

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, SCHEDULE 2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 2

Section 20.

#### DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

##### *Interpretation*

1.—(1) In this Schedule, in relation to a DPCSP—

“independent member” means a member appointed under paragraph 4;

“political member” means a member appointed under paragraph 3.

(2) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words “if appointed” for the words “if elected”.

(4) In this Schedule, in relation to a DPCSP and the holding of a local general election—

“the transitional period” means the period—

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Policing Board under paragraph 4(3).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

##### **Commencement Information**

**II** Sch. 2 para. 1 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

##### *Composition*

2.—(1) A DPCSP shall consist of—

(a) 6 political members appointed under paragraph 3;

(b) 5 independent members appointed under paragraph 4; and

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- (c) representatives nominated by organisations designated under paragraph 7.
- (2) The members of a DPCSP need not be members of the principal PCSP.

**Commencement Information**

**I2** Sch. 2 para. 2 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Political members*

3.—(1) The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person's appointment.

(3) A political member shall hold office until the day before the reconstitution date next following that member's appointment.

(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(5) A political member ("P") shall cease to hold office if—

- (a) P resigns by notice in writing to the council;
- (b) P becomes disqualified for membership of the DPCSP; or
- (c) P ceases to be a member of the council.

(6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(7) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.

**Commencement Information**

**I3** Sch. 2 para. 3 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Independent members*

4.—(1) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

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(2) In appointing independent members the Policing Board shall so far as practicable secure that the members of the DPCSP (taken together) are representative of the community in the DPCSP's police district.

(3) Where, following a local general election, the Policing Board has completed the arrangements for the appointment of the independent members of the DPCSP for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the DPCSP for that police district.

(4) Notice under sub-paragraph (3) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(6) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(8) An independent member shall cease to hold office if that member—

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the DPCSP.

(9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(10) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.

#### Commencement Information

**I4** Sch. 2 para. 4 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

**5.—(1)** Where appointments are to be made of independent members of a DPCSP, the council shall nominate persons willing to be candidates for appointment.

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of—

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

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(4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of—

- (a) whether the person is also willing to be a candidate for appointment as an independent member of any other DPCSP;
- (b) if the person is so willing, the DPCSP or DPCSPs concerned;
- (c) whether the person is also willing to be a candidate for appointment as an independent member of the principal PCSP.

(5) A person shall not be nominated under sub-paragraph (1) if that person—

- (a) is disqualified for membership of the DPCSP, or
- (b) has not made a declaration against terrorism.

(6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.

(7) If the Policing Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

**Commencement Information**

**I5** Sch. 2 para. 5 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

**6.—**(1) In exercising functions under paragraphs 4 and 5, the council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing or revising a code of practice under this paragraph, the Department shall consult—

- (a) the Policing Board;
- (b) the council; and
- (c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

**Commencement Information**

**I6** Sch. 2 para. 6 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

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### *Representatives of designated organisations*

7.—(1) A DPCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A DPCSP may at any time revoke a designation under sub-paragraph (1).

(3) The Department may by order designate organisations for the purposes of this paragraph.

(4) No order may be made under sub-paragraph (3) unless—

(a) the Department has consulted each DPCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) An organisation for the time being designated by a DPCSP or by an order under sub-paragraph (3) must nominate a person to attend a meeting of the DPCSP or a committee appointed under paragraph 14.

(6) A person who is so nominated and attends a meeting is to be treated as a member of the DPCSP or the committee.

#### **Commencement Information**

**I7** Sch. 2 para. 7 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

### *Removal of members*

8.—(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person (“P”) from office as a political or independent member of a DPCSP if satisfied that—

(a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;

(b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;

(c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);

(d) P has become bankrupt or made a composition or arrangement with P's creditors;

(e) P has failed to comply with the terms of P's appointment; or

(f) P is otherwise unable or unfit to discharge P's functions as a member of the DPCSP.

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(2) The “necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—

- (a) before the nomination of that member, to the council which nominated that member; and
- (b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.

(4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—

- (a) in subsection (1), for the words from “after” to “the Assembly” substitute “when he is an independent member of a DPCSP”;
- (b) omit subsection (4);
- (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
  - “(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend), and”.

#### **Commencement Information**

**18** Sch. 2 para. 8 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

#### *Disqualification*

**9.—(1)** A person is disqualified for being a political or independent member of a DPCSP if that person is—

- (a) a police officer;
- (b) a member of the police support staff;
- (c) a member of the Policing Board; or
- (d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a DPCSP until the date of the next local general election following that person's removal.

(3) A person is disqualified for being an independent member of a DPCSP if—

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- (a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and
  - (b) the relevant period has not ended.
- (4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions)—
- (a) release on licence;
  - (b) release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph “suspended sentence” means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

**Commencement Information**

**I9** Sch. 2 para. 9 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Chair and vice-chair*

- 10.**—(1) For each DPCSP there shall be—
- (a) a chair appointed by the council from among the political members; and
  - (b) a vice-chair elected by the independent members from among such members.
- (2) In appointing to the office of chair, the council shall ensure that, so far as is practicable—
- (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;
  - (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.

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(3) A person may at any time resign as chair or vice-chair by notice in writing to the DPCSP.

(4) If the person holding office as chair or vice-chair ceases to be a member of the DPCSP, that person shall also cease to hold that office.

**Commencement Information**

**I10** Sch. 2 para. 10 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Procedure of DPCSP*

**11.**—(1) The quorum for a meeting of a DPCSP shall be one-quarter of the total number of members.

(2) Every question at a meeting of a DPCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a DPCSP, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a DPCSP may regulate its own procedure.

**Commencement Information**

**I11** Sch. 2 para. 11 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Policing committee: constitution*

**12.**—(1) For each DPCSP there shall be a policing committee consisting of—

- (a) the political members; and
- (b) the independent members.

(2) For each policing committee there shall be—

- (a) a chair who shall be the person who is for the time being chair of the DPCSP; and
- (b) a vice-chair elected by the independent members from among such members.

(3) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).



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(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chair in accordance with such terms as the Policing Board may determine.

(5) In determining terms under sub-paragraph (4), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's election to that office.

(6) A person may at any time resign as vice-chair by notice in writing to the Policing Board.

(7) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

**Commencement Information**

**I12** Sch. 2 para. 12 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Policing committee: procedure*

**13.—**(1) The quorum for a meeting of a policing committee shall be 5.

(2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.

(5) A policing committee may—

- (a) constitute committees of such 5 or more of its members as the policing committee may appoint; and
- (b) delegate to a committee so constituted any of the functions exercisable by the policing committee.

(6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

**Commencement Information**

**I13** Sch. 2 para. 13 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

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### *Other committees*

**14.—(1)** A DPCSP may constitute other committees of its members; and references in this paragraph to a committee are to a committee so constituted.

(2) A DPCSP shall constitute a committee of its members if directed to do so by the principal PCSP.

(3) A committee of a DPCSP shall consist of 5 or more members of the DPCSP.

(4) The members of a committee of a DPCSP shall be appointed by the DPCSP.

(5) A DPCSP may delegate any of its functions (other than restricted functions) to a committee constituted by it.

(6) The powers of a committee of a DPCSP shall be exercised in accordance with and subject to directions given by the DPCSP.

(7) The proceedings of a committee of a DPCSP shall be regulated in accordance with and subject to directions given by the DPCSP.

(8) The approval of the principal PCSP is required to—

- (a) the constitution of a committee under sub-paragraph (1);
- (b) the members of a committee of a DPCSP to be appointed under sub-paragraph (4);
- (c) the functions to be delegated to a committee under sub-paragraph (5);
- (d) the exercise by a committee of any functions delegated to it under sub-paragraph (5);
- (e) the directions to be given to a committee under sub-paragraphs (6) and (7).

#### **Commencement Information**

**I14** Sch. 2 para. 14 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

### *Indemnities*

**15** The council may indemnify a member of a DPCSP in respect of liability incurred by that member in connection with the business of the DPCSP.

#### **Commencement Information**

**I15** Sch. 2 para. 15 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

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### *Insurance against accidents*

**16.—**(1) The council may insure against risks of a member of the DPCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the DPCSP.

(2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the DPCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

#### **Commencement Information**

**I16** Sch. 2 para. 16 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

### *Expenses*

**17** The council may pay to members of a DPCSP such expenses as the council may determine.

#### **Commencement Information**

**I17** Sch. 2 para. 17 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

### *Finance*

**18.—**(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with DPCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)(a) may fall within or after the financial year concerned.

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**Commencement Information**

**I18** Sch. 2 para. 18 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Validity of proceedings*

**19** The validity of any proceedings of a DPCSP or a committee of a DPCSP shall not be affected by—

- (a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or
- (b) any vacancy in the office of chair or vice-chair or among the other members.

**Commencement Information**

**I19** Sch. 2 para. 19 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

*Disclosure of pecuniary interests, family connections, etc.*

**20** Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a DPCSP and its members as if—

- (a) in those sections—
  - (i) any reference to a council were a reference to the DPCSP;
  - (ii) any reference to a councillor were a reference to a member of the DPCSP;
  - (iii) any reference to the clerk of the council were a reference to the person acting as secretary of the DPCSP;
- (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “ by any person ”;
- (c) in section 29 of that Act any reference to the Minister were a reference to the Department.

**Commencement Information**

**I20** Sch. 2 para. 20 in operation at 1.4.2012 by S.R. 2012/142, art. 2(a)

**Status:**

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**Changes to legislation:**

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