act of any provision of—
  - (a) the <sup>M15</sup>Police (Overseas Service) Act 1945;
  - (b) the <sup>M16</sup>Police (Scotland) Act 1967;
  - (c) the <sup>M17</sup>House of Commons Disqualification Act 1975;
  - (d) the <sup>M18</sup>Northern Ireland Assembly Disqualification Act 1975;
  - (e) the <sup>M19</sup>Ministry of Defence Police Act 1987;
  - (f) the <sup>M20</sup>Official Secrets Act 1989;
  - (g) the <sup>M21</sup>Police Act 1996;
  - (h) the <sup>M22</sup>Police Act 1997,
 has the same extent as that provision.

### Commencement Information

- I2** S. 76 partly in force; s. 76 not in force at Royal Assent see s. 75(1); s. 76(1) in force at 8.10.1998 by S.R. 1998/346, **art. 3**; s. 76(3) in force at 1.4.1999 by S.R. 1999/176, **art. 3** (with **art. 4**)

### Marginal Citations

**M15** 1945 c. 17.

**M16** 1967 c. 77.

**M17** 1975 c. 24.

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<b>M18</b> 1975 c. 25.
<b>M19</b> 1987 c. 4.
<b>M20</b> 1989 c. 6.
<b>M21</b> 1996 c. 16.
<b>M22</b> 1997 c. 50.

**77 Short title.**

This Act may be cited as the Police (Northern Ireland) Act 1998.

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