

SCHEDULES

SCHEDULE 3

Amendments relating to policing

Police (Northern Ireland) Act 2003

- 93.**—(1) Amend the Police (Northern Ireland) Act 2003(1) as follows.
- (2) In section 34(2) (complaints and misconduct)—
- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”; and
 - (b) in subsection (4)—
 - (i) for “Secretary of State” substitute “Department of Justice”, and
 - (ii) in paragraph (e) for “him” substitute “the Department of Justice”.
- (3) After section 34 insert—

“34A Secretary of State’s power to make regulations

- (1) The Secretary of State may make regulations containing provision of any kind within section 34(1) to (3) for purposes connected with—
- (a) excepted or reserved matters (within the meaning given by section 4 of the Northern Ireland Act 1998);
 - (b) matters in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954(3)).
- (2) Before making regulations under this section the Secretary of State must consult the Department of Justice, the persons mentioned in section 34(4)(a) to (d) and any other person or body appearing to the Secretary of State to have an interest in the matter.
- (3) Regulations made by the Department of Justice under section 34 have effect subject to regulations made by the Secretary of State under this section.”
- (4) In section 37(1)(4) (code of ethics) for “Secretary of State” substitute “Department of Justice”.
- (5) In section 44 (orders and regulations)—
- (a) in subsection (1) after “Secretary of State” insert “or the Department of Justice”;
 - (b) in subsection (5) after “made” insert “by the Secretary of State”;
 - (c) after subsection (5) insert—

(1) 2003 c. 6.
(2) Section 34 was amended by S.I. 2007/912 (N.I. 6).
(3) 1954 c. 33 (N.I.). Section 1(f) was amended by S.I. 1999/663.
(4) Section 37(1) was amended by S.I. 2007/912 (N.I. 6).

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, Cross Heading: Police (Northern Ireland) Act 2003. (See end of Document for details)

“(6) An order or regulations made by the Department of Justice under this Act shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954⁽⁵⁾).”

Commencement Information

II Sch. 3 para. 93 in force at 12.4.2010, see [art. 1\(2\)](#)

⁽⁵⁾ Section 41(6) was amended by [S.I. 1999/663](#).

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, Cross Heading: Police (Northern Ireland) Act 2003.