

SCHEDULES

SCHEDULE 3

Amendments relating to policing

Police (Northern Ireland) Act 2000

76.—(1) Amend section 61 (reports by Chief Constable to Secretary of State) as follows.

(2) In subsections (1), (2) and (3) for “Secretary of State” (wherever occurring) substitute “appropriate authority”.

(3) After subsection (1) insert—

“(1A) In this section “the appropriate authority” means, in relation to any matter—

- (a) the Secretary of State, if the matter relates (in whole or in part other than incidentally) to an excepted matter or reserved matter or to a function conferred or imposed on the Secretary of State by or under a statutory provision;
- (b) otherwise, the Minister of Justice;

and in paragraph (a) “excepted matter” and “reserved matter” have the meanings given by section 4 of the Northern Ireland Act 1998(1).”

(4) After subsection (3) insert—

“(4) If it appears to the Chief Constable that a report that the Chief Constable is required to submit under subsection (1) to the Minister of Justice may contain information which, in the opinion of the Chief Constable, ought not to be disclosed on the ground mentioned in section 76A(1)(a), the Chief Constable may refer the report to the Secretary of State.

(5) If it appears to the Secretary of State that—

- (a) the Chief Constable is required to submit a report under subsection (1) to the Minister of Justice, and
- (b) the report may contain (or once completed may contain) information which ought not to be disclosed on the ground mentioned in section 76A(1)(a),

the Secretary of State may require the Chief Constable to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once completed).

(6) The Secretary of State must, within—

- (a) the period of 30 days from the date on which a report is referred to the Secretary of State under subsection (4) or (5), or
- (b) such longer period as may be agreed between the Secretary of State and the Minister of Justice,

notify the Chief Constable whether, in the opinion of the Secretary of State, the report contains any information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(1) 1998 c. 47.

Status: This is the original version (as it was originally made).

(7) Where the Chief Constable has referred a report to the Secretary of State under subsection (4) or the Secretary of State has required that a report be referred to the Secretary of State under subsection (5), the Chief Constable must not disclose the report to anyone apart from the Secretary of State, except—

- (a) in accordance with subsection (8), or
- (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(8) Where the Secretary of State notifies the Chief Constable under subsection (6) that, in the opinion of the Secretary of State, a report contains information which ought not to be disclosed on the ground mentioned in section 76A(1)(a)—

- (a) the Secretary of State may direct the Chief Constable to exclude from the report any information which, in the opinion of the Secretary of State, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a);
- (b) the Chief Constable must exclude that information from the report;
- (c) the Secretary of State must inform the Minister of Justice that the Secretary of State has given a direction under paragraph (a); and
- (d) the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).

(9) When the Chief Constable submits a report to the Minister of Justice from which information has been excluded under subsection (8), the Chief Constable must at the same time provide the report to the Secretary of State.

(10) In determining for the purposes of subsection (2)(b) when the period of one month, or the agreed longer period, expires in a case where a report has been referred to the Secretary of State under subsection (4) or (5), the period beginning with the day on which the report is referred to the Secretary of State and ending with the day on which the Secretary of State's notification is given under subsection (6) is to be disregarded.

(11) Subsection (12) applies if—

- (a) a requirement to submit a report has been made under subsection (1) by the Minister of Justice;
- (b) the Chief Constable has not referred the report to the Secretary of State under subsection (4) and has not been required to refer the report to the Secretary of State under subsection (5); and
- (c) the Chief Constable includes in the report submitted to the Minister of Justice 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).

(12) The Chief Constable must—

- (a) inform the Secretary of State that the information has been included in the report to the Minister of Justice;
- (b) inform the Secretary of State and the Minister of Justice that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a)."

(5) In the heading to section 61 after "Secretary of State" insert "and Minister of Justice".