



Police (Northern Ireland) Act 2000

CHAPTER 32

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2000 CHAPTER 32

An Act to make provision about policing in Northern Ireland; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:— [23rd November 2000]

PART I

NAME OF THE POLICE IN NORTHERN IRELAND

1.—(1) The body of constables known as the Royal Ulster Constabulary shall continue in being as the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary). Name of the police in Northern Ireland.

(2) The body of constables referred to in subsection (1) shall be styled for operational purposes the "Police Service of Northern Ireland".

(3) The body of constables known as the Royal Ulster Constabulary Reserve shall continue in being as the Police Service of Northern Ireland Reserve (incorporating the Royal Ulster Constabulary Reserve).

(4) The body of constables referred to in subsection (3) shall be styled for operational purposes "The Police Service of Northern Ireland Reserve".

PART II

THE NORTHERN IRELAND POLICING BOARD

2.—(1) There shall be a body corporate to be known as the Northern Ireland Policing Board (in this Act referred to as "the Board"). The Northern Ireland Policing Board.

(2) Schedule 1 shall have effect in relation to the Board.

(3) The Police Authority for Northern Ireland is hereby dissolved.

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(4) Schedule 2 (which contains provisions for the transfer of the functions, assets, liabilities and staff of the Police Authority for Northern Ireland to the Board and other supplementary provisions) shall have effect.

General functions
of the Board.

3.—(1) The Board shall secure the maintenance of the police in Northern Ireland.

(2) The Board shall secure that—

- (a) the police,
- (b) the police support staff, and
- (c) traffic wardens appointed by the Board under section 71,

are efficient and effective.

(3) In carrying out its functions under subsections (1) and (2) the Board shall—

(a) in accordance with the following provisions of this Act, hold the Chief Constable to account for the exercise of his functions and those of the police, the police support staff and traffic wardens;

(b) monitor the performance of the police in—

- (i) carrying out the general duty under section 32(1);
- (ii) complying with the Human Rights Act 1998;
- (iii) carrying out the policing plan;

(c) keep itself informed as to—

(i) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;

(ii) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;

(iii) trends and patterns in crimes committed in Northern Ireland;

(iv) trends and patterns in recruitment to the police and the police support staff;

(v) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;

(d) assess—

(i) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;

(ii) the level of public satisfaction with the performance of the police and of district policing partnerships;

(iii) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III in obtaining the views of the public about matters concerning policing and the co-operation of the public with the police in preventing crime;

(iv) the effectiveness of the code of ethics issued under section 52;

1998 c. 42.

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(e) make arrangements for obtaining the co-operation of the public with the police in the prevention of crime.

(4) In carrying out its functions, the Board shall have regard to—

- (a) the principle that the policing of Northern Ireland is to be conducted in an impartial manner;
- (b) the policing plan;
- (c) any code of practice issued by the Secretary of State under section 27; and
- (d) the need—
 - (i) to co-ordinate its activities with those of other statutory authorities; and
 - (ii) to co-operate with such authorities.

4.—(1) The Board may, subject to the following provisions of this section, employ persons to assist the police. Police support staff.

(2) Senior employees shall be appointed by the Board—

- (a) with the approval of the Secretary of State and after consultation with the Chief Constable; and
- (b) on such terms and conditions as the Board may, with the approval of the Secretary of State, determine.

(3) Other employees shall be appointed by the Board with the approval of the Secretary of State as to terms and conditions.

(4) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the police by persons employed in the civil service.

(5) The following functions of the Board shall be exercised, on behalf of and in the name of the Board, by the Chief Constable—

- (a) the power to direct and control senior employees of the Board and all other powers and duties of the Board as employer of such employees, other than the power to appoint and dismiss;
- (b) the power to appoint and dismiss other employees, the power to direct and control such employees and all other powers and duties of the Board as employer of such employees;
- (c) the power to direct and control persons providing assistance to the police in pursuance of arrangements under subsection (4).

(6) Persons who—

- (a) are employed by the Board under this section, or
- (b) are engaged in pursuance of arrangements under subsection (4) in providing assistance to the police,

are referred to in this Act as the “police support staff”.

(7) In this section and section 5 “senior employee” means an employee of such class or description as may be specified for the purposes of this section by the Board with the approval of the Secretary of State.

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Power to transfer certain staff to employment of Board.

5.—(1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this section applies.

(2) Subject to subsection (3), this section applies to any person who immediately before such date as may be prescribed in regulations under subsection (1) (“the prescribed date”) is—

- (a) employed in the civil service; and
- (b) engaged, in pursuance of arrangements under section 4(4), in providing assistance to the police.

(3) This section does not apply to a person if—

- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
- (b) he is withdrawn from work with the Board with effect from the prescribed date.

(4) Subsections (5)(b) and (6) of section 4 shall apply in relation to persons transferred to the employment of the Board under this section as they apply in relation to persons employed by the Board under that section who are not senior employees.

(5) Before making any regulations under this section the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable; and
- (c) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

Provision and maintenance of buildings and equipment.

6.—(1) The Board may provide and maintain buildings and equipment for police purposes.

(2) The Board may enter into arrangements with any other person for the maintenance, on such terms as the Board may determine, of equipment used by that person; and maintenance of equipment carried out in pursuance of any such arrangements shall be treated for the purposes of this Act as maintenance of equipment for police purposes.

(3) The powers of the Board under this section shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.

(4) Nothing in this section confers power to acquire or hold land.

(5) The power conferred by this section to provide equipment is subject to any regulations under section 40 of the 1998 Act.

(6) The power conferred by this section to provide buildings or equipment includes power to enter into a contract with another person for the provision or making available of buildings or equipment together with any services relating to such buildings or equipment.

Acquisition and disposal of land by Board.

7.—(1) The Board may acquire, hold and dispose of land for police purposes.

(2) The power of the Board to acquire land includes power to acquire it compulsorily in accordance with subsections (3) and (4).

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(3) Where the Board proposes to acquire any land compulsorily it may apply to the Secretary of State for an order (“a vesting order”) vesting that land in the Board and the Secretary of State may make such an order.

(4) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—

1972 c. 9 (N.I.).

- (a) for any reference to the council there shall be substituted a reference to the Board;
- (b) for any reference to the Ministry concerned there shall be substituted a reference to the Secretary of State;
- (c) for any reference to that Act there shall be substituted a reference to this Act;
- (d) in paragraph 6(2) for the words from “the fund” to the end there shall be substituted the words “funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000 (in this Schedule referred to as “the compensation fund”); and shall be discharged by payments out of the compensation fund”; and
- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the Policing Board”.

8.—(1) Subject to the provisions of this section, the Board may provide advice and assistance to—

Provision of advice and assistance to international organisations, etc.

- (a) an international organisation or institution; or
- (b) any other person or body engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the Board or the Chief Constable.

(2) The power conferred on the Board by subsection (1) includes a power to make arrangements under which a police officer is engaged for a period of temporary service with a body or person within paragraph (a) or (b) of that subsection.

(3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State which may be given subject to such conditions as appear to him to be appropriate.

(4) Nothing in this section authorises the Board to provide any financial assistance by making a grant or loan or giving a guarantee or indemnity.

(5) The Board may make charges for advice or assistance provided by it under this section.

(6) This section is without prejudice to section 10 of the Overseas Development and Co-operation Act 1980.

1980 c. 63.

9.—(1) The Secretary of State shall for each financial year make to the Board a grant for police purposes.

Grants to, and borrowing by, the Board.

- (2) A grant under this section—
 - (a) shall be of such amount;

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(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 Secretary of State may determine.

(3) A time determined under subsection (2)(b) may fall within or after the financial year concerned.

(4) Subject to subsections (5), (6) and (8), the Board may borrow, by way of temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require for the purpose of defraying expenses pending the receipt of moneys receivable by the Board.

(5) The total amount owing of money borrowed under subsection (4) shall not at any time exceed such sum as the Secretary of State may specify to the Board in writing.

(6) Any sum borrowed under subsection (4) shall be repaid before the end of the financial year in which it is borrowed.

(7) Subject to subsection (8), the Board may, with the consent of the Secretary of State, borrow or raise money on such terms and subject to such conditions as the Secretary of State may approve upon the security of any property or assets of the Board for all or any of the following purposes—

(a) meeting expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital;

(b) redeeming any loan previously borrowed or raised under this section; or

(c) any other purpose for which capital moneys may properly be applied.

(8) The Board may not borrow or raise money under this section for any purposes other than police purposes.

Funding for police purposes - ancillary provisions.

10.—(1) The Board shall—

(a) prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct, estimates of the receipts and payments of the Board for police purposes during such period as may be specified in the direction; and

(b) submit to the Secretary of State such other information relating to those estimates as he may require.

(2) A draft of the estimates of receipts and payments for police purposes shall be submitted by the Chief Constable to the Board.

(3) The estimates submitted by the Board under subsection (1) shall be either—

(a) in the form of the draft submitted under subsection (2); or

(b) in that form with such amendments as the Board may, after consultation with the Chief Constable, determine.

(4) The Board shall comply with such directions as the Secretary of State may give as to the application of moneys received by the Board otherwise than by way of grant under section 9(1) or paragraph 15 of Schedule 1; and to the extent that any statutory provision or any such

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direction does not require moneys so received to be applied in a particular manner or for a particular purpose, the Board shall apply those moneys for police purposes.

(5) The Board shall in each financial year put at the disposal of the Chief Constable—

- (a) an amount equal to the amount of the grant for police purposes received in that year by the Board under section 9(1); and
- (b) any amount received by the Board in that year which is required to be applied for police purposes—
 - (i) by subsection (4) or directions under that subsection; or
 - (ii) by any other statutory provision.

11. The Chief Constable may, at the request of any person, provide special police services subject to the payment to the Board of such charges, or charges on such scales, as may be determined by the Board. Charges for special services.

12.—(1) The Board shall in relation to all amounts put at the Chief Constable's disposal under section 10(5)— Accounts and audit.

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The functions of the Board under subsection (1) shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.

(3) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.

(4) The Chief Constable shall submit the statement of accounts to the Board within such period after the end of the financial year to which they relate as the Secretary of State may determine.

(5) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such further period as the Secretary of State may determine.

(6) The Comptroller and Auditor General shall—

- (a) examine, certify and report on each statement of accounts received by him under this section; and
- (b) lay copies of the statement of accounts and of his report before each House of Parliament.

13. The Board may, on the recommendation of the Chief Constable, pay rewards for exceptional diligence or other specially meritorious conduct to— Rewards for diligence.

- (a) police officers;
- (b) members of the police support staff; and
- (c) traffic wardens.

PART III

DISTRICT AND COMMUNITY POLICING ARRANGEMENTS

District policing partnerships

Establishment of district policing partnerships.

14.—(1) Each district council shall establish for its district a body to be known as the district policing partnership.

(2) Schedule 3 shall have effect in relation to a district policing partnership.

1972 c. 9 (N.I.).

(3) In this Part “district council” and “district” (except in the expression “police district”) have the same meanings as in the Local Government Act (Northern Ireland) 1972.

(4) In this Part “the district”, in relation to a district policing partnership, means the district of the council by which it is established.

(5) In this Part—

“district commander” means a police officer designated under section 20(3); and

“local policing plan” has the meaning given in section 22(1).

Default of council.

15.—(1) If the Secretary of State is satisfied that a district council has failed to comply with—

(a) section 14(1), or

(b) any provision of Schedule 3,

he may, after consulting the Board, direct the council to take, within such period as is specified in the direction, such action for the purpose of remedying the default as is so specified.

(2) If a district council fails to comply with a direction under subsection (1), the Secretary of State may—

(a) declare the council to be in default; and

(b) make an order empowering the Board to exercise the functions of that council to such extent as appears to him necessary or expedient to secure that a district policing partnership is duly established for the district of the council.

(3) An order under subsection (2) may provide for Schedule 3 to have effect in relation to the exercise by the Board of any functions of the district council with such modifications as may be specified in the order.

(4) An order under subsection (2) may confer on the Board power to remove any members of a district policing partnership holding office at the date of the order.

(5) Any costs incurred by the Board under an order under subsection (2) shall in the first instance be defrayed as expenses of the Board, but—

(a) an amount equal to one quarter of those costs as certified by the Board shall on demand be paid to the Board by the council; and

(b) any sums demanded under paragraph (a) may be recovered summarily by the Board as a debt.

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General functions
of district policing
partnerships.

16.—(1) The functions of a district policing partnership shall be—

- (a) to provide views to the district commander for any police district which is, or is included in, the district and to the Board on any matter concerning the policing of the district;
- (b) to monitor the performance of the police in carrying out—
 - (i) the policing plan in relation to the district; and
 - (ii) the local policing plan applying to the district or any part of the district;
- (c) to make arrangements for obtaining—
 - (i) the views of the public about matters concerning the policing of the district; and
 - (ii) the co-operation of the public with the police in preventing crime;
- (d) to act as a general forum for discussion and consultation on matters affecting the policing of the district; and
- (e) such other functions as are conferred on it by any other statutory provision.

(2) In exercising its functions, a district policing partnership shall have regard to a code of practice under section 19.

17.—(1) A district policing partnership shall, not later than 3 months after the end of each financial year, submit to the district council a general report on the exercise of its functions during that year.

Annual report by
district policing
partnership to
council.

(2) When a district policing partnership submits its report under subsection (1), it shall at the same time send a copy of the report to the Board.

(3) A report under this section shall include details of the arrangements made under section 16(1)(c).

(4) Before submitting any report under this section, a district policing partnership shall consult the district commander of any police district which is, or is included in, the district.

(5) The district council shall arrange for a report submitted under this section to be published in such manner as appears to the council to be appropriate.

18.—(1) A district policing partnership shall, whenever so required by the Board, submit to the Board a report on any such matter connected with the exercise of its functions as may be specified in the requirement.

Reports by district
policing
partnership to
Board.

(2) A report under this section shall be made—

- (a) in such form as may be specified in the requirement under subsection (1); and
- (b) within the period of three months from the date on which that requirement is made, or within such longer period as may be agreed between the district policing partnership and the Board.

(3) The Board may arrange for a report under this section to be published in such manner as appears to the Board to be appropriate.

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Code of practice
for district
policing
partnerships.

19.—(1) The Board shall issue, and may from time to time revise, a code of practice containing guidance as to the exercise by district policing partnerships of their functions.

(2) The Board shall obtain the agreement of the Secretary of State before issuing a code of practice, or revised code of practice, under this section.

(3) Before issuing or revising a code of practice under this section the Board shall consult—

- (a) district councils; and
- (b) the Chief Constable.

(4) The code of practice under this section may in particular include provisions concerning—

- (a) the procedures for meetings of a district policing partnership;
- (b) the holding of public meetings by a district policing partnership;
- (c) the arrangements for giving notice of meetings, and in particular for the giving of such notice to district commanders and to the public;
- (d) the arrangements for the submission by or to a district policing partnership of reports and other documents;
- (e) the arrangements for enabling questions on the discharge by police officers of their functions in the district to be put by members of the district policing partnership for answer by the district commander of any police district which is, or is included in, the district or a police officer nominated by him for the purpose;
- (f) the arrangements for the monitoring of the performance of the police in carrying out—
 - (i) the policing plan in relation to the district; and
 - (ii) the local policing plan applying to the district or any part of the district;
- (g) the arrangements to be made by a district policing partnership as a result of section 16(1)(c);
- (h) the arrangements for dealings with the Board.

(5) The Board shall arrange for any code of practice issued or revised under this section to be published in such manner as appears to it to be appropriate.

Police districts

Police districts.

20.—(1) Each district, other than Belfast, shall be a police district.

(2) In the district of Belfast there shall be such number of police districts (not exceeding 4), as may be determined by the Chief Constable; and each such police district shall consist of such area as may be so determined.

(3) For each police district the Chief Constable shall designate as district commander a police officer of the required rank.

(4) In any statutory provision—

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- (a) for any reference to a police sub-division there shall be substituted a reference to a police district established under this section;
 - (b) for any reference to a sub-divisional commander there shall be substituted a reference to a district commander designated under this section.
- (5) “Required rank” means a rank not less than that of chief inspector.

21.—(1) The district council for Belfast shall establish a sub-group of its district policing partnership for each police district established under section 20(2).

District policing partnership sub-groups for Belfast.

(2) The function of each sub-group shall be to provide views to the district commander of the sub-group’s police district and to the district policing partnership on any matter concerning the policing of that police district.

(3) Each sub-group shall consist of at least six members of the partnership.

(4) The members of a sub-group shall be appointed by the partnership.

(5) The members of a sub-group shall appoint a member to act as chairman of the sub-group.

(6) If they are unable to agree on whom to appoint as chairman, the partnership shall appoint the chairman.

(7) The code issued under section 19 may contain guidance as to the exercise by sub-groups of their functions.

22.—(1) Each district commander shall issue, and may from time to time revise, a plan (“the local policing plan”) setting out the proposed arrangements for the policing of the police district.

The local policing plan.

(2) The local policing plan may relate to matters to which the policing plan also relates, or to other matters, but in any event shall be so framed as to be consistent with the policing plan.

(3) Before issuing or revising a local policing plan, the district commander shall consult the district policing partnership whose district is, or includes, the police district and take account of any views expressed.

(4) The district commander shall arrange for the local policing plan issued or revised under this section to be published in such manner as appears to him to be appropriate.

Other community policing arrangements

23.—(1) A district policing partnership may, with the approval of the Board, make arrangements to facilitate consultation by the police with any local community within the district.

Other community policing arrangements.

(2) Where it appears to the Board that a district policing partnership has not made satisfactory arrangements under subsection (1) in relation to any local community, the Board may, after consultation with the district policing partnership, make arrangements to facilitate consultation by the police with that community.

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(3) Arrangements made under subsection (1) or (2) may include the establishment of bodies.

(4) The Board may defray the reasonable expenses of any body established by virtue of subsection (3).

(5) Before making any arrangements under this section a district policing partnership or the Board shall consult the Chief Constable as to the arrangements that would be appropriate.

PART IV

POLICING OBJECTIVES, PLANS AND CODES OF PRACTICE

The Secretary of State's long term policing objectives.

24.—(1) The Secretary of State may determine, and from time to time revise, long term objectives for the policing of Northern Ireland.

(2) Before determining or revising any objectives under this section, the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable; and
- (c) such other persons as he thinks appropriate.

(3) The Secretary of State shall lay before each House of Parliament a statement of any objectives determined or revised under this section.

The Board's policing objectives.

25.—(1) The Board shall determine, and may from time to time revise, objectives for the policing of Northern Ireland.

(2) Objectives under this section may relate to matters to which objectives under section 24 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives under that section.

(3) Before determining or revising objectives under this section, the Board shall—

- (a) consult the Chief Constable and the district policing partnerships; and
- (b) consider—
 - (i) any reports received by the Board under section 17 or 18; and
 - (ii) any views of the public obtained under arrangements made under Part III.

The Board's policing plan.

26.—(1) The Board shall, before the beginning of each financial year, issue a plan (“the policing plan”) setting out proposed arrangements for the policing of Northern Ireland.

(2) The policing plan shall—

- (a) contain an assessment of the requirements for educating and training police officers and members of the police support staff and give particulars of the way in which those requirements are to be met; and
- (b) include such other statements and give particulars of such other matters as may be prescribed by regulations made by the Secretary of State.

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PART IV

(3) Before making regulations under subsection (2)(b), the Secretary of State shall consult the Board and the Chief Constable.

(4) A draft of the policing plan shall be submitted by the Chief Constable to the Board for it to consider.

(5) The Board may adopt a policing plan either—

- (a) in the form of the draft submitted under subsection (4); or
- (b) with such amendments as the Board may, after consultation with the Chief Constable, determine.

(6) Before issuing a policing plan adopted under subsection (5), the Board shall consult the Secretary of State.

(7) The Board shall arrange for the policing plan issued under this section to be published in such manner as appears to the Board to be appropriate.

27.—(1) The Secretary of State may issue, and from time to time revise, codes of practice relating to the discharge—

Codes of practice on exercise of functions.

- (a) by the Board of any of its functions;
- (b) by the Chief Constable of any functions which he exercises—
 - (i) on behalf of and in the name of the Board;
 - (ii) in relation to funds put at his disposal under section 10(5); or
 - (iii) under section 26 or Part V.

(2) Before issuing or revising a code of practice under this section, the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable; and
- (c) such other persons or bodies as the Secretary of State considers appropriate.

(3) The Secretary of State shall publish any code of practice issued or revised under this section in such manner as he thinks appropriate.

PART V

ECONOMY, EFFICIENCY AND EFFECTIVENESS

28.—(1) The Board shall make arrangements to secure continuous improvement in the way in which its functions, and those of the Chief Constable, are exercised, having regard to a combination of economy, efficiency and effectiveness.

Arrangements relating to economy, efficiency and effectiveness.

(2) The arrangements shall require the Board to conduct, at intervals specified in the arrangements, reviews of the way in which its functions are exercised.

(3) The Board shall, in making arrangements which relate to the functions of the Chief Constable, involve him in the making of those arrangements.

(4) The Board shall prepare and publish a plan (its “performance plan”) for each financial year containing details of how the arrangements made under subsection (1) in that year are to be implemented.

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PART V

- (5) The performance plan shall—
- (a) identify factors (“performance indicators”) by reference to which performance in exercising functions can be measured;
 - (b) set standards (“performance standards”) to be met in the exercise of particular functions in relation to performance indicators; and
 - (c) include a summary of the Board’s assessment of—
 - (i) its and the Chief Constable’s performance in the previous financial year measured by reference to performance indicators;
 - (ii) the extent to which any performance standard which applied at any time during that year was met.
- (6) Before publishing its performance plan, the Board must consult the Secretary of State and the Chief Constable.
- (7) In this Part—
- “performance indicators” and “performance standards” have the meaning given in subsection (5); and
- “performance plan” means a plan published by the Board under subsection (4).

Audit of performance plans.

29.—(1) A performance plan shall be audited by the Comptroller and Auditor General.

(2) An audit of a performance plan is an examination for the purpose of establishing whether the plan was prepared and published in accordance with the requirements of section 28.

1983 c. 44.

(3) Section 8 of the National Audit Act 1983 (right of Comptroller and Auditor General to obtain documents and information) applies in relation to an examination under this section as it applies to an examination under section 6 or 7 of that Act.

(4) In relation to a performance plan, the Comptroller and Auditor General shall issue a report—

- (a) certifying that he has audited the plan;
- (b) stating whether he believes that it was prepared and published in accordance with the requirements of section 28;
- (c) stating whether he believes that the performance indicators and performance standards are reasonable and, if appropriate, recommending changes to those performance indicators or performance standards;
- (d) if appropriate, recommending how it should be amended so as to accord with the requirements of section 28;
- (e) recommending whether the Secretary of State should give a direction under section 31(2)(a) or (b).

(5) The Comptroller and Auditor General shall send a copy of every report under this section to—

- (a) the Board;
- (b) the Chief Constable; and
- (c) the Secretary of State.

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(6) The Comptroller and Auditor General shall publish any report under this section on the audit of a performance plan.

(7) Subsections (8) to (11) apply if the Board receives a report which contains a recommendation made under paragraph (c), (d) or (e) of subsection (4).

(8) Within the period of one month beginning on the day on which it receives the report, the Board shall prepare a statement.

(9) The Board shall consult the Chief Constable about the report and the statement it is required to prepare under subsection (8).

(10) The Board shall, without delay, submit the statement it has prepared to the Secretary of State and the Comptroller and Auditor General.

(11) The statement shall—

- (a) specify the action, if any, which the Board, or the Chief Constable, intend to take as a result of the report;
- (b) contain a summary of the result of the consultation required by subsection (9).

30.—(1) The Comptroller and Auditor General may carry out an examination of the Board's compliance with the requirements of section 28. Examinations.

(2) If the Secretary of State directs the Comptroller and Auditor General to carry out an examination of the Board's compliance with the requirements of section 28 in relation to specified functions, the Comptroller and Auditor General shall comply with the direction.

(3) Before giving a direction under subsection (2), the Secretary of State shall consult the Comptroller and Auditor General.

(4) Section 8 of the National Audit Act 1983 (right of Comptroller and Auditor General to obtain documents and information) applies in relation to an examination under this section as it applies to an examination under section 6 or 7 of that Act. 1983 c. 44.

(5) Where the Comptroller and Auditor General has carried out an examination under this section he shall issue a report.

(6) A report—

- (a) shall mention any matter in respect of which the Comptroller and Auditor General believes as a result of the examination that the Board is failing to comply with the requirements of section 28;
- (b) may, if it mentions a matter under paragraph (a), recommend that the Secretary of State give a direction under section 31(2)(a) or (b).

(7) The Comptroller and Auditor General shall send a copy of every report under this section to—

- (a) the Board;
- (b) the Chief Constable; and
- (c) the Secretary of State.

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PART V

(8) The Comptroller and Auditor General shall lay copies of every report under this section before each House of Parliament.

(9) In section 41 of the 1998 Act (inspectors of constabulary) for subsection (4) there shall be substituted—

“(4) The inspectors shall—

- (a) if the Secretary of State so directs, carry out an inspection of the Board’s compliance with the requirements of section 28 of the Police (Northern Ireland) Act 2000;
- (b) carry out such other duties for the purpose of furthering the efficiency and effectiveness of the police, the police support staff and traffic wardens as the Secretary of State may from time to time direct;
- (c) make such reports as the Secretary of State may from time to time direct.”

(10) In section 42(1) of the 1998 Act (publication of certain reports of inspectors) after “under section 41(2) or (3)” there shall be inserted “and any report of an inspection under section 41(4)(a)”.

Enforcement of duties under section 28.

31.—(1) Subsection (2) applies if the Secretary of State has received a report under section 29(4) or 30(5) of this Act, or section 41(4) of the 1998 Act, and he is satisfied that—

- (a) the Board is failing to comply with the requirements of section 28; or
- (b) it is appropriate to change performance indicators or performance standards contained in a performance plan.

(2) Subject to subsection (3), the Secretary of State may direct the Board—

- (a) to take any action which he considers necessary or expedient to secure compliance with the requirement of section 28; or
- (b) to make such changes to the performance indicators or performance standards mentioned in subsection (1)(b) as he considers appropriate.

(3) Before giving a direction under subsection (2)(a) or (b) following a recommendation contained in a report by virtue of paragraph (c), (d) or (e) of subsection (4) of section 29, the Secretary of State shall have regard to any statement submitted to him under subsection (10) of that section before the expiry of the period mentioned in subsection (8) of that section.

PART VI

THE POLICE

General functions

General functions of the police.

32.—(1) It shall be the general duty of police officers—

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice.

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(2) A police officer shall have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom waters.

(3) In subsection (2)—

- (a) the reference to the powers and privileges of a constable is a reference to all the powers and privileges for the time being exercisable by a constable whether at common law or under any statutory provision,
- (b) “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea,

and that subsection, so far as it relates to the powers under any statutory provision, makes them exercisable throughout the adjacent United Kingdom waters whether or not the statutory provision applies to those waters apart from that subsection.

(4) In carrying out their functions, police officers shall be guided by the code of ethics under section 52.

(5) Police officers shall, so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

33.—(1) The police shall be under the direction and control of the Chief Constable.

General functions of Chief Constable.

(2) In discharging his functions, the Chief Constable shall have regard to—

- (a) the policing plan; and
- (b) any code of practice under section 27.

34.—(1) There shall be a deputy Chief Constable who may exercise all the functions of the Chief Constable—

Exercise of functions of Chief Constable in cases of absence, incapacity, etc.

- (a) during any absence, incapacity or suspension from duty of the Chief Constable; or
- (b) during any vacancy in the office of Chief Constable.

(2) The deputy Chief Constable shall not have power to act by virtue of subsection (1) for a continuous period exceeding 3 months except with the consent of the Secretary of State.

(3) Subsection (1) is in addition to, and not in substitution for, any other statutory provision which makes provision for the exercise by any other person of functions of the Chief Constable.

35.—(1) The Board shall, subject to the approval of the Secretary of State, appoint the Chief Constable.

Appointment and removal of senior officers.

(2) The Board shall, subject to the approval of the Secretary of State and after consultation with the Chief Constable, appoint the other senior officers.

(3) The Board—

- (a) may, with the approval of the Secretary of State, call upon any senior officer to retire in the interests of efficiency or effectiveness; and

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(b) shall, if required by the Secretary of State, call upon the Chief Constable so to retire.

(4) Before granting his approval under subsection (3)(a) or making any requirement under subsection (3)(b), the Secretary of State shall—

(a) give the officer concerned an opportunity to make, either personally or otherwise, representations to him; and

(b) where any such representations are made—

(i) appoint a person or persons to hold an inquiry and to report to him; and

(ii) consider any report so made.

(5) A copy of any report made under subsection (4) shall be made available to the officer concerned.

(6) The person appointed under subsection (4)(b) (or where two or more persons are so appointed, at least one of those persons) shall be a person who is not a police officer or a person employed in the civil service.

(7) The costs incurred in respect of an inquiry under this section shall be defrayed by the Secretary of State.

(8) A senior officer who is called upon to retire under this section shall retire—

(a) in the case of the Chief Constable, on such date as the Secretary of State may specify; and

(b) in the case of any other senior officer, on such date as the Board may specify,

or (in either case) on such earlier date as may be agreed between the officer and the Board.

(9) This section has effect subject to any regulations made under section 25 of the 1998 Act.

Appointment and promotion of other police officers in the Police Service of Northern Ireland.

36.—(1) This section applies to the Police Service of Northern Ireland.

(2) Subject to subsection (3), appointments and promotions to any rank other than that of a senior officer shall be made, in accordance with regulations under section 25 of the 1998 Act, by the Chief Constable.

(3) A person shall not be appointed to the rank of constable unless he has—

(a) completed such period of service as a trainee (a “police trainee”) as may be prescribed by regulations under section 41(3); and

(b) complied with such other conditions relating to training as may be so prescribed.

Appointments to the Police Service of Northern Ireland Reserve.

37.—(1) This section applies to the Police Service of Northern Ireland Reserve.

(2) Subject to subsection (3), the Chief Constable shall, in accordance with regulations under section 26 of the 1998 Act, appoint its members.

(3) A person shall not be appointed as a reserve constable unless he has—

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- (a) completed such period of service as a trainee (a “police reserve trainee”) as may be prescribed by regulations under section 41(3); and
- (b) complied with such other conditions relating to training as may be so prescribed.

38.—(1) Every police officer shall, on appointment, be attested as a constable by making before a justice of the peace a declaration in the following form— Attestation of constables.

“I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.”

(2) The Chief Constable shall take such steps as he considers necessary—

- (a) to bring the terms of the declaration to the attention of all police officers appointed before the coming into force of this section; and
- (b) to ensure that they understand it and understand the need to carry out their duties in accordance with it.

(3) “Traditions and beliefs” does not include a tradition or belief so far as it is incompatible with the rule of law.

Trainees and cadets

39. The Chief Constable shall, in accordance with regulations under section 41(3), appoint police trainees. Appointment of police trainees.

40. The Chief Constable shall, in accordance with regulations under section 41(3), appoint police reserve trainees. Appointment of police reserve trainees.

41.—(1) The following provisions of the Police Acts (and no others) shall apply to a police trainee and a police reserve trainee as they apply to a police officer— Status etc. of trainees.

- (a) in the 1998 Act—
 - (i) section 29 (liability of Chief Constable for wrongful acts);
 - (ii) section 32 (representation by Police Association);
 - (iii) section 35 (membership of trade unions);
 - (iv) section 67 (impersonation);
 - (v) section 68 (causing disaffection);
- (b) in this Act—
 - (i) section 33(1) (direction and control by Chief Constable);
 - (ii) section 51 (notifiable memberships).

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(2) Any statutory provision (including one amended by Schedule 5) which for any purpose treats a police officer as being in the employment of the Chief Constable or the Policing Board shall apply in relation to a police trainee and a police reserve trainee as it applies in relation to a police officer.

(3) The Secretary of State may make regulations as to the government, administration and conditions of service of police trainees and police reserve trainees.

(4) Regulations under subsection (3) may—

- (a) provide for the application to police trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 25 of the 1998 Act;
- (b) provide for the application to police reserve trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 26 of the 1998 Act.

(5) In relation to any matter as to which provision may be made by regulations under subsection (3), the regulations may—

- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Board, the Chief Constable or other persons; or
- (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.

(6) The Secretary of State shall consult both the Board and the Police Association before making any regulations under subsection (3).

Police cadets.

42.—(1) The Board may, with the approval of the Chief Constable, appoint persons as police cadets to undergo training with a view to becoming police officers.

(2) Police cadets shall be appointed on such terms and conditions as the Secretary of State may determine.

(3) Police cadets shall be subject to the direction and control of, and subject to dismissal by, the Chief Constable.

Recruitment arrangements

Contracting-out of certain recruitment functions of Chief Constable.

43.—(1) The Chief Constable may, in accordance with regulations made by the Secretary of State, appoint a person to exercise prescribed functions of the Chief Constable in connection with the recruitment of persons other than—

- (a) senior officers; and
- (b) members of the police support staff appointed under section 4(2).

(2) Before making any regulations under subsection (1), the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable;
- (c) the Equality Commission for Northern Ireland; and
- (d) the Police Association.

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(3) Regulations under subsection (1)—

- (a) shall provide for the appointment of a person under that subsection to be made on such terms and conditions (including conditions as to payment) as may be determined in accordance with the regulations;
- (b) may impose on any person appointed under that subsection such duties as appear to the Secretary of State to be necessary or expedient in connection with the exercise by that person of any prescribed functions of the Chief Constable.

(4) Anything done or omitted to be done by or in relation to a person appointed under subsection (1) (or an employee of his) in, or in connection with, the exercise or purported exercise of any prescribed functions of the Chief Constable shall be treated for all purposes as done or omitted to be done by or in relation to the Chief Constable.

(5) Subsection (4) does not apply—

- (a) for the purposes of so much of any contract made between the Chief Constable and the person appointed under subsection (1) as relates to the exercise of any prescribed functions of the Chief Constable; or
- (b) for the purpose of any criminal proceedings brought in respect of anything done or omitted to be done by the person appointed under subsection (1) (or an employee of his).

(6) In this section “prescribed” means prescribed by regulations under subsection (1).

(7) Nothing in this section affects any other power which the Chief Constable has to enter into arrangements concerning the discharge of functions of his which are not prescribed under subsection (1).

44.—(1) The Secretary of State shall by regulations prescribe the arrangements to be made, by the Chief Constable or a person appointed under section 43(1), for the recruitment of persons for appointment—

Recruitment arrangements: trainees and support staff.

- (a) as police trainees;
- (b) as police reserve trainees; and
- (c) under section 4(3) to posts in the police support staff.

(2) Before making any regulations under subsection (1) the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable;
- (c) the Equality Commission for Northern Ireland; and
- (d) the Police Association.

(3) The regulations shall include provision for—

- (a) the advertising of vacancies;
- (b) the information to be provided by applicants;
- (c) the tests to be undertaken by applicants;
- (d) the vetting of applicants;
- (e) the review, in prescribed circumstances, of decisions taken under the regulations;

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(f) prescribed functions under the regulations to be exercised by persons who are, or include, persons who are not, and have not at any time been—

- (i) police officers;
- (ii) members of the police support staff; or
- (iii) members of the Board.

(4) In making regulations under this section, the Secretary of State shall have regard, in particular, to the need to secure that information is not disclosed contrary to the public interest.

(5) In relation to the recruitment of persons for appointment as police trainees, the regulations shall include provision for the selection of qualified applicants to form a pool of applicants for the purposes of section 46(1).

(6) In relation to the recruitment of persons for appointment under section 4(3) to relevant posts in the police support staff, the regulations shall include provision for the selection of qualified applicants to form a pool of applicants for the purposes of section 46(5).

(7) For the purposes of subsection (6) and section 46(5) a post in the police support staff is a relevant post if at the time the vacancy for that post is advertised it appears to the Chief Constable that it is one of at least 6 vacancies for posts in the police support staff which are—

- (a) at the same level; and
- (b) to be filled at or about the same time.

(8) In this section “prescribed” means prescribed by regulations under subsection (1).

Recruitment
arrangements:
other ranks.

45.—(1) In exercising its functions in relation to the appointment of senior officers, the Board shall take such steps as it considers necessary to encourage applications for appointment from suitably qualified external candidates.

(2) In exercising his functions in relation to the appointment of police officers (other than senior officers), the Chief Constable shall take such steps as he considers necessary to encourage applications for appointment from suitably qualified external candidates.

(3) In complying with subsections (1) and (2), the Board and the Chief Constable shall have regard to the progress which has been made towards securing that membership of the police is representative of the community in Northern Ireland.

(4) “Suitably qualified external candidates” means candidates who—

- (a) are not currently serving in the police; and
- (b) satisfy the qualifications for appointment which—
 - (i) are prescribed in regulations made under section 25 or 26 of the 1998 Act; or
 - (ii) are otherwise determined for the rank in question.

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PART VI

Temporary provisions concerning composition of the police

46.—(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—

Discrimination in appointments.

- (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.

(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.

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(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.

SR 1999 No. 148.

(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.

1998 NI 21.

(10) In Part VIII of the Fair Employment and Treatment (Northern Ireland) Order 1998 (exceptions) after Article 71 there shall be inserted—

“The police and the police support staff

71A.—(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.”

1997 NI 6.

(11) In Part VI of the Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

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

40A.—(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).”

Expiry, renewal
and repeal of
temporary
provisions.

47.—(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.

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(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.—(1) The Board shall make, and from time to time revise, a plan (its “action plan”) for monitoring the number of women in— Action plans.

- (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.—(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— Severance arrangements.

- (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.

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SR 1988/374.

(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.

1996 c. 16.

(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.

General

Service by members of the Police Service of Northern Ireland Reserve with other police services.

50. In section 27 of the 1998 Act (engagement on other police service) at the end there shall be added—

“(9) The preceding provisions of this section apply to a police officer serving in the Police Service of Northern Ireland Reserve as they apply to a police officer serving in the Police Service of Northern Ireland, but with the substitution—

- (a) for references to the Police Service of Northern Ireland of references to the Police Service of Northern Ireland Reserve;
- (b) for the references in subsection (3) to section 25 of references to section 26; and
- (c) for the reference in subsection (5) to section 25(3) of a reference to section 26(3).”

Notifiable memberships.

51.—(1) For the purposes of this section, a police officer has a notifiable membership if membership of the organisation in question might reasonably be regarded as affecting the officer’s ability to discharge his duties effectively and impartially.

(2) The Chief Constable may give guidance to police officers in connection with notifiable memberships.

(3) Before issuing any guidance under subsection (2), the Chief Constable shall consult—

- (a) the Board;
- (b) the Secretary of State; and
- (c) the Northern Ireland Human Rights Commission.

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(4) The Chief Constable shall publish any guidance issued under subsection (2).

(5) The Chief Constable shall require each police officer to inform him—

- (a) of any notifiable membership which that police officer believes he has; or
- (b) if he believes he has no notifiable memberships, of that belief.

(6) In imposing a requirement on a police officer under subsection (5) the Chief Constable shall—

- (a) draw the attention of that officer to the provisions of this section; and
- (b) give a general explanation of the purposes for which the information required may lawfully be used.

(7) The Chief Constable—

- (a) shall, subject to paragraphs (b) and (c), retain information received under this section for so long as the person to whom it relates remains a police officer;
- (b) shall amend that information where the police officer to whom it relates informs the Chief Constable that there has been a change in his notifiable memberships; and
- (c) shall destroy the information within one year from the date on which the person to whom it relates ceases to be a police officer.

(8) No information received by the Chief Constable under this section is to be disclosed unless the person making the disclosure is a person to whom this subsection applies and the disclosure is made—

- (a) to the Ombudsman or an officer of the Ombudsman or to any other person in connection with the exercise of any function of the Ombudsman;
- (b) as permitted by section 63 of the 1998 Act;
- (c) to the Board in connection with the exercise of any of its functions;
- (d) for the purposes of any criminal, civil or disciplinary proceedings;
- (e) in the form of a summary or other general statement which does not identify any person to whom the information relates;
- (f) to, or with the consent of, the person to whom the information relates; or
- (g) to another person to whom this subsection applies.

(9) Subsection (8) applies to—

- (a) the Chief Constable;
- (b) a police officer engaged in carrying out on behalf of the Chief Constable his functions under this section;
- (c) the Board, each of its members and the members of its staff; and
- (d) a member of the police support staff engaged in carrying out on behalf of the Chief Constable his functions under this section.

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

(11) It is a defence for a person charged with an offence under subsection (10) to show that, before the disclosure was made, he obtained the information otherwise than in his capacity as a person to whom subsection (8) applies.

(12) But subsection (11) does not provide a defence if it is shown that the person concerned used his position as a person to whom subsection (8) applies in order to obtain the information.

(13) The annual report of the Chief Constable under section 58 shall contain statistical information on the notifiable memberships of police officers of which he has been informed under this section.

(14) For the purposes of this section a person is a member of an organisation if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution.

Code of ethics. **52.**—(1) The Board shall issue, and may from time to time revise, a code of ethics for the purpose of—

- (a) laying down standards of conduct and practice for police officers;
- (b) making police officers aware of the rights and obligations arising out of the Convention rights (within the meaning of the Human Rights Act 1998).

(2) In preparing the code, the Chief Constable and the Board shall have regard to the terms of the declaration set out in section 38(1).

(3) A draft of the code shall be submitted by the Chief Constable to the Board for it to consider.

(4) The Board may adopt the draft code—

- (a) as submitted by the Chief Constable; or
- (b) with such amendments as the Board may determine, after consultation with the Chief Constable.

(5) Before issuing or revising the code the Board shall consult—

- (a) the Police Association;
- (b) the Secretary of State;
- (c) the Ombudsman;
- (d) the Northern Ireland Human Rights Commission;
- (e) the Equality Commission for Northern Ireland; and
- (f) any other person or body appearing to the Board to have an interest in the matter.

(6) After consulting under subsection (5), the Board may make such further amendments to the draft code as it may determine, after consultation with the Chief Constable.

(7) The Board shall publish any code of ethics issued or revised under this section in such manner as it thinks appropriate.

(8) The Chief Constable shall take such steps as he considers necessary to ensure—

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- (a) that all police officers have read and understood the code as currently in force; and
- (b) that a record is made and kept of the steps taken in relation to each officer.

(9) In order to enable it to carry out its function under section 3(3)(d)(iv), the Board shall keep under review the steps taken by the Chief Constable under subsection (8).

(10) The Secretary of State shall, so far as practicable, ensure that the provisions of the code currently in force under this section are reflected in the regulations relating to conduct or discipline made under section 25 or 26 of the 1998 Act.

53.—(1) The Secretary of State may issue, and from time to time revise, guidance on the use by police officers of equipment designed for use in maintaining or restoring public order.

Guidance as to use of equipment for maintaining or restoring public order.

(2) Before issuing or revising any guidance under this section, the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable;
- (c) the Ombudsman; and
- (d) the Police Association.

(3) The Secretary of State shall publish any guidance issued or revised under this section in such manner as he thinks appropriate.

54.—(1) The Secretary of State may make regulations—

- (a) prescribing the design of an emblem for the police; and
- (b) regulating the use of that or any other emblem—
 - (i) on equipment or property used for the purposes of the police; or
 - (ii) otherwise in connection with the police.

Regulations as to emblems and flags.

(2) The Secretary of State may make regulations—

- (a) prescribing the design of a flag for the police; and
- (b) regulating the flying or carrying of that or any other flag—
 - (i) on land or buildings used for the purposes of the police; or
 - (ii) otherwise in connection with the police.

(3) Before making any regulations under this section the Secretary of State shall consult—

- (a) the Board;
- (b) the Chief Constable;
- (c) the Police Association; and
- (d) any other person or body appearing to him to have an interest in the matter.

55.—(1) The Chief Constable shall make arrangements for each police officer to be assigned a serial number.

Identification of police officers.

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(2) The Chief Constable shall ensure that, as far as practicable, the number assigned under this section to a police officer is so displayed on his uniform as to be clearly visible at all times when he is on duty and in uniform.

Co-operation with Garda Siochana.

56. The Board and the Chief Constable shall implement any arrangements made in pursuance of an agreement between the Government of the United Kingdom and the Government of Ireland dealing with co-operation on policing matters between the police and the Gárda Síochána.

PART VII

REPORTS AND INQUIRIES

Annual and other reports by the Board.

57.—(1) The Board shall, not later than 6 months after the end of each financial year, issue a report relating to the policing of Northern Ireland for the year.

(2) A report issued under subsection (1) for any year shall include an assessment of—

1998 c. 42.

- (a) the performance of the police in—
 - (i) carrying out the general duty under section 32(1);
 - (ii) complying with the Human Rights Act 1998;
 - (iii) carrying out the policing plan;
- (b) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;
- (c) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;
- (d) trends and patterns in crimes committed in Northern Ireland;
- (e) trends and patterns in recruitment to the police and the police support staff;
- (f) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;
- (g) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;
- (h) the level of public satisfaction with the performance of the police;
- (i) the level of public satisfaction with the performance of district policing partnerships;
- (j) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III in obtaining—
 - (i) the views of the public about matters concerning policing; and
 - (ii) the co-operation of the public with the police in preventing crime.

(3) The Board shall—

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- (a) arrange for every report issued under subsection (1) to be published in such manner as appears to it to be appropriate; and
- (b) send a copy of the report to the Secretary of State.

(4) The Board shall, whenever required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the Board's functions, or otherwise with the policing of Northern Ireland, as may be specified in the requirement.

(5) A report under subsection (4) shall be made—

- (a) in such form as may be specified in the requirement under that subsection; and
- (b) within the period of one month from the date on which that requirement is made or within such longer period as may be agreed between the Board and the Secretary of State.

(6) The Secretary of State may arrange, or require the Board to arrange, for a report under subsection (4) to be published in such manner as appears to him to be appropriate.

58.—(1) The Chief Constable shall, not later than 3 months after the end of each financial year, submit to the Board a general report on the policing of Northern Ireland during that year.

Annual report by Chief Constable to Board.

(2) The Chief Constable shall arrange for a report submitted under this section to be published in such manner as appears to him to be appropriate.

(3) The Chief Constable shall, at the same time as he submits a report to the Board under this section, submit the same report to the Secretary of State.

(4) The Secretary of State shall lay before each House of Parliament every report submitted to him under subsection (3).

59.—(1) The Chief Constable shall, whenever so required by the Board, submit to the Board a report on any such matter connected with the policing of Northern Ireland as may be specified in the requirement.

General duty of Chief Constable to report to Board.

(2) A report under this section shall be made—

- (a) in such form as may be specified in the requirement under subsection (1); and
- (b) within the period of one month from the date on which that requirement is made or within such longer period as may be agreed between the Chief Constable and the Board.

(3) If it appears to the Chief Constable that a report in compliance with a requirement under subsection (1) would contain information which ought not to be disclosed—

- (a) in the interests of national security,
- (b) because it relates to an individual and is of a sensitive personal nature,
- (c) because it would, or would be likely to, prejudice proceedings which have been commenced in a court of law, or

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- (d) because it would, or would be likely to, prejudice the prevention or detection of crime or the apprehension or prosecution of offenders,

he may refer the requirement to submit the report to the Secretary of State.

(4) The Secretary of State may within the period of 30 days from the date of referral of the requirement to submit the report by the Chief Constable, or within such longer period as may be agreed between the Board and the Secretary of State, modify or set aside the requirement, as necessary, in order to exempt the Chief Constable from the obligation to report information which, in his opinion, ought not to be disclosed on any of the grounds mentioned in subsection (3).

(5) The Board may arrange, or require the Chief Constable to arrange, for a report under this section to be published in such manner as appears to the Board to be appropriate.

Inquiry by Board following report by Chief Constable.

60.—(1) Where the Board—

- (a) has considered a report on any matter submitted by the Chief Constable under section 59, and
- (b) considers that an inquiry ought to be held under this section into that matter or any related matter disclosed in the report by reason of the gravity of the matter or exceptional circumstances,

the Board may, after consultation with the Chief Constable, cause such an inquiry to be held.

(2) The Board shall immediately—

- (a) inform the Chief Constable, the Ombudsman and the Secretary of State of any decision to cause an inquiry to be held under this section and of any matter into which inquiry is to be made; and
- (b) send a copy of the relevant report under section 59 to the Secretary of State.

(3) If it appears to the Chief Constable that such an inquiry should not be held—

- (a) in the interests of national security,
- (b) because any matter into which inquiry is to be made relates to an individual and is of a sensitive personal nature,
- (c) because it would, or would be likely to, prejudice proceedings which have been commenced in a court of law, or
- (d) because it would, or would be likely to, prejudice the prevention or detection of crime or the apprehension or prosecution of offenders,

he may refer the decision of the Board to cause an inquiry to be held to the Secretary of State.

(4) The Secretary of State may within the period of 30 days from the date of referral of the decision of the Board by the Chief Constable, or within such longer period as may be agreed between the Board and the Secretary of State, overrule the decision of the Board.

(5) The Secretary of State may overrule the Board only if, in his opinion, the inquiry should not be held on a ground mentioned in subsection (3).

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(6) The Board may request a person mentioned in subsection (8) to conduct an inquiry under this section.

(7) The person mentioned in subsection (8) may comply with the request under subsection (6) and shall do so if so directed by the Secretary of State.

(8) The persons are—

- (a) the Comptroller and Auditor General;
- (b) the Ombudsman;
- (c) an inspector of constabulary for Northern Ireland.

(9) The Board may, with the agreement of the Secretary of State, appoint any other person to conduct an inquiry under this section.

(10) An inquiry under this section shall be held in public except where the person conducting it decides that it is necessary in the public interest not to do so.

(11) An inquiry under this section may not deal with a pre-commencement matter.

(12) But subsection (11) does not prevent a person conducting an inquiry under this section from considering information relating to a pre-commencement matter if, and only to the extent that, consideration of that information is necessary for him to be able to discharge his functions in relation to the subject matter of the inquiry.

(13) “Pre-commencement matter” means any act or omission which occurred, or is alleged to have occurred, before the coming into force of this section.

(14) Paragraphs 2 to 5 of Schedule 8 to the Health and Personal Social Services (Northern Ireland) Order 1972 (inquiries and investigations) shall apply to an inquiry under this section with the substitution for references to the Ministry of references to the person conducting the inquiry. 1972 NI 14.

(15) The Board shall pay—

- (a) any expenses incurred by the person conducting an inquiry under this section; and
- (b) any expenses incurred by any parties appearing at such an inquiry.

(16) The Board shall send a copy of the report of any inquiry under this section to—

- (a) the Chief Constable;
- (b) the Ombudsman; and
- (c) the Secretary of State.

(17) Where the report of the person conducting an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Board so far as appears to it consistent with the public interest.

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Reports by Chief
Constable to
Secretary of State.

61.—(1) The Chief Constable shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement.

- (2) A report under subsection (1) shall be made—
- (a) in such form as may be specified in the requirement under that subsection; and
 - (b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Secretary of State.

(3) The Secretary of State may arrange, or require the Chief Constable to arrange, for a report under subsection (1) to be published in such manner as appears to the Secretary of State to be appropriate.

PART VIII

THE POLICE OMBUDSMAN

Mediation.

62.—(1) After section 58 of the 1998 Act there shall be inserted—

“Steps to be
taken after
investigation -
mediation.

58A.—(1) If the Ombudsman—

- (a) determines that a report made under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force, and
- (b) considers that the complaint is not a serious one, he may determine that the complaint is suitable for resolution through mediation.

(2) If he does so, he must inform the complainant and the member of the police force concerned.

(3) If the complainant and the member of the police force concerned agree to attempt to resolve the complaint through mediation, the Ombudsman shall act as mediator.

(4) Anything communicated to the Ombudsman while acting as mediator is not admissible in evidence in any subsequent criminal, civil or disciplinary proceedings.

(5) But that does not make inadmissible anything communicated to the Ombudsman if it consists of or includes an admission relating to a matter which does not fall to be resolved through mediation.

(6) If a complaint is resolved through mediation under this section, no further proceedings under this Act shall be taken against the member of the police force concerned in respect of the subject matter of the complaint.”

(2) For subsection (1) of section 59 of the 1998 Act (disciplinary proceedings) there shall be substituted—

“(1) Subsection (1B) applies if—

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- (a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or
- (b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.

(1A) Subsection (1B) also applies if the Ombudsman determines that a report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force and—

- (a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or
- (b) he determines that the complaint is suitable for resolution through mediation under that section but—
 - (i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or
 - (ii) attempts to resolve the complaint in that way have been unsuccessful.

(1B) The Ombudsman shall consider the question of disciplinary proceedings.”

(3) After subsection (2) of that section, there shall be inserted—

“(2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.”

(4) In section 64(2) of the 1998 Act (regulations)—

- (a) in paragraph (b), after “resolution” insert “or mediation”;
- (b) in paragraph (c), after “informally” insert “or through mediation”; and
- (c) in sub-paragraph (i) of paragraph (d), after “informally” insert “or through mediation”.

63.—(1) After section 61 of the 1998 Act there shall be inserted—

“Reports to
Chief Constable
and Board.

61A.—(1) The Ombudsman may make to the Chief Constable and the Board a report on any matters concerning the practices and policies of the police which—

Reports by
Ombudsman to
Chief Constable
and Board.

- (a) come to the Ombudsman’s attention under this Part; and
- (b) should, in the opinion of the Ombudsman, be drawn to the attention of the Chief Constable and the Board.

(2) The Ombudsman may carry out research into any matter which may be the subject of a report under subsection (1).”

(2) In section 63 of the 1998 Act (restriction on disclosure of information), after subsection (2) there shall be inserted—

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“(2A) Subsection (1) does not prevent the Ombudsman, to such extent as he thinks it necessary to do so in the public interest, from disclosing in a report under section 61A—

- (a) the identity of an individual, or
- (b) information from which the identity of an individual may be established.”

Supply of information by Ombudsman to Board.

64. After section 61A of the 1998 Act there shall be inserted—

“Supply of information by Ombudsman to Board.

61AA.—(1) The Ombudsman shall compile, and supply the Board with, such statistical information as is required to enable the Board to carry out its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.

- (2) The Ombudsman shall consult the Board as to—
 - (a) the information to be supplied under subsection (1); and
 - (b) the form in which such information is to be supplied.

(3) The Ombudsman shall supply the Board with any other general information which the Ombudsman considers should be brought to the attention of the Board in connection with its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.”

Limits on complaints and references to Ombudsman.

65. In section 64 of the 1998 Act (regulations) after subsection (2) there shall be inserted—

“(2A) The Secretary of State may by regulations provide that, subject to such exceptions as may be prescribed—

- (a) this Part shall not apply to a complaint about the conduct of a police officer which took place more than the prescribed period before the date on which the complaint is made or referred to the Ombudsman under section 52(1);
- (b) the Ombudsman shall not investigate any matter referred to him under section 55(1), (2) or (4) if the actions, behaviour or conduct to which the matter relates took place more than the prescribed period before the date on which the reference is made;
- (c) the Ombudsman shall not at any time commence a formal investigation under section 55(6) of any matter if the actions or behaviour to which the matter relates took place more than the prescribed period before that time;
- (d) to the extent that the subject matter of a complaint falls within the jurisdiction of —

(i) the tribunal constituted under section 65(1) of the Regulation of Investigatory Powers Act 2000, or

(ii) a person appointed under Part IV of that Act, the Ombudsman shall not investigate it.”

2000 c. 23.

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66. The Chief Constable and the Board shall supply the Ombudsman with such information and documents as the Ombudsman may require for the purposes of, or in connection with, the exercise of any of his functions.

Access by Ombudsman to information and documents.

PART IX

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

67.—(1) The Secretary of State may appoint a Commissioner to discharge the general function mentioned in subsection (3).

The Commissioner.

(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.—(1) The Commissioner shall make periodic reports to the Secretary of State on the implementation of the changes described in his terms of reference.

Reports by the Commissioner.

(2) There shall be at least three periodic reports in each year.

(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.—(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—

General duty of Secretary of State.

- (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.

PART IX
The Royal Ulster
Constabulary GC
Foundation.

70.—(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.

Traffic wardens.

71.—(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.

Video recording
of interviews.
1989 NI 12.

72.—(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—

“Video recording of interviews

60A. 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.”.

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(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.—(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”).

Places of
detention: 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;
- (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.

2000 c. 11.

(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,

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- (b) any other place which is designated under any enactment as a place in which persons may be detained.

Application to
police of anti-
discrimination
legislation.
1976 NI 15.
1997 NI 6.
1998 NI 21.

74. 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

Expenses of
Secretary of State.

75. 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.

Orders and
regulations.
1979 NI 12.

76.—(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.

(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.

1946 c. 36.

(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.

Interpretation.
1998 c. 32.

77.—(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;

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“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);

“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;

1972 c. 9 (N.I.).

“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.

1954 c. 33 (N.I.).

(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.—(1) The statutory provisions mentioned in Schedule 6 shall be amended as provided in that Schedule.

Amendments,
transitional and
transitory
provisions and
repeals.

(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;

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- (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.

Commencement.

79.—(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.

Extent.

80.—(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.

Short title.

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

SCHEDULES

SCHEDULE 1

Section 2.

THE NORTHERN IRELAND POLICING BOARD

PART I

STATUS AND MEMBERSHIP

Status

1.—(1) The Board 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 Board's property shall not be regarded as property of, or property held on behalf of, the Crown.

(2) Subject to the provisions of this Act, section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply to the Board; and, for the purposes of that section, the Board shall be treated as if it were established by an Act of the Northern Ireland Assembly. 1954 c. 33 (N.I.).

Membership: application of Parts II and III

2.—(1) While section 1 of the Northern Ireland Act 2000 (suspension of devolved government in Northern Ireland) is in force, Part II below shall have effect in relation to the membership of the Board (and accordingly Part III below shall not have effect). 2000 c. 1.

(2) At any other time, Part III below shall have effect in relation to the membership of the Board (and accordingly Part II below shall not have effect).

(3) Where either of those Parts ceases to have effect in relation to the Board, the members of the Board holding office under that Part shall cease to do so, but may again become members of the Board under the other of those Parts.

PART II

MEMBERSHIP DURING SUSPENSION OF DEVOLVED GOVERNMENT

Constitution

3.—(1) The Board shall consist of not less than 14 nor more than 19 members appointed by the Secretary of State.

(2) The Secretary of State may by order amend either or both of the numbers for the time being specified in sub-paragraph (1).

(3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.

(4) Before making any appointment under this paragraph, the Secretary of State shall consult—

- (a) district councils; and
- (b) such other bodies as he considers appropriate.

(5) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (4)(b).

(6) Sub-paragraphs (4) and (5) do not apply to the first appointment of members of the Board under this Part following the making by the Secretary of State of an order revoking a restoration order under section 2(2) of the Northern Ireland Act 2000.

(7) A person is disqualified for membership of the Board if—

- (a) he holds the office of Ombudsman, or

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(b) he is—

- (i) a member of the police support staff;
- (ii) a police officer; or
- (iii) a member of a district policing partnership.

(8) There shall be a chairman and a vice-chairman of the Board.

(9) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State.

(10) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.

Term of office

4.—(1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman or vice-chairman of the Board in accordance with the terms of his appointment.

(2) The chairman, vice-chairman and other members of the Board may not be appointed for a term of more than 4 years at a time, 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 is appointed.

(3) A person may at any time resign as a member or as chairman or vice-chairman of the Board by notice in writing to the Secretary of State.

(4) A person shall cease to hold office as a member or as chairman or vice-chairman if he becomes disqualified for membership of the Board.

(5) The Secretary of State may remove a person from office as a member or as chairman or vice-chairman of the Board if satisfied that—

- (a) before his appointment he failed to disclose to the Secretary of State his conviction of a criminal offence in Northern Ireland or elsewhere;
- (b) he has been convicted of a criminal offence committed after the date of his appointment;
- (c) he has become bankrupt or made a composition or arrangement with his creditors;
- (d) he is not committed to non-violence and exclusively peaceful and democratic means;
- (e) he has failed to comply with the terms of his appointment; or
- (f) he is otherwise unable or unfit to discharge his functions.

(6) A member of the Board whose term of office expires or who has resigned shall be eligible for re-appointment.

Remuneration and allowances of members

5.—(1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the Secretary of State may determine.

(2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

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PART III

MEMBERSHIP DURING DEVOLVED GOVERNMENT

Constitution

6.—(1) The Board shall consist of 19 members of whom—

- (a) 10 shall be nominated from among members of the Assembly in accordance with paragraph 7; and
- (b) 9 shall be appointed by the Secretary of State in accordance with paragraph 8.

(2) In this Part—

“independent member” means a member of the Board appointed under sub-paragraph (1)(b);

“political member” means a member of the Board nominated under sub-paragraph (1)(a).

Political members

7.—(1) Where this Part comes into effect in relation to the Board, the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.

(2) Where at any other time—

- (a) an Assembly is elected under section 31 or 32 of the Northern Ireland Act 1998; 1998 c. 47.
- (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act; or
- (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,

all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.

(3) At the request of the Secretary of State, the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a member of the Board who—

- (a) is a member of that party and of the Assembly; and
- (b) is not disqualified for membership of the Board.

(4) The nominated person may take up office as a member of the Board by making a statement to that effect to the Secretary of State.

(5) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the prescribed period; or
- (b) the nominated person does not take up office as a member of the Board within that period,

that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.

(6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.

(7) The formula is—

S

1 + M

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where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election; and

M = the number of members of the party (if any) who hold office as a political member of the Board.

(8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.

(9) A political member shall cease to hold office if—

- (a) he resigns by notice in writing to the Board;
- (b) he becomes disqualified for membership of the Board; or
- (c) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.

(10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate a person to hold the office who—

- (a) is a member of that party and of the Assembly; and
- (b) is not disqualified for membership of the Board.

(11) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within the prescribed period; or
- (b) the nominated person does not take up the office within that period,

the vacancy shall be filled by applying sub-paragraphs (3) to (8) within such further period as may be prescribed.

(12) Where—

1998 c. 47

- (a) the Assembly has resolved under section 30(2) of the Northern Ireland Act 1998 that a political party does not enjoy its confidence; and
- (b) the party's period of exclusion has not come to an end,

the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).

(13) In this paragraph—

“nominating officer”, in relation to a party, means the person registered under Part II of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by him for the purpose;

“prescribed” means prescribed by regulations made by the Secretary of State.

Independent members

8.—(1) The Secretary of State shall so exercise his powers of appointment under paragraph 6(1)(b) as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.

(2) Before making any appointment under paragraph 6(1)(b), the Secretary of State shall consult—

- (a) the First Minister and deputy First Minister;
- (b) district councils; and
- (c) such other bodies as he considers appropriate.

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(3) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (2)(c).

(4) In relation to the first appointment of members of the Board under this Part following the making of a restoration order by the Secretary of State under section 2(2) of the Northern Ireland Act 2000 —

2000 c. 1

- (a) sub-paragraph (2) applies as if paragraphs (b) and (c) were omitted; and
- (b) sub-paragraph (3) does not apply.

(5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.

(6) An independent member may not be appointed for a term of more than 4 years at a time.

(7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.

(8) An independent member shall cease to hold office if—

- (a) he resigns by notice in writing to the Secretary of State; or
- (b) he becomes disqualified for membership of the Board.

(9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

Removal of members from office

9.—(1) The Secretary of State may remove a person from office as an independent or political member of the Board if satisfied that—

- (a) in the case of an independent member, he failed, before his appointment, to make to the Secretary of State full disclosure of a conviction of his for a criminal offence in Northern Ireland or elsewhere;
- (b) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
- (c) he has become bankrupt or made a composition or arrangement with his creditors;
- (d) he is not committed to non-violence and exclusively peaceful and democratic means;
- (e) he is otherwise unable or unfit to discharge his functions as a member of the Board.

(2) The Secretary of State may remove a person from office as an independent member of the Board if satisfied that he has failed to comply with the terms of his appointment.

Disqualification

10.—(1) A person is disqualified for membership of the Board if—

(a) he holds office as—

- (i) First Minister or deputy First Minister;
- (ii) a Northern Ireland Minister;
- (iii) a junior Minister; or
- (iv) the Ombudsman;

(b) he is—

- (i) a member of the police support staff;
- (ii) a police officer; or
- (iii) a member of a district policing partnership; or

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1998 c. 47

(c) he is for the time being excluded under section 30(1) of the Northern Ireland Act 1998 from holding office as a Minister or junior Minister.

(2) A person removed from office under paragraph 9(1) is disqualified for membership of the Board until the date of the dissolution of the Assembly next following his removal.

Chairman and vice-chairman

11.—(1) There shall be a chairman and a vice-chairman of the Board.

(2) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State from among the members of the Board.

(3) Before making any appointment under sub-paragraph (2), the Secretary of State shall consult the First Minister and the deputy First Minister.

(4) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.

(5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.

(6) A person may at any time resign as chairman or vice-chairman by notice in writing to the Board.

(7) A person appointed to fill a casual vacancy as chairman or vice-chairman shall hold office for the remainder of the term of the person in whose place he is appointed.

(8) If the chairman or vice-chairman ceases to be a member of the Board, he shall also cease to hold office as chairman or vice-chairman.

Remuneration and allowances of members

12.—(1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the Secretary of State may determine.

(2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

PART IV

STAFF

Staff of the Board

13.—(1) The Board may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to enable the Board to discharge its functions.

(2) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the Board by persons employed in the civil service.

Power to transfer staff to employment of Board

14.—(1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this paragraph applies.

(2) Subject to sub-paragraph (3), this paragraph applies to any person who immediately before such date as may be prescribed in regulations under sub-paragraph (1) (“the prescribed date”) is—

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- (a) employed in the civil service; and
 - (b) engaged, in pursuance of arrangements under paragraph 13(2), in providing assistance to the Board.
- (3) This paragraph does not apply to a person if—
- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
 - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Before making any regulations under this paragraph the Secretary of State shall consult—
- (a) the Board; and
 - (b) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

PART V

FUNDING

Grants to the Board

15.—(1) The Secretary of State shall for each financial year make to the Board a grant for defraying the expenses of the Board.

- (2) A grant under this paragraph—
- (a) shall be of such amount,
 - (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 Secretary of State may determine.

(3) A time determined under sub-paragraph (2)(b) may fall within or after the financial year concerned.

Accounts and audit

16.—(1) The Board shall in relation to grants received under paragraph 15—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.

(3) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.

- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under this paragraph; and
 - (b) lay copies of the statement of accounts and of his report before each House of Parliament.

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PART VI

PROCEDURE

Procedure

17.—(1) Subject to sub-paragraph (2), the quorum for a meeting of the Board shall be seven.

(2) The quorum for a meeting of the Board at which any appointment is to be made under paragraph 3(10) or 11(4) shall be—

- (a) 12, if the Board consists of 19 members;
- (b) 11, if it consists of 16, 17 or 18 members;
- (c) 10, if it consists of less than 16 members.

(3) For the purposes of sub-paragraph (2), any vacancy in the membership of the Board is to be disregarded.

(4) Subject to paragraph 18, every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.

(5) If the chairman and vice-chairman are absent from a meeting of the Board, the members present shall elect one of their number to act as chairman of the meeting.

(6) The Board shall determine the procedures to be followed by it in exercising its power under section 59(1).

(7) The Board shall—

- (a) publish the procedures determined by it under sub-paragraph (6); and
- (b) not exercise its power under section 59(1) otherwise than in accordance with those procedures.

(8) Subject to sub-paragraphs (1) to (7) the Board may regulate its own procedure.

Inquiries under section 60

18.—(1) Sub-paragraph (2) applies if—

- (a) the Board is considering—
 - (i) causing an inquiry to be held under section 60;
 - (ii) making a request under section 60(6); or
 - (iii) appointing a person under section 60(9); and
- (b) at least three members of the Board have made a written request to the chairman, asking him to call a meeting of the Board to consider the matter.

(2) The chairman shall, no later than three working days after the day on which he receives the request, call such a meeting.

(3) The meeting shall be held no earlier than six, and no later than twenty-one, working days after that day.

(4) The chairman shall notify each member of the Board of the date and purpose of the meeting.

(5) The Board shall not take any of the steps mentioned in sub-paragraph (1)(a) unless a proposal to that effect has been approved by the required number of members of the Board present and voting on the proposal.

(6) The required number of members is—

- (a) 10, if the Board consists of 18 or 19 members;

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- (b) 9, if it consists of 16 or 17 members;
- (c) 8, if it consists of less than 16 members.

(7) For the purposes of sub-paragraph (6), any vacancy in the membership of the Board is to be disregarded.

Public meetings

19.—(1) This paragraph applies to a meeting held by the Board for the purpose of receiving and considering a report on policing from the Chief Constable prepared for the meeting.

(2) There must be at least ten meetings in each year.

(3) No meeting shall be held before the end of the period of 28 days beginning with the date of the previous meeting.

(4) The Board must give such notice of a meeting as it considers appropriate.

(5) Members of the public may attend any meeting.

(6) But that does not prevent the Board from excluding the public, or particular members of the public, from a meeting, or from part of a meeting, in order to prevent or suppress disorderly conduct or other misbehaviour at, or a disturbance of, the meeting.

Validity of proceedings

20. The validity of any proceedings of the Board or a committee thereof shall not be affected by—

- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

Seal

21. The application of the seal of the Board shall be authenticated by the signatures of—

- (a) two members of the Board; and
- (b) some other person generally or specially authorised by the Board to act for that purpose.

Execution and proof of instruments

22.—(1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

(2) Before entering into contracts for the supply of goods or the execution of works, the Board shall comply with such requirements as the Secretary of State may direct.

(3) A document purporting to be an instrument made or issued by or on behalf of the Board and—

- (a) to be duly executed under the seal of the Board, or
- (b) to be signed or executed by a person generally or specially authorised by the Board to act for that purpose,

shall be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

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Disclosure of pecuniary interests, family connections, etc.

1972 c. 9 (N.I.).

23. Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) shall apply to the Board and its members as if—

- (a) in those sections—
 - (i) any reference to a council were a reference to the Board;
 - (ii) any reference to a councillor were a reference to a member of the Board;
 - (iii) any reference to the clerk of the council were a reference to such officer of the Board as the Secretary of State may specify;
- (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;
- (c) in section 29 of that Act any reference to the Minister were a reference to the Secretary of State.

Committees

24.—(1) The Board may—

- (a) constitute committees of such 5 or more of its members as the Board may appoint; and
- (b) delegate to a committee so constituted any of the functions of the Board.

(2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

Section 2.

SCHEDULE 2

TRANSFER OF FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF POLICE AUTHORITY FOR NORTHERN IRELAND

Interpretation

1. In this Schedule—

- “the Authority” means the Police Authority for Northern Ireland;
- “the transfer date” means the date on which section 2(3) comes into force.

Transfer of functions

2.—(1) The functions exercisable by the Authority immediately before the transfer date under—

- (a) any provision of the 1998 Act, or
- (b) any other statutory provision,

shall as from that date be exercisable by the Board.

(2) Sub-paragraph (1) applies only to provisions which have continuing effect.

Transfer of assets and liabilities

3.—(1) All property, rights and liabilities to which the Authority is entitled or subject immediately before the transfer date shall on that date be transferred to, and by virtue of this paragraph vest in, the Board.

(2) This paragraph does not apply to rights and liabilities under a contract of employment (which are dealt with in paragraph 4).

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(3) A certificate by the Secretary of State that any property, right or liability has vested in the Board under this paragraph shall be conclusive evidence of that fact for all purposes.

Transfer of employed staff

4.—(1) Subject to sub-paragraphs (2) and (3), this paragraph applies to a person who immediately before the transfer date is employed by the Authority.

(2) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.

(3) Where a person—

- (a) has, prior to the transfer date, entered into a contract of employment with the Authority which is to come into effect on or after that date, and
- (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,

he shall be treated as if he were a person to whom this paragraph applies.

(4) A contract of employment between a person to whom this paragraph applies and the Authority shall have effect from the transfer date as if originally made between that person and the Board.

(5) Without prejudice to sub-paragraph (4)—

- (a) all the Authority's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph be transferred to the Board on the transfer date; and
- (b) anything done before that date by or in relation to the Authority in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Board.

(6) Sub-paragraphs (4) and (5) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the Authority that he objects to the transfer.

(7) Where an employee objects as mentioned in sub-paragraph (6), his contract of employment with the Authority is terminated immediately before the transfer date, but he shall not be treated, for any purpose, as having been dismissed by the Authority.

(8) A person transferred to the employment of the Board under this paragraph shall be treated—

- (a) as a member of the police support staff employed under section 4(3), if immediately before the transfer date he was a member of the police service staff of the Authority;
- (b) as a member of the staff of the Board appointed under paragraph 13(1) of Schedule 1 in any other case.

(9) This paragraph does not prejudice any right of the employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change of employer effected by this paragraph unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.

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Transfer of seconded staff

5.—(1) This paragraph applies to a person who immediately before the transfer date is engaged in pursuance of arrangements under section 3(4) of the 1998 Act in providing assistance to the Authority.

(2) If, immediately before the transfer date a person to whom this paragraph applies was a member of the police service staff of the Authority, he shall be treated as a member of the police support staff engaged in pursuance of arrangements made under section 4(4).

(3) In any other case, he shall be treated as a person engaged in providing assistance to the Board in pursuance of arrangements under paragraph 13(2) of Schedule 1.

References to, and acts, etc. done by, or in relation to, the Authority

6.—(1) Any reference in any statutory provision or document to the Authority shall, in relation to any time after the transfer date, be construed as a reference to the Board.

(2) Nothing in section 2 or this Schedule affects the validity of any document made or issued or any other act done by, or in relation to, the Authority before the transfer date; and any such document or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Board.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the Authority immediately before the transfer date may be continued by or in relation to the Board.

Accounts

7.—(1) In this paragraph “the relevant period” means the period—

- (a) beginning on 1st April 2000; and
- (b) ending immediately before the transfer date.

(2) The Board shall—

- (a) prepare a statement of accounts for the Authority in respect of the relevant period in such form and containing such information as the Secretary of State may determine;
- (b) send copies of that statement to the Secretary of State and the Comptroller and Auditor General within such period after the end of the relevant period as the Secretary of State may direct.

(3) The Comptroller and Auditor General shall—

- (a) examine, certify and report on the statement of accounts received by him under sub-paragraph (2)(b); and
- (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

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SCHEDULE 3

Section 14.

DISTRICT POLICING PARTNERSHIPS

Interpretation

- 1.—(1) In this Schedule “a DPP” means a district policing partnership.
- (2) In this Schedule—
- “the council”, in relation to a DPP, means the district council by which the DPP is established;
 - “independent member”, in relation to a DPP, means a member appointed under paragraph 2(3)(b), (4)(b) or (5)(b);
 - “political member”, in relation to a DPP, means a member appointed under paragraph 2(3)(a), (4)(a) or (5)(a).
- (3) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962. 1962 c. 14 (N.I.).
- (4) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Size and composition

- 2.—(1) A DPP shall consist of 15, 17 or 19 members as the council may determine.
- (2) In making a determination under sub-paragraph (1), the council shall have regard to—
- (a) the number of members constituting the council; and
 - (b) the duty imposed by paragraph 3(1).
- (3) Where a DPP consists of 15 members, of whom—
- (a) 8 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 7 shall be appointed in accordance with paragraph 4.
- (4) Where a DPP consists of 17 members, of whom—
- (a) 9 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 8 shall be appointed in accordance with paragraph 4.
- (5) Where a DPP consists of 19 members, of whom—
- (a) 10 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 9 shall be appointed in accordance with paragraph 4.

Political members

- 3.—(1) A council shall exercise its power to appoint political members of the DPP so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of his appointment.
- (3) A political member shall hold office until the date of the local general election next following his appointment.

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(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place he is appointed.

(5) A political member shall cease to hold office if—

- (a) he resigns by notice in writing to the council;
- (b) he becomes disqualified for membership of the DPP; or
- (c) he ceases to be a member of the council.

(6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

Independent members

4.—(1) Appointments of independent members shall be made by the Board from among persons nominated by the council in accordance with paragraph 5.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.

(3) An independent member shall hold office until the date of the local general election next following his appointment.

(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.

(5) An independent member shall cease to hold office if—

- (a) he resigns by notice in writing to the council; or
- (b) he becomes disqualified for membership of the DPP.

(6) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

The council's nominations

5.—(1) Where appointments are to be made of independent members of a DPP, the council shall nominate persons willing to be candidates for appointment.

(2) Unless otherwise agreed with the Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Board of—

- (a) the name of each person nominated by it under sub-paragraph (1); and
- (b) such other information regarding those persons as it considers appropriate.

(4) A person shall not be nominated under sub-paragraph (1) if he is disqualified for membership of the DPP.

(5) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Board may itself nominate such number of candidates as, when added to the number nominated by the council equals twice the number of appointments to be made; and if the Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

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Code of practice on appointment of independent members

6.—(1) In exercising functions under paragraphs 4 and 5, a council and the Board shall have regard to any code of practice under this paragraph.

(2) The Secretary of State may issue, and from time to time revise, a code of practice containing guidance as to the exercise by councils and the Board of their functions under paragraphs 4 and 5.

(3) Before issuing, or revising, a code of practice under this paragraph, the Secretary of State shall consult—

- (a) the Board;
- (b) district councils; and
- (c) the Equality Commission for Northern Ireland.

(4) The Secretary of State shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to him to be appropriate.

Removal of members from office

7.—(1) The Board, or the council with the approval of the Board, may remove a person from office as a political or independent member of a DPP if satisfied that—

- (a) in the case of an independent member, he failed to make the necessary disclosure in relation to a conviction of his for a criminal offence in Northern Ireland or elsewhere;
- (b) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
- (c) he has become bankrupt or made a composition or arrangement with his creditors;
- (d) he has failed to comply with the terms of his appointment; or
- (e) he is otherwise unable or unfit to discharge his functions as a member of the DPP.

(2) “The necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—

- (a) before his nomination, to the council which nominated him; and
- (b) before his appointment, to the Board.

Disqualification

8.—(1) A person is disqualified for membership of a DPP if he is—

- (a) a police officer;
- (b) a member of the police support staff;
- (c) a member of the Board; or
- (d) an employee of the council.

(2) A person is disqualified for being an independent member of a DPP if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

Chairman and vice-chairman

9.—(1) There shall be a chairman and a vice-chairman of a DPP appointed by the council from among the political members.

(2) In making appointments under sub-paragraph (1), the council shall ensure that, so far as is practicable—

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- (a) the offices of chairman and vice-chairman are at all times held by members of different political parties;
- (b) a person is appointed to the office of chairman or vice-chairman for a term of 12 months at a time or, where that period is shorter than 12 months, for a period ending with the date of the local general election next following his appointment;
- (c) the office of chairman is held in turn by each of the four largest parties represented on the council immediately after the last local general election.

(3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.

(4) A person may at any time resign as chairman or vice-chairman by notice in writing to the council.

(5) If the chairman or vice-chairman ceases to be a member of the DPP, he shall also cease to hold office as chairman or vice-chairman.

Allowances

10. The council may pay to the chairman, vice-chairman and other members of the DPP such allowances as the council, with the approval of the Board, may determine.

Finance

11. The Board shall for each financial year make to the council a grant equal to three-quarters of the expenses reasonably incurred by the council in that year in connection with the establishment of, or the exercise of functions by, a DPP.

Procedure

12.—(1) The quorum for a meeting of a DPP shall be 5.

(2) Every question at a meeting of a DPP shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.

(3) If the chairman and vice-chairman are absent from a meeting of a DPP, the members present shall elect one of their number to act as chairman of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 19, a DPP may regulate its own procedure.

Validity of proceedings

13. The validity of any proceedings of a DPP or a committee thereof shall not be affected by—

- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

Disclosure of pecuniary interests, family connections, etc.

1972 c. 9 (N.I.).

14. Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) shall apply to a DPP and its members as if—

- (a) in those sections—

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- (i) any reference to a council were a reference to the DPP;
- (ii) any reference to a councillor were a reference to a member of the DPP;
- (iii) any reference to the clerk of the council were a reference to the person acting as secretary to the DPP;
- (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;
- (c) in section 29 of that Act any reference to the Minister were a reference to the Secretary of State.

Committees

15.—(1) A DPP may—

- (a) constitute committees of such 5 or more of its members as the DPP may appoint; and
- (b) delegate to a committee so constituted any of the functions of the DPP.

(2) The powers of any committee of a DPP shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the DPP.

Joint partnerships

16.—(1) The Secretary of State may by order provide that two or more councils may by agreement establish a single DPP for their districts.

(2) An order under this paragraph may—

- (a) provide for Part IV and this Schedule to have effect in relation to—
 - (i) the councils in question and their districts, and
 - (ii) any DPP established by virtue of this paragraph,
 with such modifications as the Secretary of State thinks necessary or expedient;
- (b) make such other provision as the Secretary of State thinks necessary or expedient for the proper functioning of any such DPP.

(3) Before making an order under this paragraph, the Secretary of State shall consult—

- (a) the Board; and
- (b) any council affected by the order.

SCHEDULE 4

Section 67.

THE COMMISSIONER

Appointment etc. of the Commissioner

1.—(1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as the Commissioner in accordance with the terms of his appointment.

(2) An appointment as Commissioner may be full-time or part-time.

(3) The first appointment as Commissioner shall come to an end on 31 May 2003.

(4) Any other appointment as Commissioner shall be for a period not exceeding 3 years.

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(5) A person may at any time resign his office as Commissioner by notice in writing to the Secretary of State.

(6) The Secretary of State may call upon the Commissioner to retire if satisfied that the Commissioner has—

- (a) been convicted of a criminal offence;
- (b) become bankrupt or made a composition or arrangement with his creditors; or
- (c) become unfit or unable to discharge his functions.

(7) Before calling upon the Commissioner to retire, the Secretary of State shall give the Commissioner an opportunity to make, either personally or otherwise, representations to him and shall consider any representations that he makes.

(8) A Commissioner who is called upon to retire under sub-paragraph (6) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State.

Terms of reference

2.—(1) On appointing the Commissioner, the Secretary of State shall give him written terms of reference.

(2) The terms of reference shall, in particular, describe the changes in policing in Northern Ireland the implementation of which it is the general function of the Commissioner to oversee.

Remuneration, pensions, allowances, etc.

3.—(1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Commissioner as he may determine.

(2) Where a person ceases to hold office as Commissioner otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.

Staff

4.—(1) The Commissioner may, with the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.

(2) The Commissioner may make arrangements for administrative, secretarial or other assistance to be provided for him by persons employed in the civil service.

(3) Employment by the Commissioner shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of "Other Bodies" there shall be inserted—

"Employment by the Commissioner appointed under section 67 of the Police (Northern Ireland) Act 2000."

5. The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Commissioner.

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Exercise of functions

6.—(1) Any functions of the Commissioner under this Act may be performed by any officer of the Commissioner authorised for the purpose by the Commissioner.

(2) “Officer of the Commissioner” means—

- (a) a person employed by the Commissioner under paragraph 4(1);
- (b) a person providing assistance to the Commissioner in pursuance of arrangements made under paragraph 4(2).

Evidence

7. A document purporting to be duly signed by, or on behalf of, the Commissioner shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

Finance

8. The Secretary of State shall pay to the Commissioner such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Commissioner under this Act.

9.—(1) The Commissioner shall—

- (a) keep proper accounts and proper records in relation to the accounts;
- (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct; and
- (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.

(2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

SCHEDULE 5

Section 74.

APPLICATION OF ANTI-DISCRIMINATION LEGISLATION TO THE POLICE

Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

1.—(1) The Sex Discrimination (Northern Ireland) Order 1976 shall be amended as follows.

- (2) Omit Article 19.
- (3) In Article 82(4) for “Article 19” substitute “Articles 84 and 85”.
- (4) After Article 83 insert—

“The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve

84.—(1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—

- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
- (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.

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(2) Regulations under section 25 or 26 of the Police (Northern Ireland) Act 1998 or section 41 of the Police (Northern Ireland) Act 2000 shall not treat men and women differently except—

- (a) as to requirements relating to uniform or equipment or allowances in lieu of uniform or equipment;
- (b) so far as special treatment is accorded to women in connection with pregnancy or childbirth; or
- (c) in relation to pensions.

(3) Nothing in Part II renders unlawful any discrimination between male and female constables as to matters such as are mentioned in paragraph (2)(a).

(4) For the purposes of Article 42—

- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(5) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—

- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him the proceedings; and
- (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.

(6) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
- (b) any costs incurred and not recovered by a police officer in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.

(7) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (6).

(8) Paragraphs (1) and (4) to (7)—

- (a) apply in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as they apply in relation to a police officer;
- (b) apply in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
 - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
 - (ii) in paragraphs (4), (6) and (7) the references to the Chief Constable were references to the Ombudsman.

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Other police bodies

85.—(1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
- (b) by the police authority as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 42—

- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

(4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
- (b) any costs incurred and not recovered by such a person in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).

(6) In this Article—

“chief officer of police” means—

- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
- (b) in relation to any other body of constables, the person who has the direction and control of the body in question;

“police authority” means—

- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
- (b) in relation to any other body of constables, the authority by which the members of the body are paid;

“police fund” means—

- (a) in relation to the National Criminal Intelligence Service, the Service fund under section 16 of the Police Act 1997;
- (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.

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(7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

Race Relations (Northern Ireland) Order 1997 (NI 6)

2.—(1) The Race Relations (Northern Ireland) Order 1997 shall be amended as follows.

(2) Omit Article 17.

(3) In Article 71(3) for “Article 17” substitutes “Articles 72A and 72B”.

(4) After Article 72 insert—

“The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve

72A.—(1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—

- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
- (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 32—

- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—

- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.

(4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
- (b) any costs incurred and not recovered by a police officer in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.

(5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).

(6) This Article—

- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;

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- (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
- (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
 - (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

Other police bodies

72B.—(1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
- (b) by the police authority as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 32—

- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
- (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

(4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
- (b) any costs incurred and not recovered by such a person in such proceedings; and
- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).

(6) In this Article—

“chief officer of police” means—

- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
- (b) in relation to any other body of constables, the person who has the direction and control of the body in question;

“police authority” means—

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(a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;

(b) in relation to any other body of constables, the authority by which the members of the body are paid;

“police fund” means—

(a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;

(b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.

(7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)

3.—(1) The Fair Employment and Treatment (Northern Ireland) Order 1998 shall be amended as follows.

(2) For Article 94 substitute—

“The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve

94.—(1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable as a police officer shall be treated as employment—

(a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;

(b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 36—

(a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and

(b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—

(a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;

(b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and

(c) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.

(4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

(a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;

(b) any costs incurred and not recovered by a police officer in such proceedings; and

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- (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.

(5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).

(6) This Article—

- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;
- (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
- (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
- (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

Other police bodies

94A.—(1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable otherwise than as a police officer shall be treated as employment—

- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
- (b) by the police authority as respects any act done by it in relation to that office or the holder of it.

(2) For the purposes of Article 36—

- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
- (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.

(3) There shall be paid out of the police fund—

- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
- (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
- (c) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

(4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—

- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
- (b) any costs incurred and not recovered by such a person in such proceedings; and

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(c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).

(6) In this Article—

“chief officer of police” means—

- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
- (b) in relation to any other body of constables, the person who has the direction and control of the body in question;

“police authority” means—

- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
- (b) in relation to any other body of constables, the authority by which the members of the body are paid;

“police fund” means—

- (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
- (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.

(7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

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AMENDMENTS

Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

1. In the Interpretation Act (Northern Ireland) 1954 after section 43 insert—

“Definitions in connection with police.

43A. In an enactment—

“Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

“constable”, except when used in enactments relating to the pay or pensions of, or the general administration of, the police, includes—

- (a) any police officer;
- (b) any member of any Harbour or Airport Police;
- (c) any member of the Naval, Military or Royal Air Force Police or of the Ministry of Defence Police;
- (d) any other person having for the time being the powers of a constable;

“Policing Board” means the Northern Ireland Policing Board;

“police district” and “district commander” have the meanings assigned by section 20 of the Police (Northern Ireland) Act 2000;

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“the police”, “police officer”, “Police Service of Northern Ireland”, “Police Service of Northern Ireland Reserve” and “police support staff” have the same meaning as in the Police (Northern Ireland) Act 2000;

“reserve constable” means a person appointed as a reserve constable under section 37 of the Police (Northern Ireland) Act 2000.”

Parliamentary Commissioner Act 1967 (1967 c. 13)

2. In Schedule 2 to the Parliamentary Commissioner Act 1967 at the appropriate place in alphabetical order insert the following entry—

“Northern Ireland Policing Board”.

House of Commons Disqualification Act 1975 (c. 24)

3.—(1) The House of Commons Disqualification Act 1975 shall be amended as follows.

(2) In section 1(3) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.

(3) In Part III of Schedule 1 at the appropriate place in alphabetical order insert the following entry—

“Chairman or vice-chairman of the Northern Ireland Policing Board.”

(4) In that Part of that Schedule, at the appropriate place in alphabetical order insert the following entry—

“Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

4.—(1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

(2) In section 1(2) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.

(3) In Part III of Schedule 1, at the appropriate place in alphabetical order insert the following entry—

“Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

Interpretation Act 1978 (c. 30)

5. In Schedule 1 to the Interpretation Act 1978 (defined words and expressions), insert at the appropriate place—

““Police Service of Northern Ireland” and “Police Service of Northern Ireland Reserve” have the same meaning as in the Police (Northern Ireland) Act 2000;”.

Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)

6. In Article 47A(2) of the Health and Safety at Work (Northern Ireland) Order 1978 for sub-paragraph (a) substitute—

“(a) in relation to a police officer, means the Chief Constable;”.

Finance Act 1981 (c. 35)

7. In section 107(3)(k) of the Finance Act 1981 for “the Police Authority for Northern Ireland” substitute “the Northern Ireland Policing Board”.

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Aviation Security Act 1982 (c. 36)

8. In section 31(3)(c) of the Aviation Security Act 1982 for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.

Official Secrets Act 1989 (c. 6)

9. In section 12(1)(e) of the Official Secrets Act 1989 for the words in brackets substitute “(including the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve)”.

Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

10.—(1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.

(2) In Article 2(2) omit the definition of “police officer”.

(3) In Articles 7(1), 50(2) and 56(14) for “section 48(1) of the Police (Northern Ireland) Act 1998” substitute “section 58(1) of the Police (Northern Ireland) Act 2000”.

(4) In Article 32(4)(b) for “Police Authority” substitute “Policing Board”.

(5) In Article 75(3) in the definition of “police purposes” for the words from “Royal Ulster Constabulary” to the end substitute “police and of the police support staff.”

Aviation and Maritime Security Act 1990 (c. 31)

11. In section 22(4)(b) of the Aviation and Maritime Security Act 1990 for subparagraph (ii) substitute—

“(ii) in Northern Ireland, by the Northern Ireland Policing Board or an authority which has entered into an agreement with the Police Ombudsman for Northern Ireland under section 60 of the Police (Northern Ireland) Act 1998;”.

Police Act 1996 (c. 16)

12.—(1) The Police Act 1996 shall be amended as follows.

(2) In section 61(1) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland” and for “that Constabulary” substitute “the Police Service”.

(3) In section 97(1)(f) and (7)(b) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.

(4) In section 98(1) to (5) for “Royal Ulster Constabulary” (wherever occurring) substitute “Police Service of Northern Ireland”.

(5) In section 98 for subsections (8) and (9) substitute—

“(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.”.

Juries (Northern Ireland) Order 1996 (NI 6)

13. In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entries beginning “Members of the Royal Ulster Constabulary” and “Members and staff of the Police Authority” substitute—

“Police officers and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.

Members and staff of the Policing Board.”.

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Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)

14. In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 after the entry beginning “A district council” insert the following entry—

“A district policing partnership”.

Proceeds of Crime (Northern Ireland) Order 1996 (NI 9)

15. In Article 23(5)(a) and (b) of the Proceeds of Crime (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “Policing Board”.

Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

16. In Article 84(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “Policing Board”.

Employment Rights (Northern Ireland) Order 1996 (NI 16)

17.—(1) The Employment Rights (Northern Ireland) Order 1996 shall be amended as follows.

(2) In Article 72A(2) for sub-paragraph (a) substitute—

“(a) in relation to a police officer, means the Chief Constable;”.

(3) In Article 169A(2) for sub-paragraph (a) substitute—

“(a) in relation to a police officer, means the Chief Constable;”.

(4) In Article 243(3) for sub-paragraph (a) substitute—

“(a) service as a police officer;”.

Licensing (Northern Ireland) Order 1996 (NI 22)

18. In Article 84(b) of the Licensing (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “Policing Board”.

Registration of Clubs (Northern Ireland) Order 1996 (NI 23)

19. In Article 51 of the Registration of Clubs (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “Policing Board”.

Police Act 1997 (c. 50)

20.—(1) The Police Act 1997 shall be amended as follows.

(2) In that Act—

(a) for “Royal Ulster Constabulary Reserve” (wherever occurring) substitute “Police Service of Northern Ireland Reserve”; and

(b) for “Royal Ulster Constabulary” (wherever occurring) substitute “Police Service of Northern Ireland”.

(3) In that Act for “Police Authority for Northern Ireland” (wherever occurring) substitute “Northern Ireland Policing Board”.

(4) In section 9(3)(c) for “the Constabulary” substitute “the Police Service of Northern Ireland”.

(5) In section 23(5) for “section 19(1) of the Police (Northern Ireland) Act 1998” substitute “section 33(1) of the Police (Northern Ireland) Act 2000”.

(6) In section 66(3) for “section 25(2)(k) of the Police Act (Northern Ireland) 1970” substitute “section 25(2)(k) of the Police (Northern Ireland) Act 1998”.

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(7) In Schedule 1 in paragraphs 7(b) and 8(d) for “that Constabulary” substitute “that Police Service”.

Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

21. In Articles 44(1), 45, 51 and 54(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 for “Police Authority” (wherever occurring) substitute “Policing Board”.

Police (Health and Safety) (Northern Ireland) Order 1997 (NI 16)

22. In Article 7(3) of the Police (Health and Safety) (Northern Ireland) Order 1997—

- (a) in the definition of “the relevant authority” for paragraph (a) substitute—
 - “(a) in relation to the Chief Constable, the Policing Board;”;
- (b) in the definition of “the relevant fund” for paragraph (aa) substitute—
 - “(aa) in relation to the police, funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000; and”;
- (c) in the definition of “the responsible officer” for paragraph (a) substitute—
 - “(a) in relation to the police, the Chief Constable;”.

Police (Northern Ireland) Act 1998 (c. 32)

23.—(1) The Police (Northern Ireland) Act 1998 shall be amended as follows.

(2) In Part III—

- (a) for “Police Authority” (wherever occurring) substitute “Board”;
- (b) in sections 25, 26 and 27 for “the Royal Ulster Constabulary”, “the Constabulary” and “that Constabulary” (wherever occurring) substitute “the Police Service of Northern Ireland”;
- (c) in section 27(7)(b) omit “18” and after “this Act” insert “and section 32 of the Police (Northern Ireland) Act 2000”;
- (d) in section 28(1) for “Royal Ulster Constabulary Fund” substitute “Police Fund”;
- (e) in section 29(2) for “section 10(5)” substitute “section 10(5) of the Police (Northern Ireland) Act 2000”;
- (f) in section 29(5) for “Royal Ulster Constabulary” substitute “the Police Service of Northern Ireland”;
- (g) in section 31(5)(c)(iv) for “the Authority” substitute “the Board”.

(3) In section 33(2)(c) for “Police Authority” substitute “Board”.

(4) In Part V—

- (a) omit sections 37 and 39;
- (b) for “Police Authority” (wherever occurring) substitute “Board”;
- (c) in sections 41(2), 45(1) and (2) and 46 for “the Northern Ireland Police Service” substitute “—
 - (a) the Police Service of Northern Ireland;
 - (b) the Police Service of Northern Ireland Reserve;
 - (c) the police support staff; and
 - (d) traffic wardens.”;
- (e) in subsection (4) of section 42, and in both places where it occurs in subsection (5) of that section, for “the Authority” substitute “the Board”.

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(5) In Part VII—

- (a) for “Police Authority” (wherever occurring) substitute “Board”;
- (b) in section 50(1) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”;
- (c) in section 55(1) for “the Authority” (wherever occurring) substitute “the Board”;
- (d) in sections 56(3) and 57(6) for “section 18” substitute “section 32 of the Police (Northern Ireland) Act 2000”.

(6) In Part VIII—

- (a) in section 72 after subsection (2) insert—

“(2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the Treasury.”;

- (b) for section 73 substitute—

“Interpretation. 73.—(1) This Act shall be construed as one with the Police (Northern Ireland) Act 2000; and accordingly any word or expression to which a meaning is given by section 77 of that Act has the same meaning in this Act as in that Act.

(2) References in this Act to a member of the police force are to be construed as references to a police officer.

(3) References in this Act in any other context to the police force are to be construed as references to the police.

(4) In this Act “a police force in Great Britain” means a police force within the meaning of the Police Act 1996 or the Police (Scotland) Act 1967 .”

1996 c. 16.
1967 c. 77.

(7) In Schedule 3—

- (a) in paragraph 5(2) for “Police Authority” substitute “Board”;
- (b) in paragraph 7(2)(a), for “section 19” substitute “section 33 of the Police (Northern Ireland) Act 2000”;
- (c) in paragraph 8(4), for “section 18” substitute “section 32 of the Police (Northern Ireland) Act 2000”.

(8) In Schedule 5, in paragraph 2 for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.

Northern Ireland Act 1998 (c. 47)

24.—(1) The Northern Ireland Act 1998 shall be amended as follows.

- (2) In section 75(3) after paragraph (c) insert—

“(cc) the Northern Ireland Policing Board, the Chief Constable of the Police Service of Northern Ireland and the Police Ombudsman for Northern Ireland;”.

- (3) In section 76(7) for paragraph (e) substitute—

“(e) the Police Service of Northern Ireland, the Police Service of Northern Ireland Reserve and the Police Ombudsman for Northern Ireland;”.

(4) In Schedule 3 in paragraph 11 for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland” and for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.

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Freedom of Information Act 2000 (c.)

- 25.—(1) The Freedom of Information Act 2000 shall be amended as follows.
- (2) In Part V of Schedule 1—
- (a) for “Policing Authority for Northern Ireland” substitute “Northern Ireland Policing Board”; and
 - (b) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.
- (3) In Part VII of Schedule 1 at the appropriate place in alphabetical order insert—
- “A district policing partnership.”

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SCHEDULE 7

TRANSITIONAL AND TRANSITORY PROVISIONS

Statutory references to the police service and the police service reserve

1. In relation to any time before the coming into force of section 78(2), any reference in any statutory provision (including this Act)—
- (a) to the Chief Constable of the Police Service of Northern Ireland shall be construed as a reference to the Chief Constable of the Royal Ulster Constabulary;
 - (b) to a person holding any other particular rank, or a rank of any particular description, in the Police Service of Northern Ireland shall be construed as a reference to a person holding that rank, or a rank of that description, in the Royal Ulster Constabulary;
 - (c) to a police officer serving in the Police Service of Northern Ireland shall be construed as a reference to a member of the Royal Ulster Constabulary;
 - (d) to a police officer serving in the Police Service of Northern Ireland Reserve shall be construed as a reference to a member of the Royal Ulster Constabulary Reserve;
 - (e) to the Police Service of Northern Ireland Reserve in any other context shall be construed as a reference to the Royal Ulster Constabulary Reserve;
 - (f) to the Police Service of Northern Ireland in any other context shall be construed as a reference to the Royal Ulster Constabulary.

Recruitment arrangements: references to the Board

2. At any time before the commencement of section 2, references in sections 43 to 49 to the Board shall be construed as references to the Police Authority for Northern Ireland.

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3. Any body established by arrangements made under section 7(1) of the 1998 Act and in existence immediately before the coming into force of section 23 shall be treated as having been established by arrangements made by the Board under that section.

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Registration of Political Parties Act 1998

4. In relation to any time before the coming into force of section 21 of the Political Parties, Elections and Referendums Act 2000, paragraph 7(13) of Schedule 1 shall have effect as if for the definition of “nominating officer” there were substituted—

““nominating officer” means—

(a) in relation to a registered party, the registered nominating officer or a member of the Assembly nominated by him for the purpose;

(b) in relation to any other political party, the person who appears to the Secretary of State to be the leader of the party, or a member of the Assembly nominated by that person for the purpose;

“registered” means registered under the Registration of Political Parties Act 1998 or the Political Parties, Elections and Referendums Act 2000;”.

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REPEALS

Chapter or Number	Short title	Extent of repeal
1954 c. 33 (N.I.).	Interpretation Act (Northern Ireland) 1954.	In section 43(2), the definitions of “Chief Constable”, “constable” and “reserve constable”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Chairman or Vice-chairman of the Police Authority for Northern Ireland.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Police Authority for Northern Ireland.
1976 NI 15.	Sex Discrimination (Northern Ireland) Order 1976.	Article 19.
1978 NI 9.	Health and Safety at Work (Northern Ireland) Order 1978.	In Article 47A(3) the words “of the Royal Ulster Constabulary”.
1989 NI 12.	Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 2(2) the definitions of “police officer” and “Police Authority”.
1997 c. 50.	Police Act 1997.	In Schedule 9, paragraphs 32 and 37.
1997 NI 2.	Road Traffic Regulation (Northern Ireland) Order 1997.	In Article 2(2), the definition of “the Police Authority”.
1997 NI 6.	Race Relations (Northern Ireland) Order 1997.	Article 17.

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Chapter Number	or	Short title	Extent of repeal
1998 c. 32.		Police (Northern Ireland) Act 1998.	Parts I and II. Sections 18 to 24. Sections 36 to 39. Part VI. Section 61(7). Section 70. Section 72(3). Schedules 1 and 2. In Schedule 4, paragraphs 3, 12, 17, 18(2), (4) and (5), 20(6), 22(6), 24 and 25.

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