

*These notes refer to the Justice Act (Northern Ireland)
2011 (c.24) which received Royal Assent on 4 May 2011*

Justice Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 1: Policing and Community Safety Partnerships

This Schedule sets out how a Policing and Community Safety Partnership (PCSP) under Part 3 is to be established and the arrangements for its proceedings.

Paragraph 3: Political members

This paragraph details that the number of political members is determined by the council based on the number of members constituting the council. In appointing political members the council must ensure as far as possible that they reflect the balance of the parties prevailing among the members of the council immediately after the last local general election. This paragraph also details how long a political member can hold office, how they vacate office and when a casual vacancy can and cannot be filled.

Paragraphs 4 - 6: Independent members

These paragraphs detail how the number of independent members should be determined; how the independent members should be appointed; how long they should hold office; how they vacate office; and when a casual vacancy can and cannot be filled. These paragraphs also detail that the Department of Justice is responsible for preparing and revising a code of practice in relation to the appointment of independent members.

Paragraph 7: Representatives of designated organisations

This paragraph details the minimum number of representatives from delivery partners that should be on each PCSP and who is responsible for designating organisations that must be represented. It provides that there should be at least four designated organisations. The paragraph also details that a PCSP is responsible for the revoking a designated organisation's membership. It also allows the Department of Justice by order to designate organisations which must be on each PCSP. The Department must consult with each PCSP and lay the

order before the Northern Ireland Assembly for approval by resolution before making the order.

Paragraph 8: Removal of members

This paragraph details that the Policing Board or the council with the approval of the Policing Board is responsible for the removal of political and independent members of a PCSP. The paragraph sets out the circumstances in which members of a PCSP can be removed.

Paragraph 9: Disqualification

This paragraph sets out the circumstances in which persons are disqualified from membership of a PCSP.

Paragraph 10: Chair and vice-chair

This paragraph provides for the appointment of a chair and a vice-chair of a PCSP. It sets out that the chair must be appointed by the council from among the political members and that the vice-chair will be elected by the independent members from such members. The person appointed to the office of chair shall usually be appointed for a term of 12 months and the office will be held in turn by each of the largest four parties represented on the council. The paragraph explains how a member resigns from the position of chair and vice-chair of the PCSP.

Paragraph 11: Procedure of PCSP

This paragraph details that there is a quorum for each meeting of a PCSP which shall be one-quarter of the total of members. The paragraph also sets out how each question at a meeting of a PCSP shall be determined and what happens in the event of the elected chair and vice-chair being absent from a meeting of a PCSP.

Paragraph 12: Policing committee: constitution

This paragraph sets out that there shall be a policing committee for each PCSP consisting of political members and independent members. The paragraph explains that each policing committee shall have a chair who is the chair of the PCSP and a vice-chair elected by the independent members. If a person wishes to resign from the position of vice-chair they must do so in writing to the Policing Board. The paragraph also explains that if a person ceases to be a member of the policing committee they will automatically vacate the position of chair or vice-chair.

Paragraph 13: Policing committee: procedure

This paragraph details that there is a quorum of 5 for a meeting of the policing committee. The paragraph also sets out how each question at a meeting of a policing committee shall be determined and what happens in the event of

the elected chair and vice-chair being absent from a meeting of a PCSP. The paragraph explains that a policing committee may constitute sub-committees to be made up of 5 or more of its members. The policing committee can delegate to a sub-committee any of its functions.

Paragraph 14: Other committees

This paragraph provides for a PCSP to constitute other committees made up of 5 or more of its members. A PCSP can delegate to a committee any of the functions of the PCSP except the functions restricted to the policing committee. This paragraph allows for a committee appointed to co-opt other persons who are not members of the committee or the PCSP.

Paragraph 15: Indemnities

This paragraph details that the council can cover a PCSP member in respect of liability incurred by that member in connection with the business of the PCSP.

Paragraph 16: Insurance against accidents

This paragraph sets out that the council may insure against risks of a member of the PCSP meeting with a personal accident, whether fatal or not, whilst engaged in PCSP business.

Paragraph 17: Expenses

This paragraph provides that the council may pay members of the PCSP such expenses as the council determines.

Paragraph 18: Finance

This paragraph requires the Department of Justice and the Policing Board to make a grant for each financial year to the district council towards the expenses incurred by the council in connection with the establishment of, or the exercise of the functions by, PCSPs.

Paragraphs 19 & 20: Validity of proceedings & Disclosure of pecuniary interests, family connections etc.

These paragraphs set out the circumstances which should not affect the proceedings of a PCSP.

Paragraph 21: Joint PCSPs

This paragraph enables the Department of Justice, after consultation with the Policing Board and the councils affected, to provide by order that two or more councils can establish a joint PCSP for their districts.

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Paragraph 22: Belfast PCSP

This paragraph makes modifications to the Schedule in relation to the Belfast PCSP to accommodate the DPCSPs.