

POLICE (NORTHERN IRELAND) ACT 2003

EXPLANATORY NOTES

REPORTS AND INQUIRIES

Section 10: Reports of Chief Constable

23. This section amends section 59 of the 2000 Act, which deals with the Chief Constable's general duty to report to the Board. Prior to the amendment, section 59 required the Chief Constable to submit a report whenever required to do so by the Board. However, where the Chief Constable considered that his report would contain information which ought not to be disclosed on any of the four grounds previously listed in section 59(3)(a) to (d) of the 2000 Act, he could refer the requirement to submit a report to the Secretary of State..
24. *Subsection (2)* amends section 59(3) by deleting the existing list of grounds at section 59(3)(a) to (d). Instead, the amendment provides that the Chief Constable may refer to the Secretary of State a requirement that he submit a report if it seems to him that the required report would contain information which should not be disclosed on any of the grounds listed in the new section 76A(1). The grounds listed at the new section 76A(1) differ from the grounds set out in the previous section 59(3)(a) to (d), and are explained in the notes on section 29 below.
25. *Subsections (3) and (4)* provide that where a requirement to submit a report is referred to the Secretary of State, he may either exempt the Chief Constable from disclosing particular information to the Board, or require him to disclose it to a special purposes committee of the Board. (Section 28 deals with the establishment of such a committee.)*Subsection (4)* also amends section 59 of the 2000 Act so as to allow the Chief Constable, if he believes that a report would contain sensitive information but has not referred the requirement to the Secretary of State, to supply that information to a special purposes committee of the Board, rather than to the full Board. Where he does so, the Chief Constable must identify the information in question as sensitive, and advise the Secretary of State that he has passed it to the committee. He must also produce a summary of the information that, subject to its being agreed by the special purposes committee, may be supplied to the full Board. Alternatively, if the Chief Constable chooses to supply sensitive information to the full Board rather than to a special purposes committee, he must inform the Secretary of State of this, and identify the information in question as sensitive. (Sensitive information means information of a kind set out in the new section 59(4C), as inserted by *subsection (4)*.)
26. *Subsection (5)* makes transitional arrangements. These provide that the new provisions apply to any requirement to submit a report that the Chief Constable refers to the Secretary of State after Royal Assent to the Act. The new provisions also apply to any requirement that the Chief Constable had referred to the Secretary of State before Royal Assent, but in relation to which the Secretary of State had not made a decision by that date..

Section 11: Inquiries by Board

27. This section amends section 60 of the 2000 Act, which deals with the initiation of an inquiry by the Board following a report to it by the Chief Constable. Prior to this amendment, section 60(3) of the 2000 Act provided that, where the Chief Constable considered that an inquiry should not be held on any of the four grounds listed in section 60(3), he could refer the Board's decision to hold an inquiry to the Secretary of State.
28. *Subsection (2)* deletes the list of grounds set out in section 60(3). It provides that instead the Chief Constable may refer the Board's decision to hold an inquiry to the Secretary of State if he considers that an inquiry should not be held on any of the grounds listed in the new section 76A(2).
29. *Subsection (4)* provides that, where the Chief Constable supplies sensitive information to a person conducting an inquiry under section 60, he must identify it as sensitive and must notify the Board and Secretary of State that it has been passed to the person conducting the inquiry. (Sensitive information is defined in the new section 60(10A) of the 2000 Act as inserted by *subsection (4)*).
30. *Subsection (5)* makes transitional arrangements. These provide that the new provisions apply to any decision of the Board to set up an inquiry that the Chief Constable refers to the Secretary of State after Royal Assent to the Act. They also apply to any decision to hold an inquiry that the Chief Constable had referred to the Secretary of State before Royal Assent, but in relation to which the Secretary of State had not made a decision by that date.

Section 12: Approval of proposals relating to inquiries by the Board

31. This section amends paragraph 18 of Schedule 1 to the 2000 Act, which applies to inquiries held under section 60 following a report to the Board by the Chief Constable. Paragraph 18(5) provides that the Board shall not set in motion an inquiry under section 60, or request or appoint a person to conduct such an inquiry, unless a proposal to take this step has been approved by the "required number" of members. The required number of members is detailed in paragraph 18(6), and varies according to the number of members composing the Board. Paragraph 18(1)-(4) sets out the procedure to be followed in calling a meeting at which a proposal to hold an inquiry, or to request or appoint a person to conduct it, is to be discussed and voted on.
32. *Subsection (2)* amends the provision of paragraph 18(3) to provide that at least six days must elapse between the chairman calling a meeting under paragraph 18(2) and that meeting taking place. *Subsection (3)* imposes an additional requirement for Board approval of a proposal to hold an inquiry or to request or appoint a person to conduct an inquiry, namely that the proposal must be approved by *a majority of the members present and voting* as well as by the "required number" of members. *Subsection (4)* reduces the "required number" of members as set out in paragraph 18(6) so that, for example, whereas the previous required number of members was 10 if the Board had 18 or 19 members, the new required number is 8.
33. *Subsection (5)* provides that the new provisions have effect in relation to any Board meeting called under paragraph 18 of Schedule 1 to the 2000 Act on or after the day on which the Act receives the Royal Assent.