



Police (Northern Ireland) Act 2003

2003 CHAPTER 6

PART 1

POLICING

Reports and inquiries

10 Reports of Chief Constable

(1) Section 59 of the Police (Northern Ireland) Act 2000 (c. 32) (general duty of Chief Constable to report to Board) is amended as set out in subsections (2) to (4).

(2) For subsection (3) substitute—

“(3) The Chief Constable may refer to the Secretary of State a requirement to submit a report under subsection (1) if it appears to the Chief Constable that a report in compliance with the requirement would contain information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).”

(3) In subsection (4) for the words from “in order to” to the end substitute “for either or both of the purposes mentioned in subsection (4A).”

(4) After subsection (4) insert—

“(4A) The purposes are—

- (a) exempting the Chief Constable from the obligation to report to the Board information which, in the opinion of the Secretary of State, ought not to be disclosed on any of the grounds mentioned in section 76A(1);
- (b) imposing on the Chief Constable an obligation to supply any such information to a special purposes committee.

(4B) Subsection (4D) applies if—

- (a) a requirement to submit a report has been made under subsection (1);

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- (b) the Chief Constable has not referred the requirement to the Secretary of State under subsection (3);
 - (c) the Chief Constable is of the opinion that a report in compliance with the requirement would include information of a kind mentioned in paragraph (a) or (b) of subsection (4C).
- (4C) The information is—
- (a) information the disclosure of which would be likely to put an individual in danger, or
 - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (4D) The Chief Constable may, instead of including the information in the report to the Board, supply it to a special purposes committee.
- (4E) If the Chief Constable supplies information to a committee under subsection (4D) he shall prepare a summary of the information.
- (4F) The Chief Constable shall try to obtain the agreement of the committee to the terms of the summary.
- (4G) If the committee agrees to the terms of the summary, the Chief Constable shall include the summary in the report to the Board.
- (4H) Subsection (4I) applies if—
- (a) the Chief Constable supplies information to a committee under subsection (4D), or
 - (b) the Chief Constable includes information in a report to the Board and is of the opinion that the information is information of a kind mentioned in paragraph (a) or (b) of subsection (4C).
- (4I) The Chief Constable must—
- (a) inform the Secretary of State that the information has been included in a report to the Board or supplied to the committee;
 - (b) inform the Secretary of State and the recipient of the information that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (4C).”
- (5) Subsections (1) to (4) have effect in relation to a requirement to submit a report under section 59(1) of the Police (Northern Ireland) Act 2000 (c. 32) if—
- (a) the Chief Constable has not referred the requirement to the Secretary of State under section 59(3) of that Act before the day on which this Act is passed;
 - (b) the Chief Constable has referred the requirement to the Secretary of State under section 59(3) of that Act before that day but the Secretary of State has not before that day decided whether to modify or set aside the requirement under section 59(4) of that Act.

11 Inquiries by Board

- (1) Section 60 of the Police (Northern Ireland) Act 2000 (inquiry by Board following report by Chief Constable) is amended as set out in subsections (2) to (4).
- (2) For subsection (3) substitute—

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- “(3) The Chief Constable may refer to the Secretary of State the decision of the Board to cause an inquiry to be held under this section if it appears to the Chief Constable that such an inquiry ought not to be held on any of the grounds mentioned in section 76A(2).”
- (3) In subsection (5) for “should not be held on a ground mentioned in subsection (3)” substitute “ought not to be held on any of the grounds mentioned in section 76A(2)”
- (4) After subsection (10) insert—
- “(10A) Subsection (10B) applies if the Chief Constable supplies to a person conducting an inquiry under this section any information which in the opinion of the Chief Constable is—
- (a) information the disclosure of which would be likely to put an individual in danger, or
 - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (10B) The Chief Constable must—
- (a) inform the Secretary of State and the Board that the information has been supplied to the person conducting the inquiry;
 - (b) inform the Secretary of State, the Board and the person conducting the inquiry that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (10A).”

(5) Subsections (1) to (4) have effect in relation to a decision of the Board to cause an inquiry to be held under section 60 of the Police (Northern Ireland) Act 2000 (c. 32) if—

 - (a) the Chief Constable has not referred the decision to the Secretary of State under section 60(3) of that Act before the day on which this Act is passed;
 - (b) the Chief Constable has referred the decision to the Secretary of State under section 60(3) of that Act before that day but the Secretary of State has not before that day decided whether to overrule the decision under section 60(4) of that Act.

12 Approval of proposals relating to inquiries by Board

- (1) Paragraph 18 of Schedule 1 to the Police (Northern Ireland) Act 2000 (procedure for decisions of Board relating to inquiries under section 60) is amended as set out in subsections (2) to (4).
- (2) In sub-paragraph (3) for “that day” substitute “the day on which the chairman calls the meeting”
- (3) In sub-paragraph (5) after “by” insert—
- “—
- (a) a majority of members of the Board present and voting on the proposal, and
 - (b) ”.
- (4) In sub-paragraph (6)—
- (a) for “10” substitute “8”;

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- (b) for “9” substitute “ 7 ”;
 - (c) for “8” substitute “ 6 ”
- (5) Subsections (1) to (4) have effect in relation to meetings under paragraph 18 of Schedule 1 to the Police (Northern Ireland) Act 2000 called on or after the day on which this Act is passed.

Status:

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