



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VI

THE POLICE

Temporary provisions concerning composition of the police

46 Discrimination in appointments

- (1) In making appointments under section 39 on any occasion, the Chief Constable shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(5) an even number of persons of whom—
 - (a) one half shall be persons who are treated as Roman Catholic; and
 - (b) one half shall be persons who are not so treated.
- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (1) in its application to the making of appointments under section 39 on any occasion specified in the order.
- (3) The Secretary of State shall not make an order under subsection (2) in relation to the making of appointments under section 39 on any occasion unless he is satisfied that—
 - (a) were those appointments to be made in compliance with subsection (1) (as originally enacted) the number of police trainees which the Chief Constable requires to be appointed on that occasion could not be appointed; or
 - (b) one or more orders under subsection (2) have been made in the previous three years and he considers that it is appropriate to make the order for the purpose of redressing, or partially redressing, the imbalance occurring during that period.
- (4) No order may be made under subsection (2) as a result of subsection (3)(b) which has the effect, as respects an occasion specified in the order, of requiring more than three-quarters of the persons appointed on that occasion to be—
 - (a) the persons who are treated as Roman Catholic; or
 - (b) the persons who are not so treated.

Status: This is the original version (as it was originally enacted).

- (5) In making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(6) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and
 - (b) one half shall be persons who are not so treated.
- (6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (5) in its application to the making of appointments under section 4 on any occasion specified in the order.
- (7) The Secretary of State shall not make an order under subsection (6) in relation to the making of appointments under section 4 on any occasion unless he is satisfied that were those appointments to be made in compliance with subsection (5) (as originally enacted) the number of police support staff which the Chief Constable requires to be appointed on that occasion could not be appointed.
- (8) In subsections (1), (4) and (5) “treated as Roman Catholic” means treated by the Chief Constable in accordance with the Monitoring Regulations as belonging to the Roman Catholic community in Northern Ireland.
- (9) In subsection (8) “the Monitoring Regulations” means the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 or any regulations replacing those regulations and for the time being in operation.
- (10) In Part VIII of the Fair Employment and Treatment (Northern Ireland) Order 1998 (exceptions) after Article 71 there shall be inserted—

“71A The police and the police support staff

- (1) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
 - (2) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).
 - (3) The application of any requirement or condition to any person applying for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve on a part-time basis where the requirement or condition is one that the person applying is resident in a particular area is not by virtue of Article 3(2) unlawful under any provision of Part III or V.”
- (11) In Part VI of the Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

“40A The Police Service of Northern Ireland and the police support staff

- (1) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
- (2) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).”

47 Expiry, renewal and repeal of temporary provisions

- (1) In this section “the temporary provisions” means—
 - (a) Article 40A of the Race Relations (Northern Ireland) Order 1997;
 - (b) Article 71A of the Fair Employment and Treatment (Northern Ireland) Order 1998;
 - (c) section 44(5) to (7);
 - (d) section 45; and
 - (e) section 46.
- (2) The temporary provisions shall, subject to subsection (3), expire on the third anniversary of the commencement date.
- (3) The Secretary of State may by order provide that all or any of the temporary provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding three years from the coming into operation of the order.
- (4) In deciding whether and, if so, how to exercise his powers under subsection (3), the Secretary of State shall—
 - (a) have regard to the progress that has been made towards securing that membership of the police and the police support staff is representative of the community in Northern Ireland; and
 - (b) consult the Board and take into account any recommendations made to him by the Board.
- (5) In this section “the commencement date” means the day appointed under section 79 for the coming into force of this section.

48 Action plans

- (1) The Board shall make, and from time to time revise, a plan (its “action plan”) for monitoring the number of women in—
 - (a) the police,
 - (b) the police support staff, and
 - (c) the Board’s staff,and, if they are under-represented, for increasing that number.

- (2) The Chief Constable shall, if requested to do so by the Board, prepare and submit to the Board a draft plan for monitoring the number of women in the police and, if they are under-represented, for increasing that number.
- (3) The Board may adopt the draft submitted to it under subsection (2) as part of its action plan, either—
 - (a) as submitted; or
 - (b) with such amendments as the Board may determine, after consultation with the Chief Constable.
- (4) Before making or revising its action plan, the Board shall consult—
 - (a) the Equality Commission for Northern Ireland;
 - (b) the Chief Constable; and
 - (c) the Secretary of State.
- (5) The Board may publish its action plan in such manner as it thinks appropriate.

49 Severance arrangements

- (1) Regulations under section 25(2)(k) of the 1998 Act (pensions and gratuities in respect of service) may make special provision in respect of persons (“eligible persons”) who—
 - (a) cease to be police officers serving in the Police Service of Northern Ireland at any time within a period prescribed by the regulations; and
 - (b) comply with such conditions as may be so prescribed.
- (2) The period prescribed under subsection (1)(a) may be a period commencing before the coming into force of this section.
- (3) The special provision which may be made by such regulations includes provision modifying the Royal Ulster Constabulary Pensions Regulations 1988 in their application to eligible persons so as to—
 - (a) increase the amount of any pension or gratuity which would otherwise be payable to such persons under those Regulations;
 - (b) remove or relax any condition which would otherwise apply as to the entitlement of such persons to any pension or gratuity under those Regulations;
 - (c) alter the time at or from which any pension or gratuity would otherwise be payable to such persons under those Regulations;
 - (d) provide for the making of payments to such persons which would otherwise not be made under those Regulations.
- (4) Section 62(3) of the Police Act 1996 (no regulations relating to pensions to be made under section 25 of the 1998 Act, except after consultation with the Police Negotiating Board for the United Kingdom) shall not apply in relation to regulations made by virtue of this section.
- (5) In section 26(2)(g) of the 1998 Act (application to reserve constables of provision with respect to pensions made under section 25 of that Act)—
 - (a) after “pensions” insert “or gratuities”;
 - (b) the reference to provision made under section 25 of the 1998 Act includes reference to provision made by virtue of this section.