



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary*

#### **75 Expenses of Secretary of State.**

There shall be defrayed out of money provided by Parliament—

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

#### **76 Orders and regulations.**

(1) Any power of the Secretary of State<sup>[F1]</sup>, the Minister of Justice or the Department of Justice] to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the <sup>M1</sup>Statutory Rules (Northern Ireland) Order 1979.

(2) [<sup>F2</sup>An order] 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 [<sup>F3</sup>person making the order or regulations] to be appropriate.

(3) Subsections (1)<sup>[F4]</sup>, (2) and (6)] do not apply to vesting orders made under section 7.

[<sup>F5</sup>(4) No statutory rule may be made under section 47(3) <sup>F6</sup>... unless a draft of the rule has been laid before and approved by resolution of each House of Parliament.]

[<sup>F7</sup>(4A) No regulations may be made under section 54 unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.]

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- (4B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (4A) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]
- (5) A statutory rule made [<sup>F8</sup>by the Secretary of State] 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.
- [<sup>F9</sup>(6) An order or regulations made by the Minister of Justice or the Department of Justice under this Act (other than regulations under section 54) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

#### Textual Amendments

- F1** Words in s. 76(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(a)** (with arts. 28-31)
- F2** Words in s. 76(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(b)(i)** (with arts. 28-31)
- F3** Words in s. 76(2)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(b)(ii)** (with arts. 28-31)
- F4** Words in s. 76(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(c)** (with arts. 28-31)
- F5** S. 76(4) substituted (30.7.2001) by [S.I. 2001/2513](#), **art. 3**
- F6** Words in s. 76(4) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(d)** (with arts. 28-31)
- F7** S. 76(4A)(4B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(e)** (with arts. 28-31)
- F8** Words in s. 76(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(f)** (with arts. 28-31)
- F9** S. 76(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 83(g)** (with arts. 28-31)

#### Marginal Citations

- M1** 1979 NI 12.

### [<sup>F10</sup>76A Disclosure of information and holding of inquiries

- (1) For the purposes of sections 33A, 59[<sup>F11</sup>, 60, 61] and 66, the grounds on which information ought not to be disclosed are that—
- (a) it is in the interests of national security;
  - (b) the information is sensitive personnel information;
  - (c) the information would, or would be likely to, prejudice proceedings which have been commenced in a court of law.
- (2) For the purposes of section 60, the grounds on which an inquiry ought not to be held are that—
- (a) it is in the interests of national security;

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- (b) any matter into which inquiry is to be made is a sensitive personnel matter;
  - (c) the inquiry would, or would be likely to, prejudice proceedings which have been commenced in a court of law.
- (3) “Personnel information” means information which relates to an individual’s holding of, application for or appointment to a relevant office or employment.
- (4) “Personnel matter” means a matter which relates to an individual’s holding of, application for or appointment to a relevant office or employment.
- (5) An office or employment is a relevant office or employment for the purposes of subsections (3) and (4) if the holder of it is under the direction and control of the Chief Constable.
- (6) It is immaterial for the purposes of subsections (3) and (4) that the individual no longer holds the office or employment.]

#### Textual Amendments

- F10** S. 76A inserted (with effect in accordance with s. 29(2)(3) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 29\(1\)](#)
- F11** Words in s. 76A(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 84](#) (with arts. 28-31)

## 77 Interpretation.

(1) In this Act—

- “the 1998 Act” means the <sup>M2</sup>Police (Northern Ireland) Act 1998;
- “the Board” means the Northern Ireland Policing Board;
- “building” includes any structure;
- “the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;
- “civil service” means the civil service of Northern Ireland or the civil service of the United Kingdom;
- “equipment” includes vehicles, apparatus, furniture, fittings, accoutrements and clothing;
- “financial year” means the period of 12 months ending with 31st March;
- “functions” includes powers and duties;
- [<sup>F12</sup>“the Minister of Justice” means the Minister in charge of the Department of Justice;]
- “the Ombudsman” means the Police Ombudsman for Northern Ireland;
- [<sup>F13</sup>“pension purposes” means the purposes of the pension scheme established by regulations under section 25 of the Police (Northern Ireland) Act 1998;]
- “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—

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- (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 <sup>M3</sup>Local Government Act (Northern Ireland) 1972, they have for the purposes of that Act;
- “senior officer”, in relation to the Police Service of Northern Ireland, means an officer above the rank of superintendent;
- [<sup>F14</sup>“special purposes committee” means a committee constituted by the Board under paragraph 24(1) or (1A) of Schedule 1 for the purposes mentioned in paragraph 24(1B) of that Schedule;]
- “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 <sup>M4</sup>Interpretation Act (Northern Ireland) 1954.

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

#### Textual Amendments

- F12** Words in s. 77(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 85** (with arts. 28-31)
- F13** Words in s. 77(1) inserted (with effect in accordance with s. 6(12) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), **s. 6(11)**
- F14** Words in s. 77(1) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), **s. 28(4)**

#### Marginal Citations

- M2** 1998 c. 32.
- M3** 1972 c. 9 (N.I.).
- M4** 1954 c. 33 (N.I.).

## 78 Amendments, transitional and transitory provisions and repeals.

- (1) The statutory provisions mentioned in Schedule 6 shall be amended as provided in that Schedule.
- (2) In relation to any time after the coming into force of this subsection, any reference in any statutory provision or other document—

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- (a) to the Chief Constable of the Royal Ulster Constabulary shall be construed as a reference to the Chief Constable of the Police Service of Northern Ireland;
  - (b) to a person holding any other particular rank, or a rank of a particular description, in the Royal Ulster Constabulary shall be construed as a reference to a person holding that rank, or a rank of that description, in the Police Service of Northern Ireland;
  - (c) to a member of the Royal Ulster Constabulary shall be construed as a reference to a member of the Police Service of Northern Ireland;
  - (d) to a member of the Royal Ulster Constabulary Reserve shall be construed as a reference to a member of the Police Service of Northern Ireland Reserve;
  - (e) to the Royal Ulster Constabulary Reserve shall be construed as a reference to the Police Service of Northern Ireland Reserve;
  - (f) to the Royal Ulster Constabulary in any other context shall be construed as a reference to the Police Service of Northern Ireland.
- (3) Schedule 7 (which contains transitional and transitory provisions) shall have effect.
- (4) The statutory provisions mentioned in Schedule 8 are repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

- II** S. 78 wholly in force at 15.4.2002; s. 78(1)(3) in force for specified purposes at Royal Assent, see s. 79(2)(f)(g); s. 78 in force for specified purposes at 30.3.2001 by [S.R. 2001/132](#), art. 2, Sch.; s. 78 in force for specified purposes at 22.12.2000 by S.R. 2000/412, art. 2, Sch.; s. 78 in force for specified purposes at 4.11.2001 by [S.R. 2001/396](#), art. 2, Sch.; s. 78 in force in so far as not already in force at 15.4.2002 by [S.R. 2002/146](#), art. 2, Sch.

## 79 Commencement.

- (1) Except as provided by subsection (2), the preceding provisions of this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions come into force on the day on which this Act is passed—
- (a) section 49;
  - (b) sections 67 and 68;
  - (c) sections 75, 76 and 77;
  - (d) Part III of Schedule 1 and section 2(2) so far as relating thereto;
  - (e) Schedule 4;
  - (f) paragraphs 3(4) and 4(3) of Schedule 6 and section 78(1) so far as relating thereto;
  - (g) paragraph 1 of Schedule 7 and section 78(3) so far as relating thereto.
- (3) An order under this section may appoint different days for different purposes and for different provisions.
- (4) An order under this section may contain such transitional provisions or savings (including provisions modifying this Act or any other statutory provision) as appear to the Secretary of State to be necessary or expedient in connection with any provision brought into force by the order.

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**Subordinate Legislation Made**

**P1** S. 79: power partly exercised; 30.3.2001 appointed by [S.R. 2001/132, art. 2, Sch.](#); 4.11.2001 appointed by [S.R. 2001/396, art. 2, Sch.](#); 15.4.2002 appointed by [{S.R. 2002/146}](#), art. 2, Sch.

**80 Extent.**

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

**81 Short title.**

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

**Changes to legislation:**

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