



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

#### **67 The Commissioner.**

- (1) The Secretary of State may appoint a Commissioner to discharge the general function mentioned in subsection (3).
- (2) A person for the time being holding the office of Commissioner under subsection (1) is referred to in this Act as “the Commissioner”.
- (3) The Commissioner’s general function is to oversee the implementation of changes in the policing of Northern Ireland (including, in particular, those resulting from this Act) described in his terms of reference.
- (4) Schedule 4, which makes further provision about the Commissioner, shall have effect.
- (5) The office of Commissioner shall cease to exist on 31st May 2003, unless before that date an order is made under subsection (6).
- (6) The Secretary of State may by order provide that the office of Commissioner (whether or not it then exists as a result of a previous order under this subsection) shall continue to exist for a period not exceeding three years from the date on which the order comes into operation.

#### **68 Reports by the Commissioner.**

- (1) The Commissioner shall make periodic reports to the Secretary of State on the implementation of the changes described in his terms of reference.
- (2) There shall be at least three periodic reports in each year.

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- (3) The Commissioner may at any time make a report to the Secretary of State on matters arising in the course of his performance of his general function.
- (4) The Secretary of State—
  - (a) shall lay each report made to him under this section before each House of Parliament; and
  - (b) arrange for the report to be published in such manner as appears to him to be appropriate.

## 69 General duty of <sup>F1</sup>Ministers].

- (1) <sup>F2</sup>A Minister with functions under the Police Acts shall exercise those functions] in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of—
  - (a) the police;
  - (b) the police support staff; and
  - (c) traffic wardens.
- (2) In carrying out those functions, the <sup>F3</sup>Minister] shall have regard to the principle that the policing of Northern Ireland is to be conducted in an impartial manner.

<sup>F4</sup>(3) In this section “Minister” means—

- (a) the Secretary of State,
- (b) the Minister of Justice,
- (c) the Department of Justice,
- (d) the First Minister and deputy First Minister, or
- (e) the Office of the First Minister and deputy First Minister.]

### Textual Amendments

- F1** Word in s. 69 heading substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 78(5)** (with arts. 28-31)
- F2** Words in s. 69(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 78(2)** (with arts. 28-31)
- F3** Word in s. 69(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 78(3)** (with arts. 28-31)
- F4** S. 69(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 78(4)** (with arts. 28-31)

## 70 The Royal Ulster Constabulary GC Foundation.

- (1) The <sup>F5</sup>Department of Justice] may by regulations establish a foundation to be known as “The Royal Ulster Constabulary GC Foundation” for the purpose of marking the sacrifices and honouring the achievements of the Royal Ulster Constabulary.
- (2) Regulations under this section—
  - (a) shall provide for the status and constitution of the foundation;
  - (b) shall provide for the foundation to have power to support the professional development of police officers and innovations in policing;

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- (c) shall enable the foundation to undertake joint initiatives with the Royal Ulster Constabulary Widows Association, the Royal Ulster Constabulary Disabled Police Officers Association or any other organisation or person within the Royal Ulster Constabulary family, as may be appropriate in matters of common interest;
  - (d) may provide for the foundation to have such other functions as are prescribed by the regulations;
  - (e) may provide for the procedures of the foundation; and
  - (f) make such other provision concerning the foundation as the [<sup>F6</sup>Department of Justice] thinks necessary or expedient for the proper functioning of the foundation.
- (3) The [<sup>F7</sup>Department of Justice] may make payments to, or for the purposes of, the foundation.

#### Textual Amendments

- F5** Words in s. 70(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 79(a)** (with arts. 28-31)
- F6** Words in s. 70(2)(f) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 79(b)** (with arts. 28-31)
- F7** Words in s. 70(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 79(c)** (with arts. 28-31)

## 71 Traffic wardens.

- (1) The Board shall appoint traffic wardens on such terms and conditions as the [<sup>F8</sup>Department of Justice] may determine.
- (2) Traffic wardens shall be under the direction and control of the Chief Constable.
- (3) Where a complaint is made by a member of the public against a traffic warden, the complaint shall be referred to the Chief Constable who shall (unless the complaint alleges an offence with which the traffic warden has then been charged) forthwith record the complaint and cause it to be investigated.

#### Textual Amendments

- F8** Words in s. 71(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 80** (with arts. 28-31)

## 72 Video recording of interviews.

- (1) The <sup>M1</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) After Article 60 there shall be inserted the following Article—

### “60A Video recording of interviews

It shall be the duty of the Secretary of State—

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- (a) to issue a code of practice in connection with the video-recording with sound of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations;
  - (b) to make an order (subject to Article 89) requiring the video-recording with sound of interviews of persons suspected of the commission of criminal offences, or of such descriptions of criminal offences as may be specified in the order, which are so held, in accordance with the code as it has effect for the time being.”.
- (3) In Article 66(2) (codes of practice – supplementary) after “Article 60” there shall be inserted “ , 60A ”.
- (4) In Article 89 (orders and regulations) after “Articles 60” there shall be inserted “ , 60A ”.

**Marginal Citations**

**M1** 1989 NI 12.

**73 Places of detention: lay visitors.**

- (1) The Board shall make, and keep under review, arrangements for <sup>F9</sup>... places of detention to be visited by persons appointed under the arrangements (“lay visitors”).
- (2) The arrangements shall require a report on each visit to be made to the Board and the Chief Constable by the lay visitor concerned.
- (3) The report shall deal with—
  - (a) the conditions under which persons are held in the <sup>F10</sup>... place of detention concerned and with their welfare and treatment;
  - (b) the adequacy of facilities at that place of detention;
  - (c) such other matters as may be specified in an order made by the [<sup>F11</sup>Department of Justice].
- (4) The arrangements may confer on lay visitors such powers as the Board considers necessary to enable the report required as a result of subsection (2) to be made and may, in particular, confer on them a power to—
  - (a) require access to be given to each <sup>F12</sup>... place of detention;
  - (b) examine records relating to the holding of persons there;
  - (c) interview persons who are being held there;
  - (d) inspect the facilities there including, in particular, washing and toilet facilities and the facilities for the provision of food.
- (5) A power conferred as a result of subsection (4)(b) or (c) may be exercised only with the consent of the person concerned.
- (6) Any power conferred by the arrangements may be subject to such limitations as may be specified in the arrangements.
- (7) The arrangements shall provide that a person may not be appointed as a lay visitor if—
  - (a) he is a member of the Board; or
  - (b) he is, or has been, a police officer.

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(8) The Board may issue, and from time to time revise, guidance to lay visitors about the discharge of their functions under this section.

[<sup>F13</sup>(9) In this section “place of detention” means a police station at which persons are detained]

#### Textual Amendments

- F9** Word in s. 73(1) omitted (13.5.2016) by virtue of Justice Act (NorthernIreland) 2016 (c. 21), ss. 49(a), 61(1)
- F10** Word in s. 73(3)(a) omitted (13.5.2016) by virtue of Justice Act (NorthernIreland) 2016 (c. 21), ss. 49(a), 61(1)
- F11** Words in s. 73(3)(c) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 81(a) (with arts. 28-31)
- F12** Word in s. 73(4)(a) omitted (13.5.2016) by virtue of Justice Act (NorthernIreland) 2016 (c. 21), ss. 49(a), 61(1)
- F13** S. 73(9) substituted for s. 73(9)(10) (13.5.2016) by Justice Act (NorthernIreland) 2016 (c. 21), ss. 49(b), 61(1)

#### 74 Application to police of anti-discrimination legislation.

Schedule 5, which amends in their application to the police and other bodies of constables—

- (a) the <sup>M2</sup>Sex Discrimination (Northern Ireland) Order 1976,
  - (b) the <sup>M3</sup>Race Relations (Northern Ireland) Order 1997, and
  - (c) the <sup>M4</sup>Fair Employment and Treatment (Northern Ireland) Order 1998,
- shall have effect.

#### Marginal Citations

- M2** 1976 NI 15.  
**M3** 1997 NI 6.  
**M4** 1998 NI 21.

#### [<sup>F14</sup>74A Restriction on disclosure of information

(1) This section applies if information is supplied in the circumstances mentioned in subsection (2), (3), (4) or (5).

(2) The circumstances are that—

- (a) the information is supplied by the Chief Constable to a person conducting an inquiry under section 60;
- (b) the person has been appointed under section 60(9) to conduct the inquiry;

[<sup>F15</sup>(c) in relation to the information, the Chief Constable informs the person as required by section 60(10B)(b) or (10D)(b).]

(3) The circumstances are that—

- (a) the information is supplied by the Chief Constable under section 33A to the Board;

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[<sup>F16</sup>(b) in relation to the information, the Chief Constable informs the Board as required by section 33A(4)(b) or (6)(b).]

(4) The circumstances are that—

(a) the information is supplied by the Chief Constable under section 59 to the Board or a special purposes committee;

[<sup>F17</sup>(b) in relation to the information, the Chief Constable informs the Board or the committee as required by section 59(4I)(b) or (4K)(b).]

(5) The circumstances are that—

(a) the information is supplied by a person conducting an inquiry under section 60 or by a person who is assisting or has assisted in the conduct of such an inquiry to a special purposes committee;

(b) the information was supplied to the person conducting the inquiry in the circumstances mentioned in subsection (2).

(6) If information is supplied in the circumstances mentioned in subsection (2), the information must not be disclosed by the person who is conducting or has conducted the inquiry or by a person who is assisting or has assisted in the conduct of the inquiry except—

(a) to a person who is assisting in the conduct of the inquiry;

(b) to the Secretary of State;

(c) to the Chief Constable;

(d) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;

(e) to a special purposes committee;

(f) for the purposes of any criminal, civil or disciplinary proceedings;

(g) in the form of a summary or other general statement made by the person the terms of which have been agreed with the Chief Constable.

[<sup>F18</sup>(h) to the Minister of Justice or the Department of Justice.]

(7) If information is supplied in the circumstances mentioned in subsection (3), (4) or (5), the information must not be disclosed by a person who is or has been a member of the Board or a member of the staff of the Board except—

(a) in the case of information supplied to the Board, to a member of the Board or a member of the staff of the Board;

(b) in the case of information supplied to a special purposes committee, to a member of the committee or a member of the staff of the Board who provides services to the committee;

(c) to the Secretary of State;

(d) to the Chief Constable;

(e) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;

(f) for the purposes of any criminal, civil or disciplinary proceedings;

(g) in the form of a summary or other general statement made by the Board the terms of which have been agreed with the Chief Constable.

[<sup>F19</sup>(h) to the Minister of Justice or the Department of Justice.]

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[ In subsections (7B) to (7D) “protected information” means information in relation to <sup>F20</sup>(7A) which the Chief Constable has given an opinion under section 33A(4)(b), 59(4I)(b) or 60(10B)(b).

(7B) Subsection (6)(h) does not authorise the disclosure of any protected information.

(7C) In the case of protected information supplied to a special purposes committee, subsection (7)(h) does not authorise the disclosure of the information.

(7D) In the case of protected information supplied to the Board, a person disclosing the information by virtue of subsection (7)(h) must inform the Minister of Justice or the Department of Justice that the information is protected information.]

(8) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) In this section—

“member of the staff of the Board” means—

- (a) a person employed by the Board under paragraph 13(1) of Schedule 1;
- (b) a person employed in the civil service who provides assistance for the Board in pursuance of arrangements made under paragraph 13(2) of Schedule 1; and

“officer of the Ombudsman” has the meaning given by section 50(1) of the 1998 Act.]

#### Textual Amendments

- F14** S. 74A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 27\(1\)](#)
- F15** S. 74A(2)(c) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(2\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F16** S. 74A(3)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(3\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F17** S. 74A(4)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(4\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F18** S. 74A(6)(h) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(5\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F19** S. 74A(7)(h) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(6\)](#) (with arts. 28-31, Sch. 3 para. 82(8))
- F20** Ss. 74A(7A)-(7D) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 82\(7\)](#) (with arts. 28-31, Sch. 3 para. 82(8)(9))

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