

POLICE (NORTHERN IRELAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY

Part II: the Northern Ireland Policing Board

Section 2: The Northern Ireland Policing Board

9. This section provides for the establishment of a Northern Ireland Policing Board to replace the Police Authority for Northern Ireland. The Police Authority is dissolved on the creation of the Board (*subsection (3)*).
10. The detail of the Policing Board's status, membership, constitution (including arrangements for appointment under direct rule and devolved government), staff, funding and procedural matters are set out in Schedule 1 to the Act. These matters are described more fully in the note on Schedule 1.
11. *Subsection (4)* and Schedule 2 of the Act deal with the transfer of property, liabilities and staff of the Police Authority to the Board.

Section 3: General Functions of the Board

12. The general functions of the Board are to maintain the police and to ensure the police, police support staff and traffic wardens are efficient and effective. In particular, the Board must in discharging those functions hold the Chief Constable to account for the exercise of his functions (*subsection (3)*) and have regard to the principle of impartiality (*subsection (4)*).
13. The Board is required to monitor or assess the performance of the police, including in carrying out their general duty under the Act and in complying with the Human Rights Act. It is also required to assess the effectiveness of district policing partnerships and community consultation arrangements and the effectiveness of the code of ethics. It must also keep itself informed as to complaints against the police, crime trends, recruitment to, and the representativeness of, the police. *Subsection (3)* also requires the Board to make arrangements for obtaining public co-operation with the police in preventing crime.
14. The Board is required to co-ordinate its activities with, and co-operate with, other statutory bodies in carrying out its functions (*subsection (4)*). It is also obliged to have regard to the policing plan and any codes of practice issued on the exercise of its functions.

Section 4: Police Support Staff

15. This section sets out the administrative arrangements governing police support staff. It replaces section 3 of the 1998 Act, with some amendment.
16. *Subsections (1)-(4)* enable the Policing Board, with the approval of the Secretary of State, directly to employ staff or to make arrangements for the secondment of civil servants to assist the police.

17. *Subsection (5)* makes it clear that the Chief Constable is responsible for the management of police support staff. This includes the power to engage and dismiss directly recruited staff other than senior employees – where appointment and dismissal will be dealt with by the Board. Seconded civil servants are appointed through the Civil Service Commission for Northern Ireland and may not be dismissed as civil servants by the Chief Constable.
18. *Subsection (6)* defines the term “police support staff”. It means those staff who are employed by, or seconded to, the Policing Board, and under the direction and control of the Chief Constable. It does not include staff working for the Board itself about whom provision is made by Part IV of Schedule 1 to the Act.
19. These arrangements are much the same as those already applying to police support staff under existing legislation. The main change is that the Board will appoint senior members of the support staff. While in employment, senior employees will be under the direction and control of the Chief Constable, but the power to engage and dismiss will reside with the Board.

Section 5: Power to Transfer Staff to Employment of Board

20. This section provides a regulation-making power by which the Secretary of State may transfer civil servants who are seconded to the police support staff to the employment of the Policing Board. It replaces section 4 of the 1998 Act.

Section 6: Provision and Maintenance of Buildings and Equipment

21. This section replaces section 5 of the 1998 Act with minor amendments which remove some of the Secretary of State’s detailed controls. It sets out the Policing Board’s duties on the provision and maintenance of buildings and equipment for police purposes.
22. The Policing Board will be the legal owner of all police buildings and equipment. However, *subsection (3)* requires that the Policing Board’s powers to provide and maintain buildings and equipment are to be exercised by the Chief Constable. He will be responsible for management of these matters. The Board’s power to own buildings and equipment for its own purposes are provided for by paragraph 1(2) of Schedule 1 to the Act.

Section 7: Acquisition and Disposal of Land

23. This section sets out the responsibilities of the Policing Board with regard to acquiring and disposing of land for police purposes. It replaces section 6 of the 1998 Act with minor amendments which remove some of the Secretary of State’s detailed controls. Under *subsections (2)-(4)* the Policing Board can acquire land for police purposes compulsorily by asking the Secretary of State to make an order vesting land in the Board.

Section 8: Provision of Advice and Assistance to International Organisations

24. This section replaces section 8 of the 1998 Act. It enables the Policing Board, subject to the consent of the Secretary of State, to provide advice and assistance to international organisations, such as the United Nations, and to any organisation outside the UK which is engaged in policing activities. This includes facilitating temporary secondments of police officers.

Sections 9 and 10: Funding Arrangements for Policing

25. These sections replace sections 9 and 10 of the 1998 Act respectively. Section 9 provides for the Secretary of State to make a grant to the Policing Board for policing purposes.

*These notes refer to the Police (Northern Ireland) Act 2000
(c.32) which received Royal Assent on 23 November 2000*

26. Under *subsections (1) and (2)* of section 10 the Board is required to submit estimates for policing to the Secretary of State on the basis of draft estimates prepared by the Chief Constable. Under *subsection (5)* of section 10 the Policing Board is required to put the annual police grant, and any other amounts received, at the disposal of the Chief Constable who is operationally responsible for managing financial resources. Funding arrangements for the Board itself – as opposed to the grant it receives to fund policing – are dealt with under Schedule 1 to the Act.

Section 11: Charges for Special Services

27. This section enables the Chief Constable to provide special police services subject to payment. An example might be supervising an event on private land. It replaces section 11 of the 1998 Act.

Section 12: Accounts and Audit

28. This section sets out the accounting systems and procedures that are required in respect of police funding. It replaces section 12 of the 1998 Act, with some amendment. The Policing Board is required to keep proper accounts and records of police expenditure and to prepare an annual statement of accounts. *Subsection (2)* requires these Board functions to be exercised by the Chief Constable. He is required to submit the statement of accounts to the Board. *Subsection (5)* requires the Policing Board to send the statement of accounts to the Secretary of State and the Comptroller and Auditor General for certification.