

*Status: Point in time view as at 01/04/2012.*

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### THE NORTHERN IRELAND POLICING BOARD

#### PART I

#### STATUS AND MEMBERSHIP

##### *Status*

- 1 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Board's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (2) Subject to the provisions of this Act, section 19 of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954 shall apply to the Board; and, for the purposes of that section, the Board shall be treated as if it were established by an Act of the Northern Ireland Assembly.

##### **Marginal Citations**

**M1** 1954 c. 33 (N.I.).

##### *Membership: application of Parts II and III*

- 2 (1) While section 1 of the <sup>M2</sup>Northern Ireland Act 2000 (suspension of devolved government in Northern Ireland) is in force, Part II below shall have effect in relation to the membership of the Board (and accordingly Part III below shall not have effect).
- (2) At any other time, Part III below shall have effect in relation to the membership of the Board (and accordingly Part II below shall not have effect).
- (3) Where either of those Parts ceases to have effect in relation to the Board, the members of the Board holding office under that Part shall cease to do so, but may again become members of the Board under the other of those Parts.

##### **Marginal Citations**

**M2** 2000 c. 1.

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*[<sup>F1</sup>Restoration of devolved government under  
Northern Ireland (St Andrews Agreement) Act 2006*

**Textual Amendments**

**F1** Sch. 1 para. 2A and cross-heading inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\)](#), arts. 1(2), 2

- 2A (1) This paragraph applies if, by virtue of section 2(2) of the Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), the Secretary of State makes a restoration order under section 2(2) of the Northern Ireland Act 2000 providing for section 1 of that Act to cease to have effect on 26 March 2007.
- (2) Where this paragraph applies, the effect of paragraph 2(1) and (2) is modified as follows.
- (3) On 26 and 27 March 2007 Part II below shall continue to have effect in relation to the Board (and accordingly Part III below shall not have effect).
- (4) On 28 March 2007—
- (a) if the Secretary of State has made an order by virtue of section 2(3) of the Northern Ireland (St Andrews Agreement) Act 2006 revoking the restoration order with effect from that date, Part II below shall continue to have effect in relation to the Board;
  - (b) if he has not made such an order, Part III below shall come into effect on that date in relation to the Board (and accordingly Part II below shall cease to have effect).]

**PART II**

MEMBERSHIP DURING SUSPENSION OF DEVOLVED GOVERNMENT

*Constitution*

- 3 (1) The Board shall consist of not less than 14 nor more than 19 members appointed by the Secretary of State.
- (2) The Secretary of State may by order amend either or both of the numbers for the time being specified in sub-paragraph (1).
- (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
- (4) Before making any appointment under this paragraph, the Secretary of State shall consult—
- (a) district councils; and
  - (b) such other bodies as he considers appropriate.
- (5) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (4)(b).

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- (6) Sub-paragraphs (4) and (5) do not apply to the first appointment of members of the Board under this Part following the making by the Secretary of State of an order revoking a restoration order under section 2(2) of the Northern Ireland Act 2000.
- (7) A person is disqualified for membership of the Board if—
- (a) he holds the office of Ombudsman, or
  - (b) he is—
    - (i) a member of the police support staff;
    - (ii) a police officer;<sup>F2</sup>...
    - [<sup>F3</sup>(iii) a member of a policing and community safety partnership or a district policing and community safety partnership.]
- (8) There shall be a chairman and a vice-chairman of the Board.
- (9) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State.
- (10) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.

#### Textual Amendments

**F2** Word in Sch. 1 para. 3(7)(b) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), [Sch. 4](#)

**F3** [Sch. 1 para. 3\(7\)\(b\)\(iii\)](#) substituted for [Sch. 1 para. 3\(7\)\(b\)\(ii\)\(iv\)](#) (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 7 para. 8\(7\)](#); S.R. 2012/142, art. 2(d)

#### *Term of office*

- 4 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman or vice-chairman of the Board in accordance with the terms of his appointment.
- (2) The chairman, vice-chairman and other members of the Board may not be appointed for a term of more than 4 years at a time, and a person appointed to fill a casual vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.
- (3) A person may at any time resign as a member or as chairman or vice-chairman of the Board by notice in writing to the Secretary of State.
- (4) A person shall cease to hold office as a member or as chairman or vice-chairman if he becomes disqualified for membership of the Board.
- (5) The Secretary of State may remove a person from office as a member or as chairman or vice-chairman of the Board if satisfied that—
- (a) before his appointment he failed to disclose to the Secretary of State his conviction of a criminal offence in Northern Ireland or elsewhere;
  - (b) he has been convicted of a criminal offence committed after the date of his appointment;
  - (c) he has become bankrupt or made a composition or arrangement with his creditors;

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- (d) he is not committed to non-violence and exclusively peaceful and democratic means;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions.
- (6) A member of the Board whose term of office expires or who has resigned shall be eligible for re-appointment.

#### *Remuneration and allowances of members*

- 5 (1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

### PART III

#### MEMBERSHIP DURING DEVOLVED GOVERNMENT

##### *Constitution*

- 6 (1) The Board shall consist of 19 members of whom—
- (a) 10 shall be nominated from among members of the Assembly in accordance with paragraph 7; and
  - (b) 9 shall be appointed by the [<sup>F4</sup>Minister of Justice] in accordance with paragraph 8.
- (2) In this Part—
- “independent member” means a member of the Board appointed under sub-paragraph (1)(b);
  - “political member” means a member of the Board nominated under sub-paragraph (1)(a).
  - [<sup>F5</sup>“transitional period” means the period for which independent members of the Board are appointed in accordance with paragraph 8(4A).]

#### **Textual Amendments**

- F4** Words in Sch. 1 para. 6(1)(b) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F5** Words in Sch. 1 para. 6(2) inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\)](#), arts. 1(2), **3(1)**

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### *Political members*

- 7 (1) Where this Part comes into effect in relation to the Board, the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (2) Where at any other time—
- (a) an Assembly is elected under section 31 or 32 of the <sup>M3</sup>Northern Ireland Act 1998;
  - (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act; or
  - (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,
- all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (3) At the request of the [<sup>F6</sup>Minister of Justice], the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a member of the Board who—
- (a) is a member of that party and of the Assembly; and
  - (b) is not disqualified for membership of the Board.
- (4) The nominated person may take up office as a member of the Board by making a statement to that effect to the [<sup>F6</sup>Minister of Justice].
- (5) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the prescribed period; or
  - (b) the nominated person does not take up office as a member of the Board within that period,
- that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.
- (7) The formula is—
- $$\frac{S}{1 + M}$$
- where—
- S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election; and
- M = the number of members of the party (if any) who hold office as a political member of the Board.
- (8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (9) A political member shall cease to hold office if—
- (a) he resigns by notice in writing to the Board;

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- (b) he becomes disqualified for membership of the Board; or
  - (c) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate a person to hold the office who—
- (a) is a member of that party and of the Assembly; and
  - (b) is not disqualified for membership of the Board.
- (11) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within the prescribed period; or
  - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying sub-paragraphs (3) to (8) within such further period as may be prescribed.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) of the <sup>M4</sup>Northern Ireland Act 1998 that a political party does not enjoy its confidence; and
  - (b) the party's period of exclusion has not come to an end,
- the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).
- (13) In this paragraph—
- “nominating officer”, in relation to a party, means the person registered under Part II of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by him for the purpose;
- “prescribed” means prescribed by regulations made by the [<sup>F7</sup>Minister of Justice].

#### Textual Amendments

- F6** Words in Sch. 1 para. 7(3)(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F7** Words in Sch. 1 para. 7(13) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)

#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 7 modified (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), ss. 2(2), 27(1), **Sch. 2 para. 6** (with s. 1(3)) (as amended (retrospectively) by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)); S.I. 2007/1397, art. 2

#### Marginal Citations

- M3** 1998 c. 47.  
**M4** 1998 c. 47.

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### *Independent members*

- 8 (1) The [<sup>F8</sup>Minister of Justice] shall so exercise his powers of appointment under paragraph 6(1)(b) as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
- (2) Before making any appointment under paragraph 6(1)(b), the [<sup>F9</sup>Minister of Justice] shall consult—
- (a) the First Minister and deputy First Minister;
  - (b) district councils; and
  - (c) such other bodies as he considers appropriate.
- (3) The [<sup>F10</sup>Minister of Justice] shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (2)(c).
- (4) In relation to the first appointment of members of the Board under this Part following the making of a restoration order by the Secretary of State under section 2(2) of the <sup>M5</sup>Northern Ireland Act 2000—
- (a) sub-paragraph (2) applies as if paragraphs (b) and (c) were omitted; and
  - (b) sub-paragraph (3) does not apply.
- [<sup>F11</sup>(4A) In relation to the first appointment of members of the Board following the coming into effect of this Part in accordance with paragraph 2A(4)(b), the Secretary of State may, notwithstanding anything in sub-paragraph (1), so exercise his powers of appointment under paragraph 6(1)(b) as to secure that—
- (a) he appoints independent members of the Board only from among persons holding office as members of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1), and
  - (b) all appointments made in accordance with paragraph (a) are for the same term of office (the “transitional period”), which must not exceed four months.
- (4B) Where a vacancy in the membership of the Board arises as a result of—
- (a) a person holding office as a member of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1) being unavailable to take up office under sub-paragraph (4A), or
  - (b) an independent member of the Board appointed in accordance with sub-paragraph (4A) ceasing to hold office before the end of the transitional period,
- no appointment shall be made to fill the vacancy, and paragraph 6(1)(b) shall have effect subject to this sub-paragraph.]
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.
- (6) An independent member may not be appointed for a term of more than 4 years at a time.
- (7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
- (8) An independent member shall cease to hold office if—
- (a) he resigns by notice in writing to the [<sup>F12</sup>Minister of Justice]; or
  - (b) he becomes disqualified for membership of the Board.

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- (9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

#### Textual Amendments

- F8** Words in Sch. 1 para. 8(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F9** Words in Sch. 1 para. 8(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F10** Words in Sch. 1 para. 8(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F11** Sch. 1 para. 8(4A)(4B) inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\)](#), arts. 1(2), **3(2)**
- F12** Words in Sch. 1 para. 8(8) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)

#### Marginal Citations

- M5** 2000 c. 1

#### *Removal of members from office*

- 9 (1) The <sup>F13</sup>[Minister of Justice] may remove a person from office as an independent or political member of the Board if satisfied that—
- (a) in the case of an independent member, he failed, before his appointment, to make to the <sup>F13</sup>[Minister of Justice] full disclosure of a conviction of his for a criminal offence in Northern Ireland or elsewhere;
  - (b) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
  - (c) he has become bankrupt or made a composition or arrangement with his creditors;
  - (d) he is not committed to non-violence and exclusively peaceful and democratic means;
  - (e) he is otherwise unable or unfit to discharge his functions as a member of the Board.
- (2) The <sup>F14</sup>[Minister of Justice] may remove a person from office as an independent member of the Board if satisfied that he has failed to comply with the terms of his appointment.

#### Textual Amendments

- F13** Words in Sch. 1 para. 9(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)
- F14** Words in Sch. 1 para. 9(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(2)** (with arts. 28-31)

#### *Disqualification*

- 10 (1) A person is disqualified for membership of the Board if—

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- (a) he holds office as—
    - (i) First Minister or deputy First Minister;
    - (ii) a Northern Ireland Minister;
    - (iii) a junior Minister; or
    - (iv) the Ombudsman;
  - (b) he is—
    - (i) a member of the police support staff;
    - (ii) a police officer; <sup>F15</sup> ...
    - [<sup>F16</sup>(iii) a member of a policing and community safety partnership or a district policing and community safety partnership.]
  - (c) he is for the time being excluded under section 30(1) of the <sup>M6</sup>Northern Ireland Act 1998 from holding office as a Minister or junior Minister.
- (2) A person removed from office under paragraph 9(1) is disqualified for membership of the Board until the date of the dissolution of the Assembly next following his removal.

#### Textual Amendments

- F15** Word in Sch. 1 para. 10(1)(b) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), [Sch. 4](#)
- F16** [Sch. 1 para. 10\(1\)\(b\)\(iii\)](#) substituted for [Sch. 1 para. 10\(1\)\(b\)\(iii\)\(iv\)](#) (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 7 para. 8\(7\)](#); S.R. 2012/142, art. 2(d)

#### Marginal Citations

- M6** 1998 c. 47.

#### *Chairman and vice-chairman*

- 11 (1) There shall be a chairman and a vice-chairman of the Board.
- (2) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State from among the members of the Board.
  - (3) Before making any appointment under sub-paragraph (2), the Secretary of State shall consult the First Minister and the deputy First Minister.
  - (4) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.
  - (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.
  - (6) A person may at any time resign as chairman or vice-chairman by notice in writing to the Board.
  - (7) A person appointed to fill a casual vacancy as chairman or vice-chairman shall hold office for the remainder of the term of the person in whose place he is appointed.
  - (8) If the chairman or vice-chairman ceases to be a member of the Board, he shall also cease to hold office as chairman or vice-chairman.
  - [<sup>F17</sup>(9) Any appointment of a chairman or vice-chairman during the transitional period shall be for a term expiring at the end of the transitional period.]

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**Textual Amendments**

**F17** Sch. 1 para. 11(9) inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\)](#), arts. 1(2), 4

*Remuneration and allowances of members*

- 12 (1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the [<sup>F18</sup>Minister of Justice] may determine.
- (2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the [<sup>F18</sup>Minister of Justice] that there are special circumstances which make it right for that person to receive compensation, the [<sup>F18</sup>Minister of Justice] may direct the Board to make to the person a payment of such amount as the [<sup>F18</sup>Minister of Justice] may determine.

**Textual Amendments**

**F18** Words in [Sch. 1 para. 12](#) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 86\(2\)](#) (with arts. 28-31)

**PART IV**

STAFF

*Staff of the Board*

- 13 (1) The Board may, with the approval of the [<sup>F19</sup>Department of Justice] as to numbers and terms and conditions of service, employ persons to enable the Board to discharge its functions.
- (2) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the Board by persons employed in the civil service.

**Textual Amendments**

**F19** Words in [Sch. 1 para. 13\(1\)](#) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 86\(3\)](#) (with arts. 28-31)

*Power to transfer staff to employment of Board*

- 14 (1) The [<sup>F20</sup>Department of Justice] may by regulations provide for the transfer to the employment of the Board of any person to whom this paragraph applies.
- (2) Subject to sub-paragraph (3), this paragraph applies to any person who immediately before such date as may be prescribed in regulations under sub-paragraph (1) (“the prescribed date”) is—
- (a) employed in the civil service; and

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- (b) engaged, in pursuance of arrangements under paragraph 13(2), in providing assistance to the Board.
- (3) This paragraph does not apply to a person if—
  - (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
  - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Before making any regulations under this paragraph the [<sup>F21</sup>Department of Justice] shall consult—
  - (a) the Board; and
  - (b) such organisations as appear to the [<sup>F21</sup>Department of Justice] to represent the interests of persons affected by the regulations.

#### Textual Amendments

- F20** Words in Sch. 1 para. 14(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 86(4)(a) (with arts. 28-31)
- F21** Words in Sch. 1 para. 14(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 86(4)(b) (with arts. 28-31)

## PART V

### FUNDING

#### *Grants to the Board*

- 15 (1) The [<sup>F22</sup>Department of Justice] shall for each financial year make to the Board a grant for defraying the expenses of the Board.
- (2) A grant under this paragraph—
  - (a) shall be of such amount,
  - (b) shall be paid at such time, or in instalments of such amounts and at such times, and
  - (c) shall be made on such conditions,as the [<sup>F23</sup>Department of Justice] may, with the approval of the Department of Finance and Personnel,] determine.
- (3) A time determined under sub-paragraph (2)(b) may fall within or after the financial year concerned.

#### Textual Amendments

- F22** Words in Sch. 1 para. 15(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 3 para. 86(5)(a) (with arts. 28-31)

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F23** Words in Sch. 1 para. 15(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(5)(b)** (with arts. 28-31)

### *Accounts and audit*

- 16 (1) The Board shall in relation to grants received under paragraph 15—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall contain such information and shall be in such form as the <sup>F24</sup>[Department of Justice] may determine.
- (3) The Board shall send copies of the statement of accounts to the <sup>F25</sup>[Department of Justice and the Comptroller and Auditor General for Northern Ireland] within such period after the end of the financial year to which the accounts relate as the <sup>F26</sup>[Department of Justice] may determine.
- (4) The <sup>F27</sup>[Comptroller and Auditor General for Northern Ireland] shall—
- (a) examine, certify and report on each statement of accounts received by him under this paragraph; and
  - (b) lay copies of the statement of accounts and of his report before <sup>F28</sup>[the Northern Ireland Assembly].
- <sup>F29</sup>(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.]

#### **Textual Amendments**

- F24** Words in Sch. 1 para. 16(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(a)** (with arts. 28-31)
- F25** Words in Sch. 1 para. 16(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(b)(i)** (with arts. 28-31)
- F26** Words in Sch. 1 para. 16(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(b)(ii)** (with arts. 28-31)
- F27** Words in Sch. 1 para. 16(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(c)(i)** (with arts. 28-31)
- F28** Words in Sch. 1 para. 16(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(c)(ii)** (with arts. 28-31)
- F29** Sch. 1 para. 16(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(6)(d)** (with arts. 28-31)

*Status: Point in time view as at 01/04/2012.*

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## PART VI

### PROCEDURE

#### *Procedure*

- 17 (1) Subject to sub-paragraph (2), the quorum for a meeting of the Board shall be seven.
- (2) The quorum for a meeting of the Board at which any appointment is to be made under paragraph 3(10) or 11(4) shall be—
- (a) 12, if the Board consists of 19 members;
  - (b) 11, if it consists of 16, 17 or 18 members;
  - (c) 10, if it consists of less than 16 members.
- (3) For the purposes of sub-paragraph (2), any vacancy in the membership of the Board is to be disregarded.
- (4) Subject to [F30 paragraphs 17A and 18][F31] and section 23(9) of the Police (Northern Ireland) Act 2003], every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (5) If the chairman and vice-chairman are absent from a meeting of the Board, the members present shall elect one of their number to act as chairman of the meeting.
- (6) The Board shall determine the procedures to be followed by it in exercising its power under section 59(1).
- (7) The Board shall—
- (a) publish the procedures determined by it under sub-paragraph (6); and
  - (b) not exercise its power under section 59(1) otherwise than in accordance with those procedures.
- (8) Subject to sub-paragraphs (1) to (7) the Board may regulate its own procedure.

#### **Textual Amendments**

- F30** Words in Sch. 1 para. 17(4) substituted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(4\)](#)
- F31** Words in Sch. 1 para. 17(4) inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(10\)](#)

#### *[F32 Authorisations under section 47A(1)]*

#### **Textual Amendments**

- F32** Sch. 1 para. 17A and cross-heading inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(5\)](#)

*Status: Point in time view as at 01/04/2012.*

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- 17A The Board shall not give an authorisation under section 47A(1) unless a proposal to do so has been approved by each member of the Board present and voting on the question at a meeting of the Board.]

*Inquiries under section 60*

- 18 (1) Sub-paragraph (2) applies if—
- (a) the Board is considering—
    - (i) causing an inquiry to be held under section 60;
    - (ii) making a request under section 60(6); or
    - (iii) appointing a person under section 60(9); and
  - (b) at least three members of the Board have made a written request to the chairman, asking him to call a meeting of the Board to consider the matter.
- (2) The chairman shall, no later than three working days after the day on which he receives the request, call such a meeting.
- (3) The meeting shall be held no earlier than six, and no later than twenty-one, working days after [F33 the day on which the chairman calls the meeting] .
- (4) The chairman shall notify each member of the Board of the date and purpose of the meeting.
- (5) The Board shall not take any of the steps mentioned in sub-paragraph (1)(a) unless a proposal to that effect has been approved by [F34—
- (a) a majority of members of the Board present and voting on the proposal, and
  - (b)] the required number of members of the Board present and voting on the proposal.
- (6) The required number of members is—
- (a) [F358] , if the Board consists of 18 or 19 members;
  - (b) [F367] , if it consists of 16 or 17 members;
  - (c) [F376] , if it consists of less than 16 members.
- (7) For the purposes of sub-paragraph (6), any vacancy in the membership of the Board is to be disregarded.

**Textual Amendments**

- F33** Words in Sch. 1 para. 18(3) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(2\)](#)
- F34** Words in Sch. 1 para. 18(5) inserted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(3\)](#)
- F35** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(a\)](#)
- F36** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(b\)](#)
- F37** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(c\)](#)

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### *Public meetings*

- 19 (1) This paragraph applies to a meeting held by the Board for the purpose of receiving and considering a report on policing from the Chief Constable prepared for the meeting.
- (2) There must be at least [<sup>F38</sup>eight] meetings in each year.
- <sup>F39</sup>(3) .....
- (4) The Board must give such notice of a meeting as it considers appropriate.
- (5) Members of the public may attend any meeting.
- (6) But that does not prevent the Board from excluding the public, or particular members of the public, from a meeting, or from part of a meeting, in order to prevent or suppress disorderly conduct or other misbehaviour at, or a disturbance of, the meeting.

#### **Textual Amendments**

- F38** Word in Sch. 1 para. 19(2) substituted (with effect in accordance with s. 4(3) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 4\(1\)](#)
- F39** Sch. 1 para. 19(3) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 4\(2\), Sch. 4](#)

### *Validity of proceedings*

- 20 The validity of any proceedings of the Board or a committee thereof shall not be affected by—
- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

### *Seal*

- 21 The application of the seal of the Board shall be authenticated by the signatures of—
- (a) two members of the Board; and
- (b) some other person generally or specially authorised by the Board to act for that purpose.

### *Execution and proof of instruments*

- 22 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.
- (2) Before entering into contracts for the supply of goods or the execution of works, the Board shall comply with such requirements as the [<sup>F40</sup>Department of Justice] may direct.
- (3) A document purporting to be an instrument made or issued by or on behalf of the Board and—
- (a) to be duly executed under the seal of the Board, or

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- (b) to be signed or executed by a person generally or specially authorised by the Board to act for that purpose,  
shall be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

#### Textual Amendments

**F40** Words in Sch. 1 para. 22(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(8)** (with arts. 28-31)

#### *Disclosure of pecuniary interests, family connections, etc.*

- 23 Sections 28 to 33, 42, 46, 47 and 146 of the <sup>M7</sup>Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) shall apply to the Board and its members as if—
- (a) in those sections—
- (i) any reference to a council were a reference to the Board;
  - (ii) any reference to a councillor were a reference to a member of the Board;
  - (iii) any reference to the clerk of the council were a reference to such officer of the Board as the <sup>F41</sup>Department of Justice] may specify;
- (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;
- (c) in section 29 of that Act <sup>F42</sup>any reference to the Ministry were a reference to the Department of Justice].

#### Textual Amendments

**F41** Words in Sch. 1 para. 23(a)(iii) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(9)(a)** (with arts. 28-31)

**F42** Words in Sch. 1 para. 23(c) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 86(9)(b)** (with arts. 28-31)

#### Marginal Citations

**M7** 1972 c. 9(N.I.).

#### *Committees*

- 24 (1) The Board may <sup>F43</sup>, subject to sub-paragraphs (1A) to (1E)] —
- (a) constitute committees of such 5 or more of its members as the Board may appoint; and
  - (b) delegate to a committee so constituted any of the functions of the Board.
- <sup>F44</sup>(1A) The Board shall constitute a committee of its members for the purposes mentioned in sub-paragraph (1B) if—
- (a) the Chief Constable informs the Board that he wishes to supply information to a committee of the Board under section 59(4D),

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- (b) the Secretary of State [<sup>F45</sup>or the Minister of Justice] informs the Board that he proposes to modify a requirement to submit a report under section 59(1) for the purpose mentioned in section 59(4A)(b), or
  - (c) a person who is conducting or has conducted an inquiry under section 60, or who is assisting or has assisted in the conduct of such an inquiry, informs the Board that he wishes to disclose information to a committee of the Board under section 74A(6).
- (1B) The purposes are—
- (a) handling information supplied to the committee by the Chief Constable under section 59;
  - (b) handling information supplied to it by a person who is conducting or has conducted an inquiry under section 60 or by a person who is assisting or has assisted in the conduct of such an inquiry.
- (1C) The Board may not constitute a committee of its members for the purposes mentioned in sub-paragraph (1B) if a committee of its members has already been constituted for those purposes under sub-paragraph (1) or (1A).
- (1D) A committee constituted under sub-paragraph (1) or (1A) for the purposes mentioned in sub-paragraph (1B) shall consist of 7 members of the Board.
- (1E) The members of a committee constituted under sub-paragraph (1) or (1A) for the purposes mentioned in sub-paragraph (1B)—
- (a) shall be appointed by the Board;
  - (b) shall include the chairman or vice-chairman of the Board (or both of them);
  - (c) shall as far as practicable be representative of the Board.]
- (2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

#### Textual Amendments

- F43** Words in Sch. 1 para. 24(1) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 28\(2\)](#)
- F44** Sch. 1 para. 24(1A)-(1E) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 28\(3\)](#)
- F45** Words in Sch. 1 para. 24(1A)(b) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 3 para. 86\(10\)](#) (with arts. 28-31)

## SCHEDULE 2

Section 2.

### TRANSFER OF FUNCTIONS, ASSETS, LIABILITIES AND STAFF OF POLICE AUTHORITY FOR NORTHERN IRELAND

#### *Interpretation*

- 1 In this Schedule—
- “the Authority” means the Police Authority for Northern Ireland;
  - “the transfer date” means the date on which section 2(3) comes into force.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Transfer of functions*

- 2 (1) The functions exercisable by the Authority immediately before the transfer date under—
- (a) any provision of the 1998 Act, or
  - (b) any other statutory provision,
- shall as from that date be exercisable by the Board.
- (2) Sub-paragraph (1) applies only to provisions which have continuing effect.

### *Transfer of assets and liabilities*

- 3 (1) All property, rights and liabilities to which the Authority is entitled or subject immediately before the transfer date shall on that date be transferred to, and by virtue of this paragraph vest in, the Board.
- (2) This paragraph does not apply to rights and liabilities under a contract of employment (which are dealt with in paragraph 4).
- (3) A certificate by the [<sup>F46</sup>Department of Justice] that any property, right or liability has vested in the Board under this paragraph shall be conclusive evidence of that fact for all purposes.

#### **Textual Amendments**

**F46** Words in Sch. 2 para. 3(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 87](#) (with arts. 28-31)

### *Transfer of employed staff*

- 4 (1) Subject to sub-paragraphs (2) and (3), this paragraph applies to a person who immediately before the transfer date is employed by the Authority.
- (2) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.
- (3) Where a person—
- (a) has, prior to the transfer date, entered into a contract of employment with the Authority which is to come into effect on or after that date, and
  - (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,
- he shall be treated as if he were a person to whom this paragraph applies.
- (4) A contract of employment between a person to whom this paragraph applies and the Authority shall have effect from the transfer date as if originally made between that person and the Board.
- (5) Without prejudice to sub-paragraph (4)—
- (a) all the Authority's rights, powers, duties and liabilities under or in connection with the contract shall by virtue of this paragraph be transferred to the Board on the transfer date; and

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- (b) anything done before that date by or in relation to the Authority in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Board.
- (6) Sub-paragraphs (4) and (5) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the Authority that he objects to the transfer.
- (7) Where an employee objects as mentioned in sub-paragraph (6), his contract of employment with the Authority is terminated immediately before the transfer date, but he shall not be treated, for any purpose, as having been dismissed by the Authority.
- (8) A person transferred to the employment of the Board under this paragraph shall be treated—
  - (a) as a member of the police support staff employed under section 4(3), if immediately before the transfer date he was a member of the police service staff of the Authority;
  - (b) as a member of the staff of the Board appointed under paragraph 13(1) of Schedule 1 in any other case.
- (9) This paragraph does not prejudice any right of the employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change of employer effected by this paragraph unless the employee shows that, in all the circumstances, the change is a significant change and to his detriment.

*Transfer of seconded staff*

- 5 (1) This paragraph applies to a person who immediately before the transfer date is engaged in pursuance of arrangements under section 3(4) of the 1998 Act in providing assistance to the Authority.
- (2) If, immediately before the transfer date a person to whom this paragraph applies was a member of the police service staff of the Authority, he shall be treated as a member of the police support staff engaged in pursuance of arrangements made under section 4(4).
- (3) In any other case, he shall be treated as a person engaged in providing assistance to the Board in pursuance of arrangements under paragraph 13(2) of Schedule 1.

*References to, and acts, etc. done by, or in relation to, the Authority*

- 6 (1) Any reference in any statutory provision or document to the Authority shall, in relation to any time after the transfer date, be construed as a reference to the Board.
- (2) Nothing in section 2 or this Schedule affects the validity of any document made or issued or any other act done by, or in relation to, the Authority before the transfer date; and any such document or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the Board.
- (3) Anything (including any legal proceedings) in the process of being done by or in relation to the Authority immediately before the transfer date may be continued by or in relation to the Board.

*Status: Point in time view as at 01/04/2012.*

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### Accounts

- 7 (1) In this paragraph “the relevant period” means the period—
- (a) beginning on 1st April 2000; and
  - (b) ending immediately before the transfer date.
- (2) The Board shall—
- (a) prepare a statement of accounts for the Authority in respect of the relevant period in such form and containing such information as the Secretary of State may determine;
  - (b) send copies of that statement to the Secretary of State and the Comptroller and Auditor General within such period after the end of the relevant period as the Secretary of State may direct.
- (3) The Comptroller and Auditor General shall—
- (a) examine, certify and report on the statement of accounts received by him under sub-paragraph (2)(b); and
  - (b) lay a copy of the statement of accounts and of his report before each House of Parliament.

## F47 SCHEDULE 3

Section 14.

### Textual Amendments

**F47** Sch. 3 repealed (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 8 Pt. 2](#); [S.R. 2012/142](#), art. 2(e)

## [F48 SCHEDULE 3A

### BELFAST SUB-GROUPS

### Textual Amendments

**F48** Sch. 3A inserted (4.9.2007) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), s. 19, [Sch. 1 para. 13](#); [S.R. 2007/371](#), art. 2(c)

### Interpretation

- 1 (1) In this Schedule—
- “the council” means the district council for Belfast;
- a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989, with the substitution of the words “if appointed” for the words “if elected”;

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“independent member”, in relation to a sub-group, means a member appointed under paragraph 2(4);

“local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962;

“the partnership” means the district policing partnership for Belfast;

“political member”, in relation to a sub-group, means a member appointed under paragraph 2(3);

“sub-group” means a sub-group established under section 21.

[ In this Schedule, in relation to a sub-group and the holding of a local general <sup>F49</sup>(1A) election—

“the transitional period” means the period—

- (a) beginning with the election day; and
- (b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Board under paragraph 4(2A).]

- (2) For the purposes of this Schedule an independent member of the council shall be treated as a party.

#### Textual Amendments

**F49** Sch. 3A para. 1(1A) inserted by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 27(6), **Sch. 9 para. 2(1)** (with s. 1(3)); S.R. 2007/371, art. 3)

#### *Size and composition*

- 2 (1) A sub-group shall consist of 11 members.
- (2) The members of a sub-group need not be members of the partnership.
- (3) Six of the members of a sub-group shall be appointed by the council from among members of the council in accordance with paragraph 3.
- (4) Five of the members of a sub-group shall be appointed in accordance with paragraph 4.

#### *Political members*

- 3 (1) The council shall exercise its power to appoint political members of a sub-group so as to ensure that, so far as practicable, the political members of all the sub-groups, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of his appointment.
- (3) A political member shall hold office until the date of the local general election next following his appointment.
- (4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place he is appointed.

*Status: Point in time view as at 01/04/2012.*

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- (5) A political member shall cease to hold office if—
- (a) he resigns by notice in writing to the council;
  - (b) he becomes disqualified for membership of a sub-group; or
  - (c) he ceases to be a member of the council.
- (6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.
- [ Where a political member ceases to hold office at any time during the transitional  
<sup>F50</sup>(7) period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.]

#### Textual Amendments

**F50** Sch. 3A para. 3(7) added by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), **Sch. 9 para. 2(3)** (with s. 1(3)); S.R. 2007/371, art. 3)

#### Modifications etc. (not altering text)

**C2** Sch. 3A para. 3(3) amendment to earlier affecting provision 2003 c. 6, Sch. 1 para. 13 (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), **Sch. 9 para. 2(2)** (with s. 1(3)); S.R. 2007/371, art. 3

### *Independent members*

- 4 (1) Appointments of independent members shall be made by the Board from among
- <sup>F51</sup>(a) persons nominated by the council in accordance with paragraph 5<sup>F52</sup>; and
  - (b) persons who hold office as independent members of the partnership]
- (2) In appointing independent members of a sub-group the Board shall so far as practicable secure that the members of the sub-group (taken together) are representative of the community in the sub-group's police district.
- [ Where, following a local general election, the Board has completed the appointment  
<sup>F53</sup>(2A) of the independent members of the sub-group for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the sub-group for that police district.
- (2B) Notice under sub-paragraph (2A) shall be published in such manner as appears to the Board appropriate for bringing it to the attention of interested persons.]
- (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.
- (4) An independent member shall hold office until the date of the local general election next following his appointment.
- (5) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
- (6) An independent member shall cease to hold office if—
- (a) he resigns by notice in writing to the council; or
  - (b) he becomes disqualified for membership of a sub-group.

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(7) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

[ Where an independent member ceases to hold office at any time during the <sup>F54</sup>(8) transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.]

#### Textual Amendments

- F51** Sch. 3A para. 4(1) renumbered as Sch. 3A para. 4(1)(a) (N.I.) (4.9.2007) (temp.) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 16\(5\)](#) (with [Sch. 1 para. 16\(2\)\(3\)](#)); S.R. 2007/371, art. 2(c)
- F52** Sch. 3A para. 4(1)(b) and word inserted (N.I.) (4.9.2007) (temp.) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 16\(5\)](#) (with [Sch. 1 para. 16\(2\)\(3\)](#)); S.R. 2007/371, art. 2(c)
- F53** Sch. 3A para. 4(2A)(2B) inserted by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(4\)](#) (with s. 1(3)); S.R. 2007/371, art. 3)
- F54** Sch. 3A para. 4(8) added by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(6\)](#) (with s. 1(3)); S.R. 2007/371, art. 3)

#### Modifications etc. (not altering text)

- C3** Sch. 3A para. 4(4) amendment to earlier affecting provision 2003 c. 6, Sch. 1 para. 13 (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(5\)](#) (with s. 1(3)); S.R. 2007/371, art. 3

#### *The council's nominations*

- 5 (1) Where appointments are to be made of independent members of a sub-group, the council shall nominate persons willing to be candidates for appointment.
- (2) Unless otherwise agreed with the Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.
- (3) The council shall notify the Board of—
- the name of each person nominated by it under sub-paragraph (1); and
  - such other information regarding those persons as it considers appropriate.
- (4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Board of—
- whether the person is also willing to be a candidate for appointment as an independent member of any other sub-group;
  - the sub-group or sub-groups concerned, if he is so willing;
  - whether the person is also willing to be a candidate for appointment as an independent member of the partnership.
- (5) A person shall not be nominated under sub-paragraph (1) if—
- he is disqualified for membership of a sub-group, or
  - he has not made a declaration against terrorism.
- (6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Board may itself nominate such number of

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candidates as when added to the number nominated by the council equals twice the number of appointments to be made.

- (7) If the Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

*Code of practice on appointment of independent members*

- 6 (1) In exercising functions under paragraphs 4 and 5, the council and the Board shall have regard to any code of practice under this paragraph.
- (2) The [<sup>F55</sup>Department of Justice] may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Board of their functions under paragraphs 4 and 5.
- (3) Before issuing or revising a code of practice under this paragraph, the [<sup>F56</sup>Department of Justice] shall consult—
- (a) the Board;
  - (b) the council; and
  - (c) the Equality Commission for Northern Ireland.
- (4) The [<sup>F57</sup>Department of Justice] shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to [<sup>F58</sup>the Department of Justice] to be appropriate.

**Textual Amendments**

- F55** Words in Sch. 3A para. 6(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 89(2)(a)** (with arts. 28-31)
- F56** Words in Sch. 3A para. 6(3) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 89(2)(b)** (with arts. 28-31)
- F57** Words in Sch. 3A para. 6(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 89(2)(c)(i)** (with arts. 28-31)
- F58** Words in Sch. 3A para. 6(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 3 para. 89(2)(c)(ii)** (with arts. 28-31)

*Removal of members from office*

- 7 (1) The Board, or the council with the approval of the Board, may remove a person from office as a political or independent member of a sub-group if satisfied that—
- (a) in the case of an independent member, he failed to make the necessary disclosure in relation to a conviction of his for a criminal offence in Northern Ireland or elsewhere;
  - (b) in the case of an independent member, he has acted in breach of the terms of a declaration against terrorism;
  - [<sup>F59</sup>(c) he has been convicted in Northern Ireland or elsewhere after the date of his appointment of a criminal offence (whether committed before or after that date);]

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- (d) he has become bankrupt or made a composition or arrangement with his creditors;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions as a member of the sub-group.
- (2) “The necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—
- (a) before his nomination, to the council;
  - (b) before his appointment, to the Board.
- (3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.
- (4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—
- (a) in subsection (1), for the words from “after” to “the Assembly” substitute “ when he is an independent member of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 ”;
  - (b) omit subsection (4);
  - (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
    - “(d) any meeting of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 or a committee of such a sub-group (whether or not a meeting which the public is permitted to attend), and
    - (e) any meeting of a district policing partnership or a committee of a district policing partnership (whether or not a meeting which the public is permitted to attend),”.

#### Textual Amendments

**F59** Sch. 3A para. 7(1)(c) substituted (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), [Sch. 9 para. 3](#) (with s. 1(3)); S.R. 2007/371, art. 3

#### *Disqualification*

- 8 (1) A person is disqualified for membership of a sub-group if he is—
- (a) a police officer;
  - (b) a member of the police support staff;
  - (c) a member of the Board; or
  - (d) an employee of the council.
- (2) A person removed from office under paragraph 7(1) is disqualified for membership of a sub-group until the date of the next local general election following his removal.
- (3) A person is disqualified for being an independent member of a sub-group if—

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- (a) he has been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment or detention, and
  - (b) the relevant period has not ended.
- (4) The relevant period is the period of five years beginning with the person’s discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not his release is subject to conditions)—
- (a) his release on licence;
  - (b) his release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if he is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph “suspended sentence” means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

*[<sup>F60</sup>Chairman and vice-chairman*

**Textual Amendments**

**F60** Sch. 3A para. 9 substituted (N.I.) (4.9.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), s. 27(6), **Sch. 9 para. 4** (with s. 1(3)); S.R. 2007/371, art. 3

- 9
- (1) For each sub-group there shall be a chairman appointed by the council from among the political members.
- (2) In making appointments to the office of chairman, the council shall ensure that, so far as is practicable—
- (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following his appointment;
  - (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.
- (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman in accordance with the terms of his appointment.
- (4) A person may at any time resign as chairman by notice in writing to the council.
- (5) If the chairman ceases to be a member of the sub-group, he shall also cease to hold office as chairman.]

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#### *Allowances*

- 10 The council may pay to the chairman, vice-chairman and other members of a sub-group such allowances as the council, with the approval of the Board, may determine.

#### *Indemnities*

- 11 The council may indemnify a member of a sub-group in respect of liability incurred by him in connection with the business of the sub-group.

#### *Insurance against accidents*

- 12 (1) The council may insure against risks of a member of a sub-group meeting with a personal accident, whether fatal or not, while he is engaged on the business of the sub-group.
- (2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the sub-group.
- (3) The council shall pay the sum to the member or his personal representatives, after deducting any expenses incurred in its recovery.
- (4) The provisions of the Life Assurance Act 1774 as extended by the Life Insurance (Ireland) Act 1866 do not apply to any insurance under this paragraph.

#### *Finance*

- 13 The Board shall for each financial year make to the council a grant equal to three-quarters of the expenses reasonably incurred by the council in that year in connection with the establishment of, or the exercise of functions by, sub-groups.

#### *Procedure*

- 14 (1) The quorum for a meeting of a sub-group shall be 5.
- (2) Every question at a meeting of a sub-group shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (3) If the chairman and vice-chairman are absent from a meeting of a sub-group, the members present shall elect one of their number to act as chairman of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 19 and to any directions given by the partnership, a sub-group may regulate its own procedure.

#### *Validity of proceedings*

- 15 The validity of any proceedings of a sub-group or a committee thereof shall not be affected by—
- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
- (b) any vacancy in the office of chairman or vice-chairman or among the other members.

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*Disclosure of pecuniary interests, family connections, etc.*

- 16 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a sub-group and its members as if—
- (a) in those sections—
    - (i) any reference to a council were a reference to the sub-group;
    - (ii) any reference to a councillor were a reference to a member of the sub-group;
    - (iii) any reference to the clerk of the council were a reference to the person acting as secretary of the sub-group;
  - (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “ by any person ”;
  - (c) in section 29 of that Act [<sup>F61</sup>any reference to the Ministry were a reference to the Department of Justice].

**Textual Amendments**

**F61** Words in Sch. 3A para. 16(c) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 3 para. 89\(3\)](#) (with arts. 28-31)

*Committees*

- 17
- (1) A sub-group may constitute a committee of its members.
  - (2) A sub-group shall constitute a committee of its members if directed to do so by the partnership.
  - (3) A committee of a sub-group shall consist of 5 or more members of the sub-group.
  - (4) The members of a committee of a sub-group shall be appointed by the sub-group.
  - (5) A sub-group may delegate any of its functions to a committee constituted by it.
  - (6) The powers of a committee of a sub-group shall be exercised in accordance with and subject to directions given by the sub-group.
  - (7) The proceedings of a committee of a sub-group shall be regulated in accordance with and subject to directions given by the sub-group.
  - (8) The approval of the partnership is required to—
    - (a) the constitution of a committee under sub-paragraph (1);
    - (b) the members of a committee of a sub-group to be appointed under sub-paragraph (4);
    - (c) the functions to be delegated to a committee under sub-paragraph (5);
    - (d) the exercise by a committee of any functions delegated to it under sub-paragraph (5);
    - (e) the directions to be given to a committee under sub-paragraphs (6) and (7).]

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## SCHEDULE 4

Section 67.

### THE COMMISSIONER

#### *Appointment etc. of the Commissioner*

- 1 (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as the Commissioner in accordance with the terms of his appointment.
- (2) An appointment as Commissioner may be full-time or part-time.
- (3) The first appointment as Commissioner shall come to an end on 31 May 2003.
- (4) Any other appointment as Commissioner shall be for a period not exceeding 3 years.
- (5) A person may at any time resign his office as Commissioner by notice in writing to the Secretary of State.
- (6) The Secretary of State may call upon the Commissioner to retire if satisfied that the Commissioner has—
  - (a) been convicted of a criminal offence;
  - (b) become bankrupt or made a composition or arrangement with his creditors; or
  - (c) become unfit or unable to discharge his functions.
- (7) Before calling upon the Commissioner to retire, the Secretary of State shall give the Commissioner an opportunity to make, either personally or otherwise, representations to him and shall consider any representations that he makes.
- (8) A Commissioner who is called upon to retire under sub-paragraph (6) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State.

#### *Terms of reference*

- 2 (1) On appointing the Commissioner, the Secretary of State shall give him written terms of reference.
- (2) The terms of reference shall, in particular, describe the changes in policing in Northern Ireland the implementation of which it is the general function of the Commissioner to oversee.

#### *Remuneration, pensions, allowances, etc.*

- 3 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Commissioner as he may determine.
- (2) Where a person ceases to hold office as Commissioner otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.

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### *Staff*

- 4 (1) The Commissioner may, with the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.
- (2) The Commissioner may make arrangements for administrative, secretarial or other assistance to be provided for him by persons employed in the civil service.
- (3) Employment by the Commissioner shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of “Other Bodies” there shall be inserted—
- “Employment by the Commissioner appointed under section 67 of the Police (Northern Ireland) Act 2000.”
- 5 The Employers’ Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Commissioner.

### *Exercise of functions*

- 6 (1) Any functions of the Commissioner under this Act may be performed by any officer of the Commissioner authorised for the purpose by the Commissioner.
- (2) “Officer of the Commissioner” means—
- (a) a person employed by the Commissioner under paragraph 4(1);
  - (b) a person providing assistance to the Commissioner in pursuance of arrangements made under paragraph 4(2).

### *Evidence*

- 7 A document purporting to be duly signed by, or on behalf of, the Commissioner shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

### *Finance*

- 8 The Secretary of State shall pay to the Commissioner such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Commissioner under this Act.
- 9 (1) The Commissioner shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct; and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

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## SCHEDULE 5

Section 74.

### APPLICATION OF ANTI-DISCRIMINATION LEGISLATION TO THE POLICE

#### *Sex Discrimination (Northern Ireland) Order 1976 (NI 15)*

- 1 (1) The Sex Discrimination (Northern Ireland) Order 1976 shall be amended as follows.
- (2) Omit Article 19.
- (3) In Article 82(4) for “Article 19” substitute “ Articles 84 and 85 ”.
- (4) After Article 83 insert—

#### **The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve**

- “84 (1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—
- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
  - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) Regulations under section 25 or 26 of the Police (Northern Ireland) Act 1998 or section 41 of the Police (Northern Ireland) Act 2000 shall not treat men and women differently except—
- (a) as to requirements relating to uniform or equipment or allowances in lieu of uniform or equipment;
  - (b) so far as special treatment is accorded to women in connection with pregnancy or childbirth; or
  - (c) in relation to pensions.
- (3) Nothing in Part II renders unlawful any discrimination between male and female constables as to matters such as are mentioned in paragraph (2)(a).
- (4) For the purposes of Article 42—
- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (5) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him the proceedings; and
  - (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.

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- (6) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
  - (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
  - (b) any costs incurred and not recovered by a police officer in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (7) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (6).
- (8) Paragraphs (1) and (4) to (7)—
  - (a) apply in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as they apply in relation to a police officer;
  - (b) apply in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
    - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
    - (ii) in paragraphs (4), (6) and (7) the references to the Chief Constable were references to the Ombudsman.

### **Other police bodies**

- 85 (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
  - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 42—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and

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- (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
  - (b) any costs incurred and not recovered by such a person in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
    - (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
    - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
  - “police authority” means—
    - (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
    - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
  - “police fund” means—
    - (a) in relation to the National Criminal Intelligence Service, the Service fund under section 16 of the Police Act 1997;
    - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

*Race Relations (Northern Ireland) Order 1997 (NI 6)*

- 2 (1) The Race Relations (Northern Ireland) Order 1997 shall be amended as follows.
- (2) Omit Article 17.
  - (3) In Article 71(3) for “Article 17” substitutes “ Articles 72A and 72B ”.
  - (4) After Article 72 insert—

**The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve**

“72A(1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** *Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
  - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 32—
- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
  - (b) any costs incurred and not recovered by a police officer in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).
- (6) This Article—
- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;
  - (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
    - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
    - (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **Other police bodies**

- 72B (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
  - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 32—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
  - (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
  - (b) any costs incurred and not recovered by such a person in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
  - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
- “police authority” means—
- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;

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*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) in relation to any other body of constables, the authority by which the members of the body are paid;
  - “police fund” means—
  - (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
  - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.

(7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

*Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21)*

- 3 (1) The Fair Employment and Treatment (Northern Ireland) Order 1998 shall be amended as follows.
- (2) For Article 94 substitute—

**The Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve**

- “94 (1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable as a police officer shall be treated as employment—
- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
  - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 36—
- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
  - (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
  - (c) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;

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*Status: Point in time view as at 01/04/2012.*

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- (b) any costs incurred and not recovered by a police officer in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).
- (6) This Article—
- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;
  - (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
    - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
    - (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

### **Other police bodies**

- 94A (1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
  - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 36—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
  - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
  - (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
  - (c) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
  - (b) any costs incurred and not recovered by such a person in such proceedings; and
  - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
- (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
  - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
- “police authority” means—
- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
  - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
- “police fund” means—
- (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
  - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

## SCHEDULE 6

Section 78.

### AMENDMENTS

*Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*

1 In the Interpretation Act (Northern Ireland) 1954 after section 43 insert—

#### “43A Definitions in connection with police.

In an enactment—

“Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

“constable”, except when used in enactments relating to the pay or pensions of, or the general administration of, the police, includes—

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- (a) any police officer;
- (b) any member of any Harbour or Airport Police;
- (c) any member of the Naval, Military or Royal Air Force Police or of the Ministry of Defence Police;
- (d) any other person having for the time being the powers of a constable;

“Policing Board” means the Northern Ireland Policing Board;

“police district” and “district commander” have the meanings assigned by section 20 of the Police (Northern Ireland) Act 2000;

“the police”, “police officer”, “Police Service of Northern Ireland”, “Police Service of Northern Ireland Reserve” and “police support staff” have the same meaning as in the Police (Northern Ireland) Act 2000;

“reserve constable” means a person appointed as a reserve constable under section 37 of the Police (Northern Ireland) Act 2000.”

*Parliamentary Commissioner Act 1967 (1967 c. 13)*

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 at the appropriate place in alphabetical order insert the following entry—

“Northern Ireland Policing Board

.”

*House of Commons Disqualification Act 1975 (c. 24)*

- 3 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In section 1(3) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “ Northern Ireland Policing Board ”.
- (3) In Part III of Schedule 1 at the appropriate place in alphabetical order insert the following entry—

“Chairman or vice-chairman of the Northern Ireland Policing Board.”

- (4) In that Part of that Schedule, at the appropriate place in alphabetical order insert the following entry—

“Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

**Commencement Information**

- II** Sch. 6 para. 3 wholly in force at 4.11.2001; Sch. 6 para. 3(4) in force at Royal Assent see s. s. 79(2)(f); Sch. 6 para. 3 in force to the extent not already in force (4.11.2001) by [S.R. 2001/396](#), [art. 2](#), [Sch](#)

*Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

- 4 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In section 1(2) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “ Northern Ireland Policing Board ”.
- (3) In Part III of Schedule 1, at the appropriate place in alphabetical order insert the following entry—
- “Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

#### Commencement Information

- I2** Sch. 6 para. 4 wholly in force at 4.11.2001; Sch. 6 para. 4(3) in force at Royal Assent see. s. 79(2)(f); Sch. 6 para. 4 in force to the extent not already in force (4.11.2001) by [S.R. 2001/396](#), art. 2, [Sch.](#)

#### *Interpretation Act 1978 (c. 30)*

- 5 In Schedule 1 to the Interpretation Act 1978 (defined words and expressions), insert at the appropriate place—
- ““Police Service of Northern Ireland” and “Police Service of Northern Ireland Reserve” have the same meaning as in the Police (Northern Ireland) Act 2000;”.

#### *Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)*

- 6 In Article 47A(2) of the Health and Safety at Work (Northern Ireland) Order 1978 for sub-paragraph (a) substitute—
- “(a) in relation to a police officer, means the Chief Constable;”.

#### *Finance Act 1981 (c. 35)*

- 7 In section 107(3)(k) of the Finance Act 1981 for “the Police Authority for Northern Ireland” substitute “ the Northern Ireland Policing Board ”.

#### *Aviation Security Act 1982 (c. 36)*

- 8 In section 31(3)(c) of the Aviation Security Act 1982 for “Police Authority for Northern Ireland” substitute “ Northern Ireland Policing Board ”.

#### *Official Secrets Act 1989 (c. 6)*

- 9 In section 12(1)(e) of the Official Secrets Act 1989 for the words in brackets substitute “ (including the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve) ”.

#### *Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

- 10 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) In Article 2(2) omit the definition of “police officer”.

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In Articles 7(1), 50(2) and 56(14) for “section 48(1) of the Police (Northern Ireland) Act 1998” substitute “ section 58(1) of the Police (Northern Ireland) Act 2000 ”.

(4) In Article 32(4)(b) for “Police Authority” substitute “ Policing Board ”.

<sup>F62</sup>(5) .....

#### Textual Amendments

**F62** Sch. 6 para. 10(5) repealed (N.I.) (1.3.2007) by [The Police and Criminal Evidence \(Amendment\) \(Northern Ireland\) Order 2007 \(S.I. 2007/288\)](#), art. 1(2), [Sch. 2](#)

#### *Aviation and Maritime Security Act 1990 (c. 31)*

11 In section 22(4)(b) of the Aviation and Maritime Security Act 1990 for subparagraph (ii) substitute—

“(ii) in Northern Ireland, by the Northern Ireland Policing Board or an authority which has entered into an agreement with the Police Ombudsman for Northern Ireland under section 60 of the Police (Northern Ireland) Act 1998;”.

#### *Police Act 1996 (c. 16)*

12 (1) The Police Act 1996 shall be amended as follows.

(2) In section 61(1) for “Royal Ulster Constabulary” substitute “ Police Service of Northern Ireland ” and for “that Constabulary” substitute “ the Police Service ”.

(3) In section 97(1)(f) and (7)(b) for “Royal Ulster Constabulary” substitute “ Police Service of Northern Ireland ”.

(4) In section 98(1) to (5) for “Royal Ulster Constabulary” (wherever occurring) substitute “ Police Service of Northern Ireland ”.

(5) In section 98 for subsections (8) and (9) substitute—

“(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.”.

#### *Juries (Northern Ireland) Order 1996 (NI 6)*

13 In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entries beginning “Members of the Royal Ulster Constabulary” and “Members and staff of the Police Authority” substitute—

“Police officers and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.

Members and staff of the Policing Board.”.

#### *Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)*

<sup>F63</sup>14 .....

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

### Textual Amendments

**F63** Sch. 6 para. 14 repealed (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 8 Pt. 2](#); [S.R. 2012/142](#), art. 2(e)

#### *Proceeds of Crime (Northern Ireland) Order 1996 (NI 9)*

- 15 In Article 23(5)(a) and (b) of the Proceeds of Crime (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “ Policing Board ”.

#### *Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*

- 16 In Article 84(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “ Policing Board ”.

#### *Employment Rights (Northern Ireland) Order 1996 (NI 16)*

- 17 (1) The Employment Rights (Northern Ireland) Order 1996 shall be amended as follows.
- (2) In Article 72A(2) for sub-paragraph (a) substitute—  
 “(a) in relation to a police officer, means the Chief Constable;”.
- (3) In Article 169A(2) for sub-paragraph (a) substitute—  
 “(a) in relation to a police officer, means the Chief Constable;”.
- (4) In Article 243(3) for sub-paragraph (a) substitute—  
 “(a) service as a police officer;”.

#### *Licensing (Northern Ireland) Order 1996 (NI 22)*

- 18 In Article 84(b) of the Licensing (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “ Policing Board ”.

#### *Registration of Clubs (Northern Ireland) Order 1996 (NI 23)*

- 19 In Article 51 of the Registration of Clubs (Northern Ireland) Order 1996 for “Police Authority for Northern Ireland” substitute “ Policing Board ”.

#### *Police Act 1997 (c. 50)*

- 20 (1) The Police Act 1997 shall be amended as follows.
- (2) In that Act—
- (a) for “Royal Ulster Constabulary Reserve” (wherever occurring) substitute “ Police Service of Northern Ireland Reserve ”; and
- (b) for “Royal Ulster Constabulary” (wherever occurring) substitute “ Police Service of Northern Ireland ”.
- (3) In that Act for “Police Authority for Northern Ireland” (wherever occurring) substitute “ Northern Ireland Policing Board ”.

<sup>F64</sup>(4) .....

*Status: Point in time view as at 01/04/2012.*

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F64(5) .....

F64(6) .....

F64(7) .....

#### Textual Amendments

**F64** Sch. 6 para. 20(4)-(7) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), art. 4(1), [Sch. para. 13\(jj\)](#)

#### Commencement Information

**I3** Sch. 6 para. 20 wholly in force at 4.11.2001; Sch. 6 para. 20 not in force at Royal Assent, see s. 79(1)(2); Sch. 6 para. 20(6) in force at 22.12.2000 by [S.R. 2000/412](#), [art. 2](#), [Sch.](#); Sch. 6 para. 20 in force in so far as not already in force at 4.11.2001 by [S.R. 2001/396](#), art. Sch.

#### *Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*

- 21 In Articles 44(1), 45, 51 and 54(2) of the Road Traffic Regulation (Northern Ireland) Order 1997 for “Police Authority” (wherever occurring) substitute “ Policing Board ”.

#### *Police (Health and Safety) (Northern Ireland) Order 1997 (NI 16)*

- 22 In Article 7(3) of the Police (Health and Safety) (Northern Ireland) Order 1997—
- (a) in the definition of “the relevant authority” for paragraph (a) substitute—  
“(a) in relation to the Chief Constable, the Policing Board;”;
  - (b) in the definition of “the relevant fund” for paragraph (aa) substitute—  
“(aa) in relation to the police, funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000; and”;
  - (c) in the definition of “the responsible officer” for paragraph (a) substitute—  
“(a) in relation to the police, the Chief Constable;”.

#### *Police (Northern Ireland) Act 1998 (c. 32)*

- 23 (1) The Police (Northern Ireland) Act 1998 shall be amended as follows.
- (2) In Part III—
- (a) for “Police Authority” (wherever occurring) substitute “ Board ”;
  - (b) in sections 25, 26 and 27 for “the Royal Ulster Constabulary”, “the Constabulary” and “that Constabulary” (wherever occurring) substitute “ the Police Service of Northern Ireland ”;
  - (c) in section 27(7)(b) omit “18” and after “this Act” insert “ and section 32 of the Police (Northern Ireland) Act 2000 ”;
  - (d) in section 28(1) for “Royal Ulster Constabulary Fund” substitute “ Police Fund ”;
  - (e) in section 29(2) for “section 10(5)” substitute “ section 10(5) of the Police (Northern Ireland) Act 2000 ”;

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- (f) in section 29(5) for “Royal Ulster Constabulary” substitute “ the Police Service of Northern Ireland ”;
  - (g) in section 31(5)(c)(iv) for “the Authority” substitute “ the Board ”.
- (3) In section 33(2)(c) for “Police Authority” substitute “ Board ”.
- (4) In Part V—
- (a) omit sections 37 and 39;
  - (b) for “Police Authority” (wherever occurring) substitute “ Board ”;
  - (c) in sections 41(2), 45(1) and (2) and 46 for “the Northern Ireland Police Service” substitute “—
    - (a) the Police Service of Northern Ireland;
    - (b) the Police Service of Northern Ireland Reserve;
    - (c) the police support staff; and
    - (d) traffic wardens.”;
  - (e) in subsection (4) of section 42, and in both places where it occurs in subsection (5) of that section, for “the Authority” substitute “ the Board ”.
- (5) In Part VII—
- (a) for “Police Authority” (wherever occurring) substitute “ Board ”;
  - (b) in section 50(1) for “Royal Ulster Constabulary” substitute “ Police Service of Northern Ireland ”;
  - (c) in section 55(1) for “the Authority” (wherever occurring) substitute “ the Board ”;
  - (d) in sections 56(3) and 57(6) for “section 18” substitute “ section 32 of the Police (Northern Ireland) Act 2000 ”.
- (6) In Part VIII—
- (a) in section 72 after subsection (2) insert—
    - “(2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the Treasury.”;
  - (b) for section 73 substitute—
    - “**73 Interpretation.**
    - (1) This Act shall be construed as one with the Police (Northern Ireland) Act 2000; and accordingly any word or expression to which a meaning is given by section 77 of that Act has the same meaning in this Act as in that Act.
    - (2) References in this Act to a member of the police force are to be construed as references to a police officer.
    - (3) References in this Act in any other context to the police force are to be construed as references to the police.
    - (4) In this Act “a police force in Great Britain” means a police force within the meaning of the <sup>M8</sup>Police Act 1996 or the <sup>M9</sup>Police (Scotland) Act 1967 .”
- (7) In Schedule 3—
- (a) in paragraph 5(2) for “Police Authority” substitute “ Board ”;

*Status: Point in time view as at 01/04/2012.*

**Changes to legislation:** Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) in paragraph 7(2)(a), for “section 19” substitute “ section 33 of the Police (Northern Ireland) Act 2000 ”;
- (c) in paragraph 8(4), for “section 18” substitute “ section 32 of the Police (Northern Ireland) Act 2000 ”.

(8) In Schedule 5, in paragraph 2 for “Royal Ulster Constabulary” substitute “ Police Service of Northern Ireland ”.

#### Commencement Information

**I4** Sch. 6 para. 23 wholly in force at 4.11.2001; Sch. 6 para. 23 not in force at Royal Assent, see s. 79(1) (2); Sch. 6 para. 23(6)(a) in force at 22.12.2000 by [S.R. 2000/412](#), [art. 2](#), [Sch.](#); Sch. 6 para. 23 in force in so far as not already in force at 4.11.2001 by [S.R. 2001/396](#), [art. Sch.](#)

#### Marginal Citations

**M8** 1996 c. 16.  
**M9** 1967 c. 77.

#### *Northern Ireland Act 1998 (c. 47)*

24 (1) The Northern Ireland Act 1998 shall be amended as follows.

(2) In section 75(3) after paragraph (c) insert—

“(cc) the Northern Ireland Policing Board, the Chief Constable of the Police Service of Northern Ireland and the Police Ombudsman for Northern Ireland;”.

(3) In section 76(7) for paragraph (e) substitute—

“(e) the Police Service of Northern Ireland, the Police Service of Northern Ireland Reserve and the Police Ombudsman for Northern Ireland;”.

<sup>F65</sup>(4) .....

#### Textual Amendments

**F65** Sch. 6 para. 24(4) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [arts. 1\(2\)](#), [27\(1\)](#) (with [arts. 28-31](#))

#### Commencement Information

**I5** Sch. 6 para. 24 wholly in force at 4.11.2001; Sch. 6 para. 24 not in force at Royal Assent see s. 79(2)(f) (g); Sch. 6 para. 24(3) in force (30.3.2001) by [S.R. 2001/132](#), [art. 2](#), [Sch.](#); Sch. 6 para. 24 in force to the extent not already in force (4.11.2001) by [S.R. 2001/396](#), [art. 2](#), [Sch.](#)

#### *Freedom of Information Act 2000 (c. )*

25 (1) The Freedom of Information Act 2000 shall be amended as follows.

(2) In Part V of Schedule 1—

- (a) for “Policing Authority for Northern Ireland” substitute “ Northern Ireland Policing Board ”; and

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) for “Royal Ulster Constabulary” substitute “ Police Service of Northern Ireland ”.

<sup>F66</sup>(3) .....

**Textual Amendments**

**F66** Sch. 6 para. 25(3) repealed (1.4.2012) by [Justice Act \(Northern Ireland\) 2011 \(c. 24\)](#), s. 111(3), [Sch. 8 Pt. 2](#); [S.R. 2012/142](#), art. 2(e)

SCHEDULE 7

Section 78.

TRANSITIONAL AND TRANSITORY PROVISIONS

*Statutory references to the police service and the police service reserve*

- 1 In relation to any time before the coming into force of section 78(2), any reference in any statutory provision (including this Act)—
- (a) to the Chief Constable of the Police Service of Northern Ireland shall be construed as a reference to the Chief Constable of the Royal Ulster Constabulary;
  - (b) to a person holding any other particular rank, or a rank of any particular description, in the Police Service of Northern Ireland shall be construed as a reference to a person holding that rank, or a rank of that description, in the Royal Ulster Constabulary;
  - (c) to a police officer serving in the Police Service of Northern Ireland shall be construed as a reference to a member of the Royal Ulster Constabulary;
  - (d) to a police officer serving in the Police Service of Northern Ireland Reserve shall be construed as a reference to a member of the Royal Ulster Constabulary Reserve;
  - (e) to the Police Service of Northern Ireland Reserve in any other context shall be construed as a reference to the Royal Ulster Constabulary Reserve;
  - (f) to the Police Service of Northern Ireland in any other context shall be construed as a reference to the Royal Ulster Constabulary.

*Recruitment arrangements: references to the Board*

- 2 At any time before the commencement of section 2, references in sections 43 to 49 to the Board shall be construed as references to the Police Authority for Northern Ireland.

*Section 23*

- 3 Any body established by arrangements made under section 7(1) of the 1998 Act and in existence immediately before the coming into force of section 23 shall be treated as having been established by arrangements made by the Board under that section.

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### *Registration of Political Parties Act 1998*

4 In relation to any time before the coming into force of section 21 of the <sup>M10</sup>Political Parties, Elections and Referendums Act 2000, paragraph 7(13) of Schedule 1 shall have effect as if for the definition of “nominating officer” there were substituted—

““nominating officer” means—

- (a) in relation to a registered party, the registered nominating officer or a member of the Assembly nominated by him for the purpose;
- (b) in relation to any other political party, the person who appears to the Secretary of State to be the leader of the party, or a member of the Assembly nominated by that person for the purpose;

“registered” means registered under the <sup>M11</sup>Registration of Political Parties Act 1998 or the <sup>M12</sup>Political Parties, Elections and Referendums Act 2000;”.

#### **Marginal Citations**

**M10** 2000 c.

**M11** 1998 c. 48.

**M12** 2000 c.

## SCHEDULE 8

Section 78.

### REPEALS

<b>Chapter or Number</b>	<b>Short title</b>	<b>Extent of repeal</b>
1954 c. 33 (N.I.).	Interpretation Act (Northern Ireland) 1954.	In section 43(2), the definitions of “Chief Constable”, “constable” and “reserve constable”.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entry relating to Chairman or Vice-chairman of the Police Authority for Northern Ireland.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Police Authority for Northern Ireland.
1976 NI 15.	Sex Discrimination (Northern Ireland) Order 1976.	Article 19.
1978 NI 9.	Health and Safety at Work (Northern Ireland) Order 1978.	In Article 47A(3) the words “of the Royal Ulster Constabulary”.

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1989 NI 12.	Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 2(2) the definitions of “police officer” and “Police Authority”.
1997 c. 50.	Police Act 1997.	In Schedule 9, paragraphs 32 and 37.
1997 NI 2.	Road Traffic Regulation (Northern Ireland) Order 1997.	In Article 2(2), the definition of “the Police Authority”.
1997 NI 6.	Race Relations (Northern Ireland) Order 1997.	Article 17.
1998 c. 32.	Police (Northern Ireland) Act 1998.	Parts I and II. Sections 18 to 24. Sections 36 to 39. Part VI. Section 61(7). Section 70. Section 72(3). Schedules 1 and 2. In Schedule 4, paragraphs 3, 12, 17, 18(2), (4) and (5), 20(6), 22(6), 24 and 25.

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**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.