



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VII

REPORTS AND INQUIRIES

60 Inquiry by Board following report by Chief Constable.

(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 [^{F1}Minister of Justice] 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 [^{F2}Minister of Justice].

[^{F3}(2A) Where it appears to the Board that an inquiry under this section may relate wholly or in part to—

- (a) a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision, or
- (b) an excepted matter or reserved matter (within the meaning given by section 4 of the Northern Ireland Act 1998),

the Board shall immediately inform the Secretary of State of the decision to cause the inquiry to be held and of any matter into which inquiry is to be made, and shall send a copy of the relevant report under section 59 to the Secretary of State.]

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- [^{F4}(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 [^{F5}the ground mentioned in section 76A(2)(a)].]
- (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 [^{F6}ought not to be held on [^{F7}the ground mentioned in section 76A(2)(a)]].
- [^{F8}(5A) The Chief Constable may refer to the Minister of Justice 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)(b) or (c).
- (5B) The Minister of Justice 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 Minister of Justice, overrule the decision of the Board.
- (5C) The Minister of Justice may overrule the Board only if, in the opinion of the Minister of Justice, the inquiry ought not to be held on any of the grounds mentioned in section 76A(2)(b) or (c).]
- (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 [^{F9}Minister of Justice].
- (8) The persons are—
- (a) the Comptroller and Auditor General [^{F10}for Northern Ireland];
 - (b) the Ombudsman;
 - (c) an inspector of constabulary for Northern Ireland.
- (9) The Board may, with the agreement of the [^{F11}Minister of Justice], 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.
- [^{F12}(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 information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (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; and
 - (b) inform the Secretary of State, the Board and the person conducting the inquiry that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

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- (10C) Subsection (10D) 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)(b) or (c).
- (10D) The Chief Constable must—
- (a) inform the Minister of Justice and the Board that the information has been supplied to the person conducting the inquiry; and
 - (b) inform the Minister of Justice, 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 (10C).]

(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.

[^{F13}(14) “Paragraphs 3 to 6 of Schedule A1 to the Interpretation Act (Northern Ireland) 1954 (provisions applicable to inquiries etc. under Northern Ireland legislation) shall apply to an inquiry under this section with the substitution for references to the Department of references to the person conducting the inquiry.”]

(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;
 - [^{F14}(c) the Minister of Justice; and
 - (d) the Secretary of State, but only if the decision to cause the inquiry to be held was notified to the Secretary of State under subsection (2A) or if subsection (10A) applied in relation to the inquiry.]

(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.

[^{F15}(18) Where the Board—

 - (a) has considered a report on any relevant NCA matter submitted by the Director General of the National Crime Agency 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,

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the Board may, after consultation with the Director General and with the Secretary of State, cause such an inquiry to be held.

- (19) Subsections (2) to (17) of this section apply to an inquiry which the Board causes to be held under subsection (18) as they apply to an inquiry caused to be held under subsection (1).
- (20) In the application of subsections (2) to (17) to an inquiry which the Board causes to be held under subsection (18)—
- (a) each reference to the Chief Constable (except the reference in subsection (16)(a)) is to be read as a reference to the Director General of the National Crime Agency;
 - (b) subsection (16) is to be read as including a requirement to send a copy of the report of any inquiry to the Director General (as well as to the persons in subsection (16)(a) to (d)).]

Textual Amendments

- F1** Words in s. 60(2)(a) 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. 75(2)(a)** (with arts. 28-31)
- F2** Words in s. 60(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. 75(2)(b)** (with arts. 28-31)
- F3** S. 60(2A) 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. 75(3)** (with arts. 28-31)
- F4** S. 60(3) substituted (with effect in accordance with s. 11(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), **s. 11(2)**
- F5** Words in s. 60(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. 75(4)** (with arts. 28-31)
- F6** Words in s. 60(5) substituted (with effect in accordance with s. 11(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), **s. 11(3)**
- F7** Words in s. 60(5) 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. 75(4)** (with arts. 28-31)
- F8** S. 60(5A)-(5C) 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. 75(5)** (with arts. 28-31)
- F9** Words in s. 60(7) 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. 75(6)** (with arts. 28-31)
- F10** Words in s. 60(8)(a) 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. 75(7)** (with arts. 28-31)
- F11** Words in s. 60(9) 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. 75(8)** (with arts. 28-31)
- F12** S. 60(10A)-(10D) substituted for s. 60(10A)(10B) (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. 75(9)** (with arts. 28-31)
- F13** S. 60(14) substituted (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), **Sch. 2 para. 22** (with ss. 44, 50); [S.I. 2005/1432](#), art. 2
- F14** S. 60(16)(c)(d) substituted for s. 60(16)(c) and word (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. 75(10)** (with arts. 28-31)
- F15** S. 60(18)-(20) inserted (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\)](#), art. 1(3), **Sch. 2 para. 8**

Changes to legislation:

There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, Section 60.