

2016 No. 14

POLICE

The Northern Ireland Police Fund Regulations 2016

Made - - - - *19th January 2016*

Coming into operation - *1st April 2016*

The Department of Justice, in exercise of the powers conferred by section 11(2) of the Financial Provisions Act (Northern Ireland) 2014(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Northern Ireland Police Fund Regulations 2016 and shall come into operation on 1st April 2016.

Interpretation

2. In these Regulations—

“the Board” means the Board of members of the Northern Ireland Police Fund;

“the Department” means the Department of Justice;

“eligible persons” means police officers and former police officers who have been killed or injured by terrorism (as defined by section 1 of the Terrorism Act 2000(b)), and their families and dependants;

“former police officer” means a former member of—

- (a) the Police Service of Northern Ireland;
- (b) the Police Service of Northern Ireland Reserve;
- (c) the Royal Ulster Constabulary; or
- (d) the Royal Ulster Constabulary Reserve;

“the Fund” means the Northern Ireland Police Fund;

“the Police Association” has the same meaning as in section 32 of the Police (Northern Ireland) Act 1998(c).

Status and constitution of the Fund

3.—(1) The Fund shall be established as a body corporate for the purpose of providing financial assistance, advice, support and care to eligible persons in connection with the objectives in section 11 of the Financial Provisions Act (NI) 2014.

(a) 2014 c.6 (N.I.).

(b) 2000 c.11. Section 1 was amended by 2006 c.11 and 2008 c.28.

(c) 1998 c.32.

(2) Subject to the provisions of these Regulations, section 19 of the Interpretation Act (Northern Ireland) 1954(a) shall apply to the Fund; and, for the purposes of that section, the Fund shall be treated as if it were established by an Act of the Assembly.

(3) The Fund shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown, and the Fund's property shall not be regarded as property of, or property held on behalf of, the Crown.

(4) The Fund shall consist of a chairperson and a Board of six other members.

(5) One of the Board members shall be nominated by the Chief Constable and one shall be nominated by the Police Association, which nominations shall be approved by the Department.

(6) The chairperson and the Board members shall be appointed by the Department.

Term of office

4.—(1) Subject to the following provisions of this regulation, a person shall hold and vacate office as chairperson or as a Board member of the Fund in accordance with the terms of his or her appointment.

(2) The chairperson and Board members shall be appointed for a term of up to four years, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he or she is appointed.

(3) A person may at any time resign as chairperson or as a Board member by giving one month's notice in writing to the Department and the Department may remove a person from office as chairperson or as a Board member for any reason under paragraph (4) by giving one month's notice in writing.

(4) The Department may remove a person from office as chairperson or as a Board member if satisfied that the person—

- (a) has been convicted of a criminal offence;
- (b) has become bankrupt or it is the subject of a bankruptcy restrictions order or has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order or has made a composition or arrangement with his or her creditors;
- (c) has failed to comply with the terms of his or her appointment;
- (d) is otherwise unable or unfit to discharge the functions of a chairperson or Board member.

(5) Where the term of office of the chairperson or of a Board member expires he or she shall be eligible for reappointment for one further term of up to four years.

Remuneration and allowances

5. The Fund may pay to the chairperson and Board members such remuneration and allowances as the Fund, with the approval of the Department, may determine.

Procedures

6. Subject to these Regulations and to any direction issued by the Department, the Fund may regulate its own procedures.

Payments to the Fund

7.—(1) The Department shall make payments to, or for the purposes of, the Fund in accordance with section 11 of the Financial Provisions Act (Northern Ireland) 2014.

(2) A grant under paragraph (1)—

- (a) shall be of such amount;

(a) 1954 c.33 (N.I.).

- (b) shall be paid at such time, or in instalments of such amounts and at such times; and
 - (c) shall be made on such conditions,
- as the Department, with the approval of the Department of Finance and Personnel, may determine.
- (3) A time determined under paragraph (2)(b) may fall within or after the financial year concerned.
 - (4) The Fund shall abide by its Management Statement and Financial Memorandum and by any relevant policies of the Department and of the Department of Finance and Personnel.
 - (5) The Fund may not borrow or raise money for any purposes other than in connection with the functions of the Fund.
 - (6) All gifts received by the Fund shall be recorded in its accounts.

Payments made by the Fund

- 8.—(1) The Fund may make payments from the accounts for the following purposes—
- (a) to provide financial assistance, advice, support and care to eligible persons;
 - (b) to assist and support those providing support for eligible persons;
 - (c) to encourage, support and assist in the provision of facilities and services for the relief of eligible persons;
 - (d) to provide assistance and support in the advancement of education and training for eligible persons;
 - (e) to apply the whole or any part of the property vested in the Fund whether as capital or income in or towards payment of the expenses of the Fund or for or towards any of its purposes;
 - (f) to undertake and execute any trusts in furtherance of its functions;
 - (g) with the approval of the Department to enter into any partnership, association or other arrangement with any person or body having functions similar to the functions of the Fund;
 - (h) to pay such remuneration and allowances to employees of the Fund as the Board, with the approval of the Department and of the Department of Finance and Personnel, may from time to time determine;
 - (i) to make such contributions to a pension scheme for the benefit of employees of the Fund as the Board may from time to time determine;
 - (j) to assist in the development of innovations in support of eligible persons;
 - (k) any other purpose which the Board considers to be in keeping with the aims and functions of the Fund.
- (2) Not less than one month before the start of each financial year, the Fund shall draw up a projected expenditure plan and shall send two copies thereof for approval to the Department.

Accounts and governance of the Fund

9. The Fund shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) adhere to such governance and audit standards as the Department may direct;
 - (c) prepare a statement of accounts in respect of each financial year which shall contain such information and shall be in such form as the Department may direct;
 - (d) send such number of copies of the statement of accounts as may be required by the Department of Finance and Personnel to the Department within such period after the end of the financial year to which the statement relates as the Department may direct. The Department shall transmit one copy of the accounts to the Department of Finance and Personnel and shall lay one copy before the Assembly.

Support

10.—(1) Appropriate accommodation may be provided to the Fund from within the resources of the Department. The Department may require the Fund to reimburse it for the reasonable cost of such accommodation.

(2) The Fund may, with the approval of the Department as to numbers and terms as to remuneration and other conditions of service, employ such staff as it deems necessary to carry out the functions of the Fund.

(3) The Fund may tender for and retain the services of such qualified professional persons as it deems necessary to discharge its functions, and its accounts shall reflect the numbers and identities of such persons, the amounts paid to each of them annually and the numbers of hours of services provided for those payments.

(4) The Fund may engage such other support as is necessary or expedient for the proper functioning of the Fund.

Winding up

11. After consultation with the Department, the Board may, and on a direction so to do from the Department, shall, make the necessary arrangements for the Fund to cease functioning.

Sealed with the Official Seal of the Department of Justice on 19th January 2016.



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the constitution, functions, procedures and financing of the Northern Ireland Police Fund for the purpose of providing financial assistance, advice, support and care to police officers and former police officers who have been killed or injured by terrorism and their families and dependants.

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