

POLICE (NORTHERN IRELAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY

Part Vi: the Police

Sections 45, 46 and 47: Temporary Provisions Concerning Composition of the Police

58. The Patten Report recommended exceptional recruitment measures to address imbalances in the religious background of the membership of the police and police support staff. The Report said that candidates should reach a specified standard of merit and be selected from a qualified pool on the basis that one half would be Catholics. Sections 46 and 47 give effect to the Report's recommendations.
59. **Section 46(1) and (5)** requires the Chief Constable to appoint from a pool of qualified candidates for the police and its support staff (where there are 6 or more vacancies) an even number of candidates one half of whom are to be treated as Roman Catholic and one half not ("50:50 recruitment"). **Subsections (2), (3), (6) and (7)** provide for the Secretary of State, after consulting the Board and the Chief Constable, to make an order modifying the 50:50 recruitment provisions for police trainees and police support staff where insufficient numbers of qualified candidates of one community background have come forward to fill one half of the vacancies; and, in the case of police trainees, for the purpose of redressing any imbalance arising where one or more such orders have been made in the previous three years. **Subsection (4)** limits the Secretary of State's order-making power to "aggregate" recruitment quotas under **subsection (3)(b)** to 75% of either community. **Subsections (8) and (9)** apply existing fair employment monitoring procedures for the purpose of determining perceived community background. **Subsections (10) and (11)** amend fair employment and race relations legislation to except selection from the pool of qualified candidates on the 50:50 basis of perceived community background. The amendment to fair employment legislation also excepts local recruitment of Part Time Reserve members of the police from being unlawful under the terms of the Fair Employment and Treatment (Northern Ireland) Order 1998.
60. **Section 45** provides for the appointment of suitably qualified police officers from forces outside Northern Ireland. It obliges the Board, in the case of senior officers, and the Chief Constable, in relation to other ranks, to encourage such applications. In doing so the Board and the Chief Constable must have regard to the progress that has been made towards making the police service representative of the community in Northern Ireland.
61. **Section 47** provides that the exceptional measures concerning the composition of the police and its support staff will expire on the third anniversary of their coming into force unless they are specifically renewed by an order made by the Secretary of State. In deciding whether the provisions should be renewed the Secretary of State must take account of the progress which has been made towards securing that membership of the police and police support staff is representative of the community in Northern Ireland. The Secretary of State must consult the Policing Board before making an order.