

## Agreement under section 60 of the Police (Northern Ireland) Act 1998

Police Ombudsman for Northern Ireland

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THIS AGREEMENT is made the                      day of                      2013

BETWEEN:

### THE PARTIES

The Police and Crime Commissioner for West Midlands of Lloyd House  
Colmore Circus Queensway Birmingham B4 6NQ

and

The Police Ombudsman for Northern Ireland of New Cathedral Buildings, 11  
Church Street, Belfast, BT1 1PG.

### INTERPRETATION

In this agreement:

“the Act” means the Police (Northern Ireland) Act 1998;

“the assisting police force” means the police force maintained by The Police  
and Crime Commissioner for West Midlands;

“complaint” means a complaint as defined by s50(1) of the Act. Complaints  
made about conduct of a relevant member while off duty shall only be dealt  
with under this agreement if the fact of being a relevant member is relevant to  
the complaint; such relevance is to be determined by PONI;

“PONI” means the Police Ombudsman for Northern Ireland;

“PSNI” means the Police Service of Northern Ireland;

“relevant member” means any person appointed as a police officer in the assisting police force who is or has been present in Northern Ireland as a result of a mutual aid agreement in Northern Ireland in compliance with section 98 of the Police Act 1996;

“other matter” means any matter referred to in s55 of the Act.

## WHEREAS

- A. By virtue of the provisions of section 60 of the Act, the parties have power to enter into an agreement for the establishment, in relation to the assisting police force, of procedures corresponding or similar to any of those established by virtue of Part VII of the Act.
- B. It is the intention of the parties that any complaint made by or on behalf of a member of the public regarding the conduct of a relevant member in connection with the provision of cross border assistance while he or she is serving in Northern Ireland shall be dealt with by the parties in accordance with the procedures laid down by Part VII of the Act. Any other matter shall be similarly dealt with.
- C. Any reference to the masculine or singular shall be taken to include reference to the feminine and plural.

**NOW IT IS HEREBY AGREED AND DECLARED** between the parties, in pursuance of section 60 of the Act and with the approval of the Department of Justice:-

- 1. A complaint or other matter shall be treated and dealt with as if it were made under Part VII of the Act and accordingly PONI shall act in relation to the complaint or other matter as nearly as may be as if it were a complaint so made. The Police and Crime Commissioner for West Midlands shall ensure that the Chief Constable of the assisting police force shall also act in relation to the complaint as nearly as maybe as if it were a complaint so made.
- 2. The Police and Crime Commissioner for West Midlands shall so far as is possible in accordance with the law require the Chief Constable of the assisting police force to undertake the duties and obligations and exercise the rights and powers imposed and conferred under Part VII of the Act in relation to a complaint about a relevant member as if that relevant member was a member of the PSNI or the PSNI Reserve.
- 3. PONI shall undertake the duties and obligations and exercise the rights and powers imposed and conferred on him by Part VII of the Act in relation to

relevant members of the assisting police force so far as possible as if such relevant members of the assisting police force itself were members of the PSNI or PSNI reserve.

4. In so discharging their functions under this agreement PONI shall have regard to any guidance issued by the Department of Justice or the Secretary of State in relation to the operation of Part VII of the Act. The Police and Crime Commissioner for West Midlands shall similarly have such regard and shall ensure so far as is possible in accordance with the law that the Chief Constable of the assisting police force shall similarly have such regard.
5. The Police and Crime Commissioner for West Midlands shall so far as is possible in accordance with the law require the Chief Constable of the assisting police force to ensure that his officers fully co-operate with an investigation in relation to a complaint about a relevant member and will so far as is possible in accordance with the law, after consultation with PONI, make a relevant member available to progress a PONI investigation as required by PONI.
6. The arrangements set out in this agreement have been approved by the Department of Justice and shall come into force on the date of this Agreement. The Agreement is applicable to all complaints or other matters to be investigated involving relevant members serving in Northern Ireland for the purposes of the G8 Summit.
7. This Agreement shall be governed by and construed in accordance with Northern Ireland law and the parties agree to submit to the exclusive jurisdiction of the Northern Ireland courts.

Signed by the Police and  
Crime Commissioner for West  
Midlands in the presence of:-

Signed by the Police  
Ombudsman for Northern  
Ireland in the presence of:-

Signed by [a senior officer] of  
the Department of Justice in  
the presence of: