



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.

Status: This is the original version (as it was originally enacted).

- (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 Secretary of State

- (1) The Secretary of State shall exercise his functions under the Police Acts 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 Secretary of State shall have regard to the principle that the policing of Northern Ireland is to be conducted in an impartial manner.

70 The Royal Ulster Constabulary GC Foundation

- (1) The Secretary of State 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;
 - (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 Secretary of State thinks necessary or expedient for the proper functioning of the foundation.
- (3) The Secretary of State may make payments to, or for the purposes of, the foundation.

71 Traffic wardens

- (1) The Board shall appoint traffic wardens on such terms and conditions as the Secretary of State 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.

72 Video recording of interviews

- (1) The 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—

- (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”.

73 Places of detention: lay visitors

- (1) The Board shall make, and keep under review, arrangements for designated 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 designated 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 Secretary of State.
- (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 designated place of detention;
- (b) examine records relating to the holding of persons there;
- (c) interview persons who are being held there;

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- (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.
- (8) The Board may issue, and from time to time revise, guidance to lay visitors about the discharge of their functions under this section.
- (9) “Designated place of detention” means a police station for the time being designated under Article 36 of the Police and Criminal Evidence (Northern Ireland) Order 1989, except so much of the station as is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the Terrorism Act 2000.
- (10) The Secretary of State may by order specify as designated places of detention for the purposes of this section—
 - (a) a part of any police station if that part is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the Terrorism Act 2000,
 - (b) any other place which is designated under any enactment as a place in which persons may be detained.

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 Sex Discrimination (Northern Ireland) Order 1976,
- (b) the Race Relations (Northern Ireland) Order 1997, and
- (c) the Fair Employment and Treatment (Northern Ireland) Order 1998,

shall have effect.

Supplementary

75 Expenses of Secretary of State

There shall be defrayed out of money provided by Parliament—

- (a) any expenditure of the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other statutory provision.

76 Orders and regulations

- (1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

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- (2) Orders or regulations under this Act—
 - (a) may make different provision for different purposes, cases and circumstances;
 - (b) may contain such consequential, supplementary and transitional provisions as appear to the Secretary of State to be appropriate.
- (3) Subsections (1) and (2) do not apply to vesting orders made under section 7.
- (4) A draft of a statutory rule to be made under section 47(3) or 54 shall be laid before Parliament in like manner as a draft of a statutory instrument and section 6 of the Statutory Instruments Act 1946 shall apply accordingly.
- (5) A statutory rule made under this Act (other than one made under a provision mentioned in subsection (4) or containing an order under section 79) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

77 Interpretation

- (1) In this Act—
 - “the 1998 Act” means the Police (Northern Ireland) Act 1998;
 - “the Board” means the Northern Ireland Policing Board;
 - “building” includes any structure;
 - “the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;
 - “civil service” means the civil service of Northern Ireland or the civil service of the United Kingdom;
 - “equipment” includes vehicles, apparatus, furniture, fittings, accoutrements and clothing;
 - “financial year” means the period of 12 months ending with 31st March;
 - “functions” includes powers and duties;
 - “the Ombudsman” means the Police Ombudsman for Northern Ireland;
 - “the police” means—
 - (a) the Police Service of Northern Ireland; and
 - (b) the Police Service of Northern Ireland Reserve;
 - “Police Association” means the Police Association for Northern Ireland;
 - “the Police Acts” means this Act and the 1998 Act;
 - “police officer” means a person who is—
 - (a) a member of the Police Service of Northern Ireland; or
 - (b) a member of the Police Service of Northern Ireland Reserve;
 - “police purposes” means the purposes of the police, the police support staff, police trainees, police reserve trainees, police cadets and traffic wardens;
 - “Police Service of Northern Ireland” means the body of constables mentioned in section 1(1);
 - “Police Service of Northern Ireland Reserve” means the body of constables mentioned in section 1(3);
 - “police reserve trainee” has the meaning given by section 37(3);
 - “police trainee” has the meaning given by section 36(3);
 - “police support staff” has the meaning given by section 4(6);
 - “the policing plan” has the meaning given by section 26(1);

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“provide” and “maintain” have the same meaning as, by virtue of section 147 of the Local Government Act (Northern Ireland) 1972, they have for the purposes of that Act;

“senior officer”, in relation to the Police Service of Northern Ireland, means an officer above the rank of superintendent;

“statutory authority” means—

- (a) a body constituted under a statutory provision; or
- (b) a person holding office under a statutory provision;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

- (2) Subsections (2) to (4) of section 39 of the Interpretation Act (Northern Ireland) 1954 apply for the purpose of calculating a period of time laid down by or under this Act.

78 Amendments, transitional and transitory provisions and repeals

- (1) The statutory provisions mentioned in Schedule 6 shall be amended as provided in that Schedule.
- (2) In relation to any time after the coming into force of this subsection, any reference in any statutory provision or other document—
 - (a) to the Chief Constable of the Royal Ulster Constabulary shall be construed as a reference to the Chief Constable of the Police Service of Northern Ireland;
 - (b) to a person holding any other particular rank, or a rank of a particular description, in the Royal Ulster Constabulary shall be construed as a reference to a person holding that rank, or a rank of that description, in the Police Service of Northern Ireland;
 - (c) to a member of the Royal Ulster Constabulary shall be construed as a reference to a member of the Police Service of Northern Ireland;
 - (d) to a member of the Royal Ulster Constabulary Reserve shall be construed as a reference to a member of the Police Service of Northern Ireland Reserve;
 - (e) to the Royal Ulster Constabulary Reserve shall be construed as a reference to the Police Service of Northern Ireland Reserve;
 - (f) to the Royal Ulster Constabulary in any other context shall be construed as a reference to the Police Service of Northern Ireland.
- (3) Schedule 7 (which contains transitional and transitory provisions) shall have effect.
- (4) The statutory provisions mentioned in Schedule 8 are repealed to the extent specified in the third column of that Schedule.

79 Commencement

- (1) Except as provided by subsection (2), the preceding provisions of this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions come into force on the day on which this Act is passed—
 - (a) section 49;
 - (b) sections 67 and 68;
 - (c) sections 75, 76 and 77;
 - (d) Part III of Schedule 1 and section 2(2) so far as relating thereto;

- (e) Schedule 4;
 - (f) paragraphs 3(4) and 4(3) of Schedule 6 and section 78(1) so far as relating thereto;
 - (g) paragraph 1 of Schedule 7 and section 78(3) so far as relating thereto.
- (3) An order under this section may appoint different days for different purposes and for different provisions.
- (4) An order under this section may contain such transitional provisions or savings (including provisions modifying this Act or any other statutory provision) as appear to the Secretary of State to be necessary or expedient in connection with any provision brought into force by the order.

80 Extent

- (1) Except as provided by subsections (2) and (3), this Act extends to Northern Ireland only.
- (2) Section 78(2) extends also to England and Wales and Scotland.
- (3) The amendments and repeals in Schedules 6 and 8 have the same extent as the statutory provisions to which they relate.

81 Short title

This Act may be cited as the Police (Northern Ireland) Act 2000.