

DISTRICT POLICING PARTNERSHIPS (NORTHERN IRELAND) ORDER 2005

S.I. 2005 861

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The District Policing Partnerships (Northern Ireland) Order 2005 (“the Order”) was made on 22 March 2005.
2. This Explanatory Memorandum has been prepared by the Northern Ireland Office (“the Department”) to assist the reader in understanding the Order. It does not form part of the Order.

BACKGROUND AND POLICY OBJECTIVES

3. The Police (Northern Ireland) Act 2000 (as amended by the Police (Northern Ireland) Act 2003) makes provision for each district council to establish, for its district, a District Policing Partnership (DPP) which is representative of the community. A DPP is a consultative body, comprising of both political and independent members, set up to express the views of the public on policing to the police and monitor police performance.
4. The Order makes the following changes to the legal framework pertaining to DPPs in Northern Ireland:
 - Temporarily extends the lifespan of existing DPPs, which would otherwise cease to operate at the date of the next local government election, until the new DPPs are established thereby avoiding a period where no DPPs would operate during this transitional period;
 - Inserts provisions that waive the need to fill either political or independent posts that may become vacant during the transitional period i.e. the period between the local government election and reconstitution of the new DPPs;
 - Provides a statutory basis for the date from when the new DPPs are reconstituted;
 - Amends a power to remove a member from office to include the conviction of a criminal offence after appointment, whether committed before or after appointment;
 - Amends Schedule 3, paragraph 9 of the Police (Northern Ireland) Act 2000 to provide that the vice chair of a DPP must be appointed by the independent members and from among the independent members;
 - Provides that a person who holds the position of chair or vice-chair shall not do so for more than 18 months should the DPP enter the transitional period when a new DPP is being established.

CONSULTATION

5. Consultation of the various proposed changes was conducted as follows:

Consultation Paper

6. On 17 January 2005, a copy of the draft Order was circulated to the Northern Ireland Policing Board, the Police Service for Northern Ireland, NI district councils and other interested parties. A covering letter outlined the proposals for amending the Police (NI) Act 2000 (as amended by the Police (NI) Act 2003) and requested that comments should be submitted by 14 February 2005. The Department received comments from 22 respondents who generally welcomed and supported the proposals.
7. The consultation period was reduced from 12 to 4 weeks with Ministerial approval. This was considered sufficient as comments had already been received on the issues raised for amendment, by all relevant parties, following a consultation on the draft Appointment of Independent Members to District Policing Partnerships Code of Practice, an on-going review of DPPs which is being undertaken by the Northern Ireland Policing Board and the Policing Oversight Commissioner's most recent report.

MAIN ELEMENTS OF THE ORDER

8. The Order has five Articles.

COMMENTARY ON ARTICLES

9. A commentary on the provisions follows below (comments are not given where the wording is self-explanatory):
[Articles 1-2](#) are concerned with introductory provisions;
Article 3 is concerned with extending existing DPPs until the new DPPs are established;
Article 4 is concerned with amending a power to remove a member from office;
Article 5 is concerned with amending that the vice-chair will be held by an independent member.

Article 3 – Effect of local government election on membership of DPP

10. This Article provides that DPPs existing at the date of a local government election shall no longer cease to operate from that date but shall be temporarily extended until the new DPPs are established i.e. reconstituted. It facilitates this by extending the membership of existing political members, who continue to hold office following the previous local government election. It also extends the membership of existing independent members. Both types of members shall now hold office until the day before the reconstitution date. The reconstitution date is the date published by the Northern Ireland Policing Board, as they see appropriate, once they have a list of independent members.
11. This Article also provides that should any vacancies arise during the transitional period, whether political or independent, that they will not be filled. It temporarily waives the need for the DPP to be of a certain size and composition, and representative of the community, during the transitional period.

Article 5 – Vice-chairman of DPP

12. This Article provides that, commencing with the first reconstitution date of DPPs, the position of vice-chair will be appointed by independent members from among independent members. The Article also provides that the person holding the position of chair and vice-chair can only do so for a period up to 12 months outside any transitional period. This can be extended to no longer than 18 months, or up to the reconstitution date, during any transitional period.

COMMENCEMENT

13. The substantive provisions of the Order were brought into operation on 01 April 2005.