



# Police (Northern Ireland) Act 2003

## 2003 CHAPTER 6

An Act to make provision about policing in Northern Ireland and the exercise of police powers in Northern Ireland by persons who are not police officers; and to amend the Police and Criminal Evidence (Northern Ireland) Order 1989. [8th April 2003]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART 1

#### POLICING

##### *Consultation by Secretary of State*

#### **1 Long-term policing objectives**

In section 24 of the Police (Northern Ireland) Act 2000 (c. 32) (Secretary of State's long term policing objectives) for subsection (2) substitute—

“(2) Before determining or revising any objectives under this section, the Secretary of State shall consult the Board with a view to obtaining its agreement to the proposed objectives or revision.

(2A) Before determining or revising any objectives under this section, the Secretary of State shall also consult—

- (a) the Chief Constable;
- (b) the Ombudsman;
- (c) the Northern Ireland Human Rights Commission;
- (d) the Equality Commission for Northern Ireland; and
- (e) such other persons as the Secretary of State considers appropriate.”

*Status: Point in time view as at 18/03/2011.*

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## 2 Codes of Practice

In section 27 of the Police (Northern Ireland) Act 2000 (c. 32) (codes of practice on exercise of functions) for subsection (2) substitute—

“(2) Before issuing or revising a code of practice under this section, the Secretary of State shall consult the Board with a view to obtaining its agreement to the proposed code of practice or revision.

(2A) Before issuing or revising a code of practice under this section, the Secretary of State shall also consult—

- (a) the Chief Constable;
- (b) the Ombudsman;
- (c) the Northern Ireland Human Rights Commission;
- (d) the Equality Commission for Northern Ireland; and
- (e) such other persons as the Secretary of State considers appropriate.”

*The Northern Ireland Policing Board*

## 3 Board’s policing objectives

(1) Section 25 of the Police (Northern Ireland) Act 2000 (Board’s policing objectives) is amended as follows.

(2) In subsection (2) omit the words from “but” to the end.

(3) In subsection (3) before paragraph (a) insert—

“(aa) take account of any objectives under section 24;”.

## 4 Public meetings of the Board

(1) In paragraph 19(2) of Schedule 1 to the Police (Northern Ireland) Act 2000 (public meetings of the Board) for “ten” substitute “ eight ”

(2) Paragraph 19(3) of Schedule 1 to that Act shall cease to have effect.

(3) Subsection (1) has effect in relation to years ending on or after the day on which this Act is passed.

## 5 Contracts relating to detention and escort services

After section 5 of the Police (Northern Ireland) Act 2000 insert—

### “5A Contracts relating to detention and escort services

- (1) The Board may enter into a contract with another person for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.
- (2) The powers of the Board under this section shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.
- (3) The power conferred by this section is subject to any regulations under section 40 of the 1998 Act.”

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## 6 Funding for pension purposes

- (1) The Police (Northern Ireland) Act 2000 (c. 32) is amended as set out in subsections (2) to (11).
- (2) In section 9(1) (grants to the Board) for “a grant for police purposes” substitute—  
“  
  - (a) a grant for pension purposes;
  - (b) a grant for other police purposes.”
- (3) In section 9(2) for “A grant” substitute “ Grants ”
- (4) In section 10 (funding for police purposes: ancillary provisions) for subsection (1) substitute—
  - (1) The Board shall prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct—
    - (a) estimates of the receipts and payments of the Board for pension purposes during such period as may be specified in the direction;
    - (b) estimates of the receipts and payments of the Board for other police purposes during such period as may be specified in the direction.
  - (1A) The Board shall submit to the Secretary of State such other information relating to the estimates submitted under subsection (1) as he may require.”
- (5) In section 10(2)—
  - (a) for “A draft” substitute “ Drafts ”
  - (b) after “payments for” insert “ pension purposes and other ”
- (6) In section 10(3)(a) for “draft” substitute “ drafts ”
- (7) In section 10(4) after “police purposes” insert “ other than pension purposes ”
- (8) In section 10 after subsection (4) insert—
  - (4A) The Board shall in each financial year put at the disposal of the Chief Constable for pension purposes—
    - (a) an amount equal to the amount of the grant for pension purposes received in that year by the Board under section 9(1)(a);
    - (b) any amount received by the Board in that year which is required to be applied for pension purposes by directions under subsection (4) or by any other statutory provision.”
- (9) In section 10 for subsection (5) substitute—
  - (5) The Board shall in each financial year put at the disposal of the Chief Constable for other police purposes—
    - (a) an amount equal to the amount of the grant for other police purposes received in that year by the Board under section 9(1)(b);
    - (b) any amount received by the Board in that year which is required to be applied for other police purposes by subsection (4) or directions under that subsection or by any other statutory provision.”
- (10) In section 27(1)(b) (codes of practice on exercise of functions by Chief Constable) for “section 10(5)” substitute “ section 10(4A) or (5) ”

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- (11) In section 77(1) (interpretation) after the definition of “the Ombudsman” insert—
- ““pension purposes” means the purposes of the pension scheme established by regulations under section 25 of the Police (Northern Ireland) Act 1998;”.
- (12) Subsections (1) to (11) have effect in relation to financial years ending on or after 31st March 2004.

## 7 Accounts and audit

- (1) Section 12 of the Police (Northern Ireland) Act 2000 (c. 32) (accounts and audit) is amended as set out in subsections (2) to (7).
- (2) In subsection (1) for “all amounts put at the Chief Constable’s disposal under section 10(5)” substitute “ each of the amounts specified in subsection (1A) ”
- (3) After subsection (1) insert—
- “(1A) The amounts are—
- (a) the amounts put at the Chief Constable’s disposal under section 10(4A);
  - (b) any amount received by the Board and paid into the Police Fund in accordance with regulations under section 28(1) of the Police (Northern Ireland) Act 1998;
  - (c) any amount received by the Board and paid into the Police Property Fund in accordance with regulations under section 31(4) of that Act;
  - (d) the other amounts put at the Chief Constable’s disposal under section 10(5) of this Act.”
- (4) In subsection (3) for “The statement of accounts” substitute “ Each statement of accounts required under subsection (1) ”
- (5) In subsection (4) for “the statement” substitute “ each statement ”and for “they” substitute “ the accounts ”
- (6) In subsection (5) for “the statement” substitute “ each statement ”
- (7) In subsection (6)(b) for “the statement” substitute “ each statement ”and after “his report” insert “ on it ”
- (8) Subsections (1) to (7) have effect in relation to financial years ending on or after 31st March 2004.

## 8 Performance summaries

- (1) Section 28 of the Police (Northern Ireland) Act 2000 (arrangements relating to economy, efficiency and effectiveness) is amended as set out in subsections (2) to (5).
- (2) In subsection (5) omit paragraph (c) and the word “and” immediately preceding it.
- (3) After subsection (5) insert—
- “(5A) The Board shall prepare and publish for each financial year a summary (its “performance summary”) of the Board’s assessment of—

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- (a) its and the Chief Constable’s performance in the year measured by reference to performance indicators;
  - (b) the extent to which any performance standard which applied at any time during that year was met.
- (5B) The performance summary for a financial year may be published—
- (a) with a report issued under section 57(1) for the year, or
  - (b) with the performance plan for the following year.”
- (4) In subsection (6) after “performance plan” insert “ or publishing its performance summary ”
- (5) In subsection (7) at the end insert—
- “; and
- “performance summary” means a summary prepared by the Board under subsection (5A)”.
- (6) Subsections (1) to (5) have effect in relation to financial years ending on or after 31st March 2004.

## **9 Performance summaries: supplementary**

- (1) Part 5 of the Police (Northern Ireland) Act 2000 (c. 32) (economy, efficiency and effectiveness) is amended as set out in subsections (2) to (8).
- (2) In section 29 (audit of performance plans) in subsection (1) after “performance plan” insert “ and a performance summary ”
- (3) In section 29(2) after “performance plan” insert “or a performance summary “and after “the plan” insert “or summary
- (4) In section 29 after subsection (4) insert—

“(4A) In relation to a performance summary, the Comptroller and Auditor General shall issue a report—

  - (a) certifying that he has audited the summary;
  - (b) stating whether he believes that it was prepared and published in accordance with the requirements of section 28;
  - (c) if appropriate, recommending how it should be amended so as to accord with the requirements of section 28;
  - (d) recommending whether the Secretary of State should give a direction under section 31(2)(a).”
- (5) In section 29(6) after “performance plan” insert “ or a performance summary ”
- (6) In section 29(7) after “subsection (4)” insert “ or paragraph (c) or (d) of subsection (4A) ”
- (7) In section 31 (enforcement of duties under section 28) in subsection (1) after “section 29(4)” insert “ or (4A) ”
- (8) In section 31 for subsection (3) substitute—

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- “(3) The Secretary of State shall have regard to any relevant statement before—
- (a) giving a direction under subsection (2)(a) or (b) following a recommendation contained in a report by virtue of section 29(4)(c), (d) or (e);
  - (b) giving a direction under subsection (2)(a) following a recommendation contained in a report by virtue of section 29(4A)(c) or (d).
- (4) A relevant statement is a statement submitted to the Secretary of State under section 29(10) before the end of the period mentioned in section 29(8).”
- (9) Subsections (1) to (8) have effect in relation to financial years ending on or after 31st March 2004.

### *Reports and inquiries*

## **10 Reports of Chief Constable**

- (1) Section 59 of the Police (Northern Ireland) Act 2000 (c. 32) (general duty of Chief Constable to report to Board) is amended as set out in subsections (2) to (4).
- (2) For subsection (3) substitute—
- “(3) The Chief Constable may refer to the Secretary of State a requirement to submit a report under subsection (1) if it appears to the Chief Constable that a report in compliance with the requirement would contain information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).”
- (3) In subsection (4) for the words from “in order to” to the end substitute “ for either or both of the purposes mentioned in subsection (4A).”
- (4) After subsection (4) insert—
- “(4A) The purposes are—
- (a) exempting the Chief Constable from the obligation to report to the Board information which, in the opinion of the Secretary of State, ought not to be disclosed on any of the grounds mentioned in section 76A(1);
  - (b) imposing on the Chief Constable an obligation to supply any such information to a special purposes committee.
- (4B) Subsection (4D) applies if—
- (a) a requirement to submit a report has been made under subsection (1);
  - (b) the Chief Constable has not referred the requirement to the Secretary of State under subsection (3);
  - (c) the Chief Constable is of the opinion that a report in compliance with the requirement would include information of a kind mentioned in paragraph (a) or (b) of subsection (4C).
- (4C) The information is—
- (a) information the disclosure of which would be likely to put an individual in danger, or

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- (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (4D) The Chief Constable may, instead of including the information in the report to the Board, supply it to a special purposes committee.
- (4E) If the Chief Constable supplies information to a committee under subsection (4D) he shall prepare a summary of the information.
- (4F) The Chief Constable shall try to obtain the agreement of the committee to the terms of the summary.
- (4G) If the committee agrees to the terms of the summary, the Chief Constable shall include the summary in the report to the Board.
- (4H) Subsection (4I) applies if—
  - (a) the Chief Constable supplies information to a committee under subsection (4D), or
  - (b) the Chief Constable includes information in a report to the Board and is of the opinion that the information is information of a kind mentioned in paragraph (a) or (b) of subsection (4C).
- (4I) The Chief Constable must—
  - (a) inform the Secretary of State that the information has been included in a report to the Board or supplied to the committee;
  - (b) inform the Secretary of State and the recipient of the information that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (4C).”
- (5) Subsections (1) to (4) have effect in relation to a requirement to submit a report under section 59(1) of the Police (Northern Ireland) Act 2000 (c. 32) if—
  - (a) the Chief Constable has not referred the requirement to the Secretary of State under section 59(3) of that Act before the day on which this Act is passed;
  - (b) the Chief Constable has referred the requirement to the Secretary of State under section 59(3) of that Act before that day but the Secretary of State has not before that day decided whether to modify or set aside the requirement under section 59(4) of that Act.

## 11 Inquiries by Board

- (1) Section 60 of the Police (Northern Ireland) Act 2000 (inquiry by Board following report by Chief Constable) is amended as set out in subsections (2) to (4).
- (2) For subsection (3) substitute—

“(3) The Chief Constable may refer to the Secretary of State the decision of the Board to cause an inquiry to be held under this section if it appears to the Chief Constable that such an inquiry ought not to be held on any of the grounds mentioned in section 76A(2).”
- (3) In subsection (5) for “should not be held on a ground mentioned in subsection (3)” substitute “ought not to be held on any of the grounds mentioned in section 76A(2)”
- (4) After subsection (10) insert—

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“(10A) Subsection (10B) applies if the Chief Constable supplies to a person conducting an inquiry under this section any information which in the opinion of the Chief Constable is—

- (a) information the disclosure of which would be likely to put an individual in danger, or
- (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).

(10B) The Chief Constable must—

- (a) inform the Secretary of State and the Board that the information has been supplied to the person conducting the inquiry;
- (b) inform the Secretary of State, the Board and the person conducting the inquiry that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (10A).”

(5) Subsections (1) to (4) have effect in relation to a decision of the Board to cause an inquiry to be held under section 60 of the Police (Northern Ireland) Act 2000 (c. 32) if—

- (a) the Chief Constable has not referred the decision to the Secretary of State under section 60(3) of that Act before the day on which this Act is passed;
- (b) the Chief Constable has referred the decision to the Secretary of State under section 60(3) of that Act before that day but the Secretary of State has not before that day decided whether to overrule the decision under section 60(4) of that Act.

## 12 Approval of proposals relating to inquiries by Board

(1) Paragraph 18 of Schedule 1 to the Police (Northern Ireland) Act 2000 (procedure for decisions of Board relating to inquiries under section 60) is amended as set out in subsections (2) to (4).

(2) In sub-paragraph (3) for “that day” substitute “ the day on which the chairman calls the meeting ”

(3) In sub-paragraph (5) after “by” insert—

“—

- (a) a majority of members of the Board present and voting on the proposal, and
- (b) ”.

(4) In sub-paragraph (6)—

- (a) for “10” substitute “ 8 ”;
- (b) for “9” substitute “ 7 ”;
- (c) for “8” substitute “ 6 ”

(5) Subsections (1) to (4) have effect in relation to meetings under paragraph 18 of Schedule 1 to the Police (Northern Ireland) Act 2000 called on or after the day on which this Act is passed.



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## *The Police Ombudsman*

### **13 Investigations into current police practices and policies**

(1) After section 60 of the Police (Northern Ireland) Act 1998 (c. 32) insert—

#### **“60A Investigations into current police practices and policies**

- (1) The Ombudsman may investigate a current practice or policy of the police if—
  - (a) the practice or policy comes to his attention under this Part, and
  - (b) he has reason to believe that it would be in the public interest to investigate the practice or policy.
- (2) But subsection (1) does not authorise the Ombudsman to investigate a practice or policy to the extent that the practice or policy is concerned with conduct of a kind mentioned in section 65(5) of the Regulation of Investigatory Powers Act 2000 (conduct which may be within jurisdiction of tribunal established under section 65 of that Act).
- (3) If the Ombudsman decides to conduct an investigation under this section he shall immediately inform the Chief Constable, the Board and the Secretary of State of—
  - (a) his decision to conduct the investigation,
  - (b) his reasons for making that decision, and
  - (c) the practice or policy into which the investigation is to be conducted.
- (4) When an investigation under this section has been completed the Ombudsman shall report on it to the Chief Constable and the Board.
- (5) The Ombudsman shall send a copy of his report to the Secretary of State, if the investigation relates wholly or in part to—
  - (a) a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision, or
  - (b) an excepted matter (within the meaning given by section 4 of the Northern Ireland Act 1998).”

(2) Section 61A of the Police (Northern Ireland) Act 1998 shall cease to have effect.

(3) In section 63(2A) of the Police (Northern Ireland) Act 1998 for “report under section 61A” substitute “ report of an investigation under section 60A ”

(4) In section 66 of the Police (Northern Ireland) Act 2000 (c. 32) at the beginning insert “ (1) ” and at the end insert—

“(2) Subsection (3) applies if—

- (a) the Chief Constable or the Board supplies information to the Ombudsman under subsection (1) for the purposes of or in connection with an investigation under section 60A of the 1998 Act;
- (b) the person supplying the information is of the opinion that it is information of a kind mentioned in paragraph (a) or (b) of subsection (4).

(3) The person supplying the information must—

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- (a) inform the Secretary of State that the information has been supplied to the Ombudsman;
  - (b) inform the Secretary of State and the Ombudsman that, in his or its opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (4).
- (4) The information referred to in subsections (2) and (3) is—
- (a) information the disclosure of which would be likely to put an individual in danger;
  - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).”

#### *District policing partnerships*

### **14 Independent members: appointment**

In paragraph 4 of Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32) (appointment of independent members of district policing partnerships) after sub-paragraph (1) insert—

“(1A) In appointing independent members of a DPP the Board shall so far as practicable secure that the members of the DPP (taken together) are representative of the community in the district.”

### **15 Independent members: declaration against terrorism**

(1) Schedule 3 to the Police (Northern Ireland) Act 2000 (district policing partnerships) is amended as follows.

(2) In paragraph 1 (interpretation) after sub-paragraph (3) insert—

“(3A) In this Schedule 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””

(3) In paragraph 5 (council’s nominations of independent members) in sub-paragraph (4) after “if” insert “(a)” and after “the DPP” insert—

“, or

(b) he has not made a declaration against terrorism”.

(4) In paragraph 7 (removal of members from office) in sub-paragraph (1) after paragraph (a) insert—

“(aa) in the case of an independent member, he has acted in breach of the terms of a declaration against terrorism;”.

(5) In paragraph 7 after sub-paragraph (2) insert—

“(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.

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- (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 district policing partnership ”;
  - (b) omit subsection (4);
  - (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
    - “(d) 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), and
    - (e) 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”.
- (6) Subsections (1) to (5) come into force in accordance with provision made by the Secretary of State by order.

#### Commencement Information

- I1** S. 15 partly in force; s. 15(6) in force at Royal Assent, see s. 15(6)  
**I2** S. 15(1)-(5) in force at 4.9.2007 by S.R. 2007/371, art. 2(a)

## 16 Independent members: disqualification

- (1) In paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32) (disqualification for membership of district policing partnership) for sub-paragraph (2) substitute—
- “(2) A person is disqualified for being an independent member of a DPP if—
- (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.
- (3) The relevant period is the period of five years beginning with the person’s discharge in respect of the offence.
- (4) For the purposes of sub-paragraph (3) 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.
- (5) Sub-paragraph (4) 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.

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- (6) Subject to sub-paragraph (7), the reference in sub-paragraph (2) to a sentence of imprisonment or detention does not include a suspended sentence.
  - (7) Sub-paragraph (6) does not apply in relation to a suspended sentence that has been ordered to take effect.
  - (8) 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.”
- (2) Subsection (1) comes into force in accordance with provision made by the Secretary of State by order.

#### Commencement Information

**I3** S. 16 partly in force; s. 16(2) in force at Royal Assent, see s. 16(2)

**I4** S. 16(1) in force at 4.9.2007 by S.R. 2007/371, art. 2(b)

## 17 Disqualification following removal from office

In paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 2000 (c. 32) (disqualification for membership of a district policing partnership), after sub-paragraph (1) insert—

“(1A) A person removed from office under paragraph 7(1) is disqualified for membership of a DPP until the date of the next local general election following his removal.”

## 18 Council’s powers

Schedule 3 to the Police (Northern Ireland) Act 2000 (district policing partnerships) shall be deemed to have been enacted with the following paragraphs inserted after paragraph 10—

### 10A “Indemnities

The council may indemnify a member of a DPP in respect of liability incurred by him in connection with the business of the DPP.

### 10B Insurance against accidents

- (1) The council may insure against risks of a member of the DPP meeting with a personal accident, whether fatal or not, while he is engaged on the business of the DPP.
- (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 DPP.
- (3) The council shall pay the sum to the member or his personal representatives, after deducting any expenses incurred in its recovery.

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- (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.”

## 19 Belfast

- (1) Schedule 1 makes provision in relation to Belfast.
- (2) Subsection (1) comes into force in accordance with provision made by the Secretary of State by order.

### Commencement Information

- I5** S. 19 partly in force; s. 19(2) in force at Royal Assent, see s. 19(2)
- I6** S. 19(1) in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

### *Police functions and service*

## 20 Core policing principles

- (1) In Part 6 of the Police (Northern Ireland) Act 2000 (the police) at the beginning insert—

*“Core policing principles*

### 31A Core policing principles

- (1) Police officers shall carry out their functions with the aim—
- of securing the support of the local community, and
  - of acting in co-operation with the local community.
- (2) In carrying out their functions, police officers shall be guided by the code of ethics under section 52.”
- (2) In section 3 of that Act (general functions of Board), in subsection (3)(b) before subparagraph (i) insert—
- “(ia) complying with section 31A(1);”.
- (3) In section 57 of that Act (annual reports by Board), in subsection (2)(a) before subparagraph (i) insert—
- “(ia) complying with section 31A(1);”.
- (4) In section 32 of that Act (general functions of the police) subsections (4) and (5) shall cease to have effect.
- (5) In section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (members of the Police Service of Northern Ireland engaged on other police service), in subsection (7)(b) for “section 32” substitute “ sections 31A and 32 ”

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## 21 Chief Constable’s functions

In section 33 of the Police (Northern Ireland) Act 2000 (c. 32) (general functions of Chief Constable) for subsection (2) substitute—

- “(2) The Chief Constable shall have regard to the policing plan in discharging his functions.
- (3) The Chief Constable shall have regard to any code of practice under section 27 in discharging his functions.
- (4) The duty under subsection (3) applies only so far as consistent with the duty under subsection (2).”

## 22 Provision of information to Board

After section 33 of the Police (Northern Ireland) Act 2000 (c. 32) insert—

### “33A Provision of information to Board

- (1) The Chief Constable shall supply the Board with such information and documents as the Board may require for the purposes of, or in connection with, the exercise of any of its functions.
- (2) Subsection (1) does not require the Chief Constable to supply any information to the Board if it appears to the Chief Constable that the information is—
- (a) information the disclosure of which would be likely to put an individual in danger, or
  - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (3) Subsection (4) applies if the Chief Constable supplies the Board with information which in his opinion is—
- (a) information the disclosure of which would be likely to put an individual in danger, or
  - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (4) The Chief Constable must—
- (a) inform the Secretary of State that the information has been supplied to the Board;
  - (b) inform the Secretary of State and the Board that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (3).”

## 23 Appointment of constables with special policing skills

- (1) The Police (Northern Ireland) Act 2000 (c. 32) is amended as set out in subsections (2) to (5).
- (2) In section 36 (appointments to the Police Service of Northern Ireland) after subsection (3) (training requirements for persons appointed to rank of constable) insert—

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“(4) Subsection (3) does not apply to a person appointed in pursuance of an authorisation under section 47A(1).”

(3) After section 47 insert—

**“47A Appointments to Police Service of Northern Ireland in special circumstances**

- (1) The Board may if requested to do so by the Chief Constable authorise the appointment to the rank of constable in the Police Service of Northern Ireland of a specified number of persons—
  - (a) who have a specified policing skill, but
  - (b) who have not complied with the requirements in paragraphs (a) and (b) of section 36(3).
- (2) The Board shall not give an authorisation under subsection (1) in relation to persons who have a particular policing skill unless it is satisfied—
  - (a) that the requirements of subsection (3) are met;
  - (b) that any further requirements which are specified by it under subsection (4) and which apply in relation to the giving of the authorisation are met.
- (3) The requirements are—
  - (a) that there is a need for more persons who have the policing skill to be appointed to the rank of constable in the Police Service of Northern Ireland;
  - (b) that the need cannot be met by the appointment of persons who have complied with the requirements in paragraphs (a) and (b) of section 36(3).
- (4) The Board may specify further requirements which apply in relation to the giving of an authorisation under subsection (1).
- (5) Any requirements specified under subsection (4) may apply in relation to the giving of all authorisations under subsection (1) or to the giving of a particular authorisation or description of authorisation.
- (6) In this section “specified” means specified by the Board.”

(4) In paragraph 17(4) of Schedule 1 (procedure for Board decisions) for “paragraph 18” substitute “ paragraphs 17A and 18 ”

(5) After paragraph 17 of Schedule 1 insert—

**“Authorisations under section 47A(1)**

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.”

(6) The preceding provisions of this section expire at the end of a period of two years starting on the day on which [F1Article 10 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 comes into operation ].

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- (7) The Secretary of State may by order amend subsection (6) by substituting “four years” for “two years”.
- (8) An order under subsection (7) may be made only with the prior authorisation of the Board.
- (9) The Board shall not give an authorisation under subsection (8) 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.
- (10) In paragraph 17(4) of Schedule 1 to the Police (Northern Ireland) Act 2000 (c. 32) (procedure for Board decisions) after “18” insert “ and section 23(9) of the Police (Northern Ireland) Act 2003 ”
- (11) An order under subsection (7) may not be made after the end of the period of two years specified in subsection (6).

#### Textual Amendments

**F1** Words in s. 23(6) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **10(2)**

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

**C1** S. 23(1)-(5) restored (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **10(1)**

## 24 Fixed-term appointments

- (1) After section 36 of the Police (Northern Ireland) Act 2000 insert—

### “36A Fixed-term appointments to the Police Service of Northern Ireland

- (1) The Chief Constable may appoint a person to the Police Service of Northern Ireland for a fixed term not exceeding three years.
  - (2) Appointments under subsection (1) shall be in accordance with regulations under section 25 of the 1998 Act.
  - (3) A person shall not be appointed under subsection (1) to the rank of constable or the rank of a senior officer.
  - (4) The Secretary of State may by order make such modifications as he considers necessary or expedient to any provision of the 1998 Act or this Act in its application to persons appointed under subsection (1).
  - (5) The Secretary of State shall consult the Board and the Police Association before making an order under subsection (4).”
- (2) In section 25(6) of the Police (Northern Ireland) Act 1998 (c. 32) (regulations as to conditions of service of members of Police Service of Northern Ireland) after “except” insert—

“—



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- (a) as permitted by section 36A of the Police (Northern Ireland) Act 2000; or
- (b) ”.

## 25 Members of PSNI engaged on other police service

In section 27 of the Police (Northern Ireland) Act 1998 (members of Police Service of Northern Ireland engaged on other police service) after subsection (6) insert—

“(6A) Regulations made by virtue of section 25(3) or (4) in relation to a member of the PSNI who has completed a period of relevant service within subsection (1) (d) may provide for a relevant procedure to be treated for the purposes of the regulations as carried out in accordance with procedures for which provision is made by regulations made by virtue of section 25(3).

(6B) In subsection (6A) “relevant procedure” means an investigation, hearing or other procedure carried out in relation to the person concerned in a country or territory outside the United Kingdom in connection with the person’s relevant service.”

## 26 Protected disclosures by police officers

- (1) After Article 67K of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I.16)) insert—

### “67KA Application of Part VA and related provisions to police

- (1) Paragraph (2) applies for the purposes of—
- (a) this Part,
  - (b) Article 70B and Articles 71 and 72 so far as relating to that Article, and
  - (c) Article 134A and the other provisions of Part XI so far as they relate to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of Article 134A.
- (2) A person who holds, otherwise than under a contract of employment, the office of constable shall be treated as an employee employed by the relevant officer under a contract of employment; and any reference to a worker being “employed” and to his “employer” shall be construed accordingly.
- (3) In this Article “the relevant officer”—
- (a) in relation to a police officer, means the Chief Constable;
  - (b) in relation to a person holding office under section 9(1) (b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service; and
  - (c) in relation to any other person holding the office of constable, means the person who has the direction and control of the body of constables in question.”

- (2) In Article 243(1) of that Order (provisions which do not apply to persons engaged in police service under a contract of employment)—

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- (a) omit the words “Part VA,”;
  - (b) after “Articles 132” insert “ , 134A ”;
  - (c) after “Article 132” insert “ or 134A ”
- (3) Article 16 of the Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17)) (exclusion of police service from provisions about protected disclosures) shall cease to have effect.
- (4) Subsections (1) to (3) come into force in accordance with provision made by the Secretary of State by order.

#### Commencement Information

**I7** S. 26 partly in force; s. 26(4) in force at Royal Assent, see s. 26(4)

**I8** S. 26(1)-(3) in force at 15.12.2004 by S.R. 2004/501, art. 2

### *Information and inquiries*

## **27 Restriction on disclosure of information**

- (1) After section 74 of the Police (Northern Ireland) Act 2000 (c. 32) insert—

#### **“74A Restriction on disclosure of information**

- (1) This section applies if information is supplied in the circumstances mentioned in subsection (2), (3), (4) or (5).
- (2) The circumstances are that—
- (a) the information is supplied by the Chief Constable to a person conducting an inquiry under section 60;
  - (b) the person has been appointed under section 60(9) to conduct the inquiry;
  - (c) the Chief Constable informs the person that, in his opinion, the information is information of a kind mentioned in section 60(10A) (a) or (b).
- (3) The circumstances are that—
- (a) the information is supplied by the Chief Constable under section 33A to the Board;
  - (b) the Chief Constable informs the Board that, in his opinion, the information is information of a kind mentioned in section 33A(3)(a) or (b).
- (4) The circumstances are that—
- (a) the information is supplied by the Chief Constable under section 59 to the Board or a special purposes committee;
  - (b) the Chief Constable informs the Board or the committee that, in his opinion, the information is information of a kind mentioned in section 59(4C)(a) or (b).
- (5) The circumstances are that—

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- (a) the information is supplied by a person conducting an inquiry under section 60 or by a person who is assisting or has assisted in the conduct of such an inquiry to a special purposes committee;
  - (b) the information was supplied to the person conducting the inquiry in the circumstances mentioned in subsection (2).
- (6) If information is supplied in the circumstances mentioned in subsection (2), the information must not be disclosed by the person who is conducting or has conducted the inquiry or by a person who is assisting or has assisted in the conduct of the inquiry except—
- (a) to a person who is assisting in the conduct of the inquiry;
  - (b) to the Secretary of State;
  - (c) to the Chief Constable;
  - (d) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;
  - (e) to a special purposes committee;
  - (f) for the purposes of any criminal, civil or disciplinary proceedings;
  - (g) in the form of a summary or other general statement made by the person the terms of which have been agreed with the Chief Constable.
- (7) If information is supplied in the circumstances mentioned in subsection (3), (4) or (5), the information must not be disclosed by a person who is or has been a member of the Board or a member of the staff of the Board except—
- (a) in the case of information supplied to the Board, to a member of the Board or a member of the staff of the Board;
  - (b) in the case of information supplied to a special purposes committee, to a member of the committee or a member of the staff of the Board who provides services to the committee;
  - (c) to the Secretary of State;
  - (d) to the Chief Constable;
  - (e) to the Ombudsman, or an officer of the Ombudsman, in connection with any function of the Ombudsman;
  - (f) for the purposes of any criminal, civil or disciplinary proceedings;
  - (g) in the form of a summary or other general statement made by the Board the terms of which have been agreed with the Chief Constable.
- (8) Any person who discloses information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) In this section—
- “member of the staff of the Board” means—
    - (a) a person employed by the Board under paragraph 13(1) of Schedule 1;
    - (b) a person employed in the civil service who provides assistance for the Board in pursuance of arrangements made under paragraph 13(2) of Schedule 1; and
  - “officer of the Ombudsman” has the meaning given by section 50(1) of the 1998 Act.”

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- (2) In section 59(5) of the Police (Northern Ireland) Act 2000 (c. 32) at the beginning insert “ Subject to section 74A(7) ”

## 28 Special committee of the Board

- (1) Paragraph 24 of Schedule 1 to the Police (Northern Ireland) Act 2000 (committees of the Board) is amended as set out in subsections (2) and (3).

- (2) In sub-paragraph (1) after “The Board may” insert “ , subject to sub-paragraphs (1A) to (1E) ”

- (3) After sub-paragraph (1) insert—

“(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),
- (b) the Secretary of State 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.”

- (4) In section 77(1) of the Police (Northern Ireland) Act 2000 (interpretation) at the appropriate place insert—

““special purposes committee” means a committee constituted by the Board under paragraph 24(1) or (1A) of Schedule 1 for the purposes mentioned in paragraph 24(1B) of that Schedule;”.

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## **29 Disclosure of information and holding of inquiries**

(1) After section 76 of the Police (Northern Ireland) Act 2000 (c. 32) insert—

### **“76A Disclosure of information and holding of inquiries**

- (1) For the purposes of sections 33A, 59 and 66, the grounds on which information ought not to be disclosed are that—
- (a) it is in the interests of national security;
  - (b) the information is sensitive personnel information;
  - (c) the information would, or would be likely to, prejudice proceedings which have been commenced in a court of law.
- (2) For the purposes of section 60, the grounds on which an inquiry ought not to be held are that—
- (a) it is in the interests of national security;
  - (b) any matter into which inquiry is to be made is a sensitive personnel matter;
  - (c) the inquiry would, or would be likely to, prejudice proceedings which have been commenced in a court of law.
- (3) “Personnel information” means information which relates to an individual’s holding of, application for or appointment to a relevant office or employment.
- (4) “Personnel matter” means a matter which relates to an individual’s holding of, application for or appointment to a relevant office or employment.
- (5) An office or employment is a relevant office or employment for the purposes of subsections (3) and (4) if the holder of it is under the direction and control of the Chief Constable.
- (6) It is immaterial for the purposes of subsections (3) and (4) that the individual no longer holds the office or employment.”
- (2) Subsection (1) has effect for the purposes of section 59 of the Police (Northern Ireland) Act 2000 in accordance with section 10(5) of this Act.
- (3) Subsection (1) has effect for the purposes of section 60 of the Police (Northern Ireland) Act 2000 in accordance with section 11(5) of this Act.

## **PART 2**

### **POLICE POWERS**

#### *Designation of civilians*

## **30 Police powers for designated police support staff**

- (1) The Chief Constable may designate a member of the police support staff as an officer of one or more of these descriptions—
- (a) investigating officer;
  - (b) detention officer;

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- (c) escort officer.
- (2) The Chief Constable may designate a person under this section only if he is satisfied that these requirements are met—
    - (a) the person is a suitable person to carry out the functions for the purposes of which he is to be designated;
    - (b) the person is capable of effectively carrying out those functions;
    - (c) the person has received adequate training in the carrying out of those functions and in the exercise of the powers and performance of the duties to be conferred or imposed on him by his designation.
  - (3) A person designated under this section has—
    - (a) the powers conferred on him by his designation;
    - (b) the duties imposed on him by his designation.
  - (4) A designation under this section may confer powers or impose duties on a person only by applying the powers or duties to him.
  - (5) The powers and duties that may be applied to a person designated under this section by his designation are any or all of those specified in the applicable Part of Schedule 2.
  - (6) The applicable Part of Schedule 2 is—
    - (a) Part 1, in the case of a person designated under this section as an investigating officer;
    - (b) Part 2, in the case of a person designated under this section as a detention officer;
    - (c) Part 3, in the case of a person designated under this section as an escort officer.
  - (7) If a power is conferred or a duty imposed on a person designated under this section by his designation—
    - (a) the power or duty does not authorise or require him to engage in any conduct otherwise than in the course of his employment as a member of the police support staff;
    - (b) the power may be conferred or the duty imposed subject to restrictions or conditions specified in the designation.
  - (8) Subsection (9) applies in relation to the exercise of a power by a person designated under this section in reliance on his designation if the power is one which, if exercised by a police officer, includes or is supplemented by a power to use reasonable force.
  - (9) The designated person has the same entitlement to use reasonable force as a police officer would have if the power were exercised by him.
  - (10) If a power exercisable by a person designated under this section in reliance on his designation includes power to use force to enter any premises, the power is exercisable by the person only—
    - (a) in the company of a police officer and under the supervision of a police officer, or
    - (b) for the purpose of saving life or limb or preventing serious damage to property.

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### [<sup>F2</sup>30A Community support officers

- (1) The Chief Constable may designate a member of the police support staff as a community support officer.
- (2) The Chief Constable may designate a person under this section only if he is satisfied that—
  - (a) the person is a suitable person to carry out the functions of a community support officer;
  - (b) the person is capable of effectively carrying out those functions; and
  - (c) the person has received adequate training in the carrying out of those functions.
- (3) A person designated under this section has, by virtue of the designation, the powers and duties set out in Schedule 2A (and references in any statutory provision to the powers and duties conferred or imposed on him by his designation shall be construed accordingly).
- (4) A person designated under this section is not authorised or required by virtue of his designation to engage in any conduct otherwise than in the course of his employment as a member of the police support staff.
- (5) Where any power conferred on a person by his designation under this section is a power which, if exercised by a police officer, includes or is supplemented by a power to use reasonable force, the designated person has the same entitlement to use reasonable force in exercising that power as a police officer would have if the power were exercised by him.
- (6) Where any power conferred on a person by his designation under this section includes power to use force to enter any premises, that power is exercisable by the person only—
  - (a) in the company of a police officer and under the supervision of a police officer; or
  - (b) for the purpose of saving life or limb or preventing serious damage to property.
- (7) A power exercisable by any person in reliance on his designation under this section shall be exercisable only when he is wearing such uniform as may be—
  - (a) determined or approved for the purposes of this section by the Chief Constable; and
  - (b) identified or described in the designation.
- (8) The Secretary of State may by order amend Schedule 2A.]

#### Textual Amendments

**F2** S. 30A inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(2)

### 31 Police powers for designated contracted-out staff

- (1) This section applies if the Board has entered into a contract with a person (“the contractor”) for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.

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- (2) The Chief Constable may designate an employee of the contractor as an officer of either or both of these descriptions—
  - (a) detention officer;
  - (b) escort officer.
- (3) The Chief Constable may designate a person under this section only if he is satisfied that these requirements are met—
  - (a) the person is a suitable person to carry out the functions for the purposes of which he is to be designated;
  - (b) the person is capable of effectively carrying out those functions;
  - (c) the person has received adequate training in the carrying out of those functions and in the exercise of the powers and performance of the duties to be conferred or imposed on him by his designation;
  - (d) the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which the person is to be designated.
- (4) A person designated under this section has—
  - (a) the powers conferred on him by his designation;
  - (b) the duties imposed on him by his designation.
- (5) A designation under this section may confer powers or impose duties on a person only by applying the powers or duties to him.
- (6) The powers and duties that may be applied to a person designated under this section by his designation are any or all of those specified in the applicable Part of Schedule 2.
- (7) The applicable Part of Schedule 2 is—
  - (a) Part 2, in the case of a person designated under this section as a detention officer;
  - (b) Part 3, in the case of a person designated under this section as an escort officer.
- (8) If a power is conferred or a duty imposed on a person designated under this section by his designation—
  - (a) the power or duty does not authorise or require him to engage in any conduct otherwise than in the course of his employment as an employee of the contractor;
  - (b) the power may be conferred or the duty imposed subject to restrictions or conditions specified in the designation.
- (9) Subsection (10) applies in relation to the exercise of a power by a person designated under this section in reliance on his designation if the power is one which, if exercised by a police officer, includes or is supplemented by a power to use reasonable force.
- (10) The designated person has the same entitlement to use reasonable force as a police officer would have if the power were exercised by him.
- (11) A designation under this section, unless it is previously withdrawn or ceases to have effect under subsection (12), shall remain in force for such period as may be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.
- (12) A designation under this section shall cease to have effect—
  - (a) if the designated person ceases to be an employee of the contractor; or



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- (b) if the contract between the Board and the contractor is terminated or expires.

### 32 Police powers: amendments

- (1) Schedule 3 contains amendments consequential on sections 30 and 31.
- (2) In Schedule 3 “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).

### 33 Designations: supplementary

- (1) Subsection (2) applies if, in reliance on his designation under section 30<sup>F3</sup>, 30A ] or 31, a person exercises or performs a power or duty in relation to another or purports to do so.
- (2) The designated person must produce his designation to the other if requested to do so.
- (3) A failure to comply with subsection (2) does not make the exercise or performance of the power or duty invalid.
- (4) The Chief Constable may at any time modify or withdraw a person’s designation under section 30<sup>F4</sup>, 30A ] or 31 by notice to him.
- (5) If the Chief Constable modifies or withdraws a person’s designation under section 31, he must send a copy of the notice of the modification or withdrawal to the contractor responsible for supervising the designated person in the carrying out of the functions for the purposes of which the designation was granted.
- (6) In subsection (5) “contractor” means a person who has entered into a contract with the Board such as is mentioned in section 31(1).

#### Textual Amendments

- F3** Word in s. 33(1) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(3)
- F4** Word in s. 33(4) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(3)

### 34 Complaints and misconduct

- (1) The [<sup>F5</sup>Department of Justice] may by regulations make provision for the handling of—
  - (a) complaints relating to the carrying out by a person designated under section 30 [<sup>F6</sup>, 30A] or 31 of any of the functions mentioned in subsection (2);
  - (b) instances of misconduct involving the carrying out by such a person of any of those functions.
- (2) The functions are those for the purposes of which any power or duty is conferred or imposed on the person by his designation.
- (3) Regulations under subsection (1) may in particular provide that any provision of Part 7 of the Police (Northern Ireland) Act 1998 (c. 32) is to apply, with such modifications as may be prescribed by the regulations, with respect to persons designated under section 30 [<sup>F7</sup>, 30A] or 31.

*Status: Point in time view as at 18/03/2011.*

*Changes to legislation: Police (Northern Ireland) Act 2003 is up to date with all changes known to be in force on or before 18 May 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) Before making regulations under subsection (1), the [<sup>F8</sup>Department of Justice] must consult—
- (a) the Ombudsman;
  - (b) the Board;
  - (c) the Chief Constable;
  - (d) the Police Association;
  - (e) any other person or body appearing to [<sup>F9</sup>the Department of Justice] to have an interest in the matter.

#### Textual Amendments

- F5** Words in s. 34(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(2)(a)** (with arts. 28-31)
- F6** Word in s. 34(1)(a) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **7(4)**
- F7** Word in s. 34(3) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **7(4)**
- F8** Words in s. 34(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(2)(b)(i)** (with arts. 28-31)
- F9** Words in s. 34(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(2)(b)(ii)** (with arts. 28-31)

#### [<sup>F10</sup>34A Secretary of State's power to make regulations

- (1) The Secretary of State may make regulations containing provision of any kind within section 34(1) to (3) for purposes connected with—
- (a) excepted or reserved matters (within the meaning given by section 4 of the Northern Ireland Act 1998);
  - (b) matters in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision (within the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954).
- (2) Before making regulations under this section the Secretary of State must consult the Department of Justice, the persons mentioned in section 34(4)(a) to (d) and any other person or body appearing to the Secretary of State to have an interest in the matter.
- (3) Regulations made by the Department of Justice under section 34 have effect subject to regulations made by the Secretary of State under this section.]

#### Textual Amendments

- F10** [S. 34A](#) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(3)** (with arts. 28-31)

#### 35 Liability for unlawful conduct

- (1) For the purposes of determining liability for the unlawful conduct of members of the police support staff—

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- (a) a member of the police support staff must be treated as an employee of the Chief Constable in relation to conduct in reliance or purported reliance on a designation under section 30 [F11 or 30A] ;
  - (b) conduct by a member of the police support staff in reliance or purported reliance on a designation under section 30 [F11 or 30A] must be taken to be conduct in the course of that employment;
  - (c) in the case of a tort, the Chief Constable accordingly falls to be treated as a joint tortfeasor.
- (2) For the purposes of determining liability for the unlawful conduct of employees of a contractor, conduct by such an employee in reliance or purported reliance on a designation under section 31 must be taken to be conduct in the course of his employment by the contractor; and, in the case of a tort, the contractor accordingly falls to be treated as a joint tortfeasor.
- (3) In subsection (2) “contractor” means a person who has entered into a contract with the Board such as is mentioned in section 31(1).

#### Textual Amendments

**F11** Words in s. 35(1)(a)(b) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **7(5)**

### 36 Notifiable memberships

- (1) Section 51 of the Police (Northern Ireland) Act 2000 (c. 32) (notifiable memberships of police officers) applies in relation to persons designated under section 30[F12, 30A] or 31 as it applies in relation to police officers.
- (2) As so applied, that section has effect as if the reference in subsection (1) to the duties of a police officer were to the functions for the purposes of which any power or duty is conferred or imposed on a person by his designation under section 30[F12, 30A] or 31.

#### Textual Amendments

**F12** Word in s. 36(1)(2) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **7(6)**

### 37 Code of ethics

- (1) The [F13Department of Justice] may by order apply the code of ethics issued by the Board under section 52 of the Police (Northern Ireland) Act 2000 (c. 32) to persons designated under section 30 [F14, 30A] or 31.
- (2) An order under subsection (1) may apply the code with such modifications as are specified in the order.
- (3) If an order is made under subsection (1) applying the code to a person designated under section 30 [F15, 30A] or 31 he must be guided by the code as it applies to him in carrying out the functions for the purposes of which any power or duty is conferred or imposed on him by his designation.

*Status: Point in time view as at 18/03/2011.*

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### Textual Amendments

- F13** Words in s. 37(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), [Sch. 3 para. 93\(4\)](#) (with arts. 28-31)
- F14** Word in s. 37(1) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(7)
- F15** Word in s. 37(3) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(7)

## 38 Assaults on, and obstruction of, designated persons

(1) Section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaults on, and obstruction of, constables etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) Any person who assaults, resists, obstructs or impedes a designated person in the execution of his duty, or a person assisting a designated person in the execution of his duty, shall be guilty of an offence.”

(3) In subsection (2) after “subsection (1)” insert “ or (1A) ”

(4) In subsection (3) after “subsection (1)” insert “ or (1A) ”

(5) After subsection (3) insert—

“(3A) In subsection (1A) the references to the execution of the duty of a designated person are to—

- (a) the exercise of a power conferred on him by his designation;
- (b) the performance of a duty imposed on him by his designation.

(3B) In this section “designated person” means a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003.”

## 39 Impersonation etc. of designated persons

(1) Section 67 of the Police (Northern Ireland) Act 1998 (impersonation etc.) is amended as follows.

(2) After subsection (1) insert—

“(1A) Any person who, with intent to deceive—

- (a) impersonates a designated person; or
- (b) makes any statement or does any act calculated falsely to suggest that he is a designated person; or
- (c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated person that exceed the powers he actually has,

shall be guilty of an offence.”

(3) In subsection (3) after “subsection (1)” insert “ , (1A) ”

(4) After subsection (5) insert—

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“(6) In this section “designated person” means a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003.”

#### 40 Designated persons: interpretation

- (1) This section applies for the interpretation of sections 30 to 39.
- (2) “Conduct” includes omissions and statements.
- (3) Expressions used in those sections and in the Police (Northern Ireland) Act 2000 (c. 32) have the same meanings in those sections as they have in that Act.

#### *Searches and samples*

#### 41 Intimate searches

- (1) In Article 56 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (intimate searches) after paragraph (5) insert—

“(5A) A person may use reasonable force, if necessary, in carrying out an intimate search as mentioned in paragraph (4) or (5).”
- (2) Subsection (1) comes into force in accordance with provision made by the Secretary of State by order.

#### **Commencement Information**

**I9** S. 41 partly in force; s. 41(2) in force at Royal Assent, see 41(2)

#### 42 Intimate samples

- (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 is amended as set out in subsections (2) to (5).
- (2) In Article 62 (intimate samples) for paragraph (9) substitute—

“(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.

(9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by one of the following—

  - (a) a medical practitioner;
  - (b) a registered health care professional.”
- (3) In Article 53 (interpretation of Part VI) after the definition of “registered dentist” insert—

““registered health care professional” means a person (other than a medical practitioner) who is one of the following—

  - (a) a nurse registered on the register maintained by the Nursing and Midwifery Council pursuant to paragraph 10 of Schedule 2 to the

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Nursing and Midwifery Order 2001 (S.I. 2002/253) by virtue of qualifications in nursing;

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order subject to Article 89 made by the Secretary of State;”.

(4) In Article 53 at the beginning insert “ (1) ” and at the end insert—

“(2) In paragraph (1) “health care profession” means any profession mentioned in section 60(2) of the Health Act 1999 other than the profession of practising medicine and the profession of nursing.”

(5) In Article 89 (orders and regulations) after “Articles” insert “ 53, ”

(6) Subsections (1) to (5) come into force in accordance with provision made by the Secretary of State by order.

#### Commencement Information

**II0** S. 42 partly in force; s. 42(6) in force at Royal Assent, see s. 42(6)

**III** S. 42(1)-(5) in force at 1.3.2007 by S.R. 2007/177, art. 2

### *Codes of practice*

#### **43 Codes of practice**

In Article 66 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (codes of practice under Articles 60, 60A and 65: supplementary) after paragraph (6) insert—

“(6A) Subject to paragraph (6B), the Secretary of State may by order subject to Article 89 provide that a code of practice for the time being in force is to be treated as having effect with such modifications as may be set out in the order.

(6B) The effect of the modifications made by an order under paragraph (6A) must be confined to one or more of the following—

- (a) the effect of the code during such period, not exceeding two years, as may be so specified;
- (b) the effect of the code in relation to such offences or descriptions of offender as may be so specified.”

## **PART 3**

### **GENERAL**

#### **44 Orders and regulations**

(1) Any power of the Secretary of State [<sup>F16</sup>or the Department of Justice] to make orders or regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

(2) Orders or regulations under this Act—

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- (a) may make different provision for different purposes;
  - (b) may include supplementary, incidental, saving or transitional provisions.
- (3) No order may be made under section 15(6), 16(2), 19(2) or 23(7) unless a draft of the statutory rule containing the order to be made has been laid before Parliament and approved by a resolution of each House.
- (4) No order may be made under section 16(2) or 19(2) at any time when section 1 of the Northern Ireland Act 2000 (c. 1) (suspension of devolved government) is in force.
- (5) A statutory rule made [<sup>F17</sup>by the Secretary of State] under this Act (other than one containing an order under section 15(6), 16(2), 19(2), 23(7), 26(4), 41(2) or 42(6)) is subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (c. 36) applies accordingly.
- [<sup>F18</sup>(6) An order or regulations made by the Department of Justice under this Act shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).]

#### Textual Amendments

- F16** Words in s. 44(1) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(5)(a)** (with arts. 28-31)
- F17** Words in s. 44(5) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(5)(b)** (with arts. 28-31)
- F18** S. 44(6) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), **Sch. 3 para. 93(5)(c)** (with arts. 28-31)

#### 45 Repeals and revocations

Schedule 4 contains repeals and revocations.

#### 46 Extent

This Act extends to Northern Ireland only.

#### 47 Short title

This Act may be cited as the Police (Northern Ireland) Act 2003.



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## SCHEDULES

### SCHEDULE 1

Section 19

#### BELFAST

- 1 The Police (Northern Ireland) Act 2000 (c. 32) is amended as set out in paragraphs 2 to 13.

#### Commencement Information

**I12** Sch. 1 para. 1 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

- 2 After section 15 insert—

#### “15A Default of council: Belfast sub-groups

- (1) If the Secretary of State is satisfied that the district council for Belfast has failed to comply with—
  - (a) section 21(1), or
  - (b) any provision of Schedule 3A,
 he may, after consulting the Board, direct the council to take, within such period as is specified in the direction, such action for the purpose of remedying the default as is so specified.
- (2) If the council fails to comply with a direction under subsection (1), the Secretary of State may—
  - (a) declare the council to be in default; and
  - (b) make an order empowering the Board to exercise the functions of the council to such extent as appears to him necessary or expedient to secure that a sub-group of the council’s district policing partnership is established for each police district established under section 20(2).
- (3) An order under subsection (2) may provide for Schedule 3A to have effect in relation to the exercise by the Board of any functions of the council with such modifications as may be specified in the order.
- (4) An order under subsection (2) may confer on the Board power to remove any members of a sub-group of the council’s district policing partnership holding office at the date of the order.
- (5) Any costs incurred by the Board under an order under subsection (2) shall in the first instance be defrayed as expenses of the Board, but—
  - (a) an amount equal to one quarter of those costs as certified by the Board shall on demand be paid to the Board by the council; and
  - (b) any sums demanded under paragraph (a) may be recovered summarily by the Board as a debt.



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(6) A sub-group established in pursuance of an order under subsection (2) shall be treated as having been established under section 21.”

**Commencement Information**

**I13** Sch. 1 para. 2 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

3 In section 17 (annual report by district policing partnership to council) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

**Commencement Information**

**I14** Sch. 1 para. 3 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

4 In section 18 (reports by district policing partnership to Board) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

**Commencement Information**

**I15** Sch. 1 para. 4 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

5 For section 21 substitute—

**“21 District policing partnership sub-groups for Belfast**

(1) The district council for Belfast shall establish a sub-group of its district policing partnership for each police district established under section 20(2).

(2) The functions of each sub-group shall be—

- (a) to provide views to the district commander of the sub-group’s police district and to the district policing partnership on any matter concerning the policing of that police district;
- (b) to monitor the performance of the police in carrying out—
  - (i) the policing plan in relation to the police district; and
  - (ii) the local policing plan applying to the police district;
- (c) to make arrangements for obtaining—
  - (i) the views of the public about matters concerning the policing of the police district; and
  - (ii) the co-operation of the public with the police in preventing crime;
- (d) to act as a general forum for discussion and consultation on matters affecting the policing of the police district.

(3) The code issued under section 19 may contain guidance as to the exercise by sub-groups of their functions.

*Status: Point in time view as at 18/03/2011.*

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- (4) In exercising its functions a sub-group shall have regard to any such guidance contained in the code.
- (5) If the district policing partnership is satisfied that a sub-group is carrying out any of the sub-group's functions in relation to a police district, the partnership is not required to carry out any corresponding function it has in relation to the part of the district comprising the police district.
- (6) Schedule 3A shall have effect in relation to the sub-groups."

**Commencement Information**

**I16** Sch. 1 para. 5 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

6 After section 21 insert—

**“21A Annual report by sub-groups to Belfast district policing partnership**

- (1) A sub-group established under section 21 shall, not later than 2 months after the end of each financial year, submit to the district policing partnership for Belfast a general report on the exercise of its functions during that year.
- (2) A report under subsection (1) shall include details of the arrangements made under section 21(2)(c).
- (3) Before submitting any report under subsection (1), a sub-group shall consult the district commander of its police district.”

**Commencement Information**

**I17** Sch. 1 para. 6 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

7 After section 21A (inserted by paragraph 6 above) insert—

**“21B Annual report by Belfast district policing partnership to council**

- (1) The district policing partnership for Belfast shall, not later than 4 months after the end of each financial year, submit to the district council for Belfast a general report on the exercise during that year of—
  - (a) its functions;
  - (b) the functions of the sub-groups established under section 21.
- (2) When the district policing partnership submits its report under subsection (1) it shall at the same time—
  - (a) send to the council copies of the sub-group reports for the year;
  - (b) send copies of its report and the sub-group reports for the year to the Board.
- (3) If the district policing partnership has made arrangements under section 16(1)(c) the report under subsection (1) shall include details of the arrangements.

*Status: Point in time view as at 18/03/2011.*

*Changes to legislation: Police (Northern Ireland) Act 2003 is up to date with all changes known to be in force on or before 18 May 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) Before submitting any report under subsection (1), the district policing partnership shall consult the district commander of each police district in the district of Belfast.
- (5) The district council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.
- (6) The district council may arrange for a sub-group report to be published with the report submitted under subsection (1) if—
  - (a) the council considers publication of the sub-group report to be appropriate, or
  - (b) the district policing partnership has requested the publication of the sub-group report.
- (7) A “sub-group report” is a report submitted to the district policing partnership under section 21A.”

**Commencement Information**

**I18** Sch. 1 para. 7 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

8 After section 21B (inserted by paragraph 7 above) insert—

**“21C Other reports by sub-groups to Belfast district policing partnership**

- (1) A sub-group established under section 21 shall, whenever so required by the district policing partnership for Belfast, submit to the partnership a report on any matter which is specified in the requirement and is connected with the exercise of its functions.
- (2) A report under this section shall be made—
  - (a) in such form as may be specified in the requirement under subsection (1); and
  - (b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the sub-group and the partnership.
- (3) The partnership may arrange for a report submitted under this section to be published in such manner as appears to the partnership to be appropriate.
- (4) Subsection (3) does not apply if the partnership has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 21D(1).”

**Commencement Information**

**I19** Sch. 1 para. 8 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

9 After section 21C (inserted by paragraph 8 above) insert—

*Status: Point in time view as at 18/03/2011.*

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### “21D Reports by Belfast district policing partnership to Board

- (1) The district policing partnership for Belfast shall, whenever so required by the Board, submit to the Board a report on any matter which is specified in the requirement and is connected with the exercise of—
  - (a) its functions, or
  - (b) the functions of a sub-group established under section 21.
- (2) A report under this section shall be made—
  - (a) in such form as may be specified in the requirement under subsection (1); and
  - (b) within the required period or such longer period as may be agreed between the district policing partnership and the Board.
- (3) The required period is—
  - (a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the functions of a sub-group;
  - (b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.
- (4) When the district policing partnership submits its report under subsection (1) it shall at the same time send to the Board copies of any related sub-group report.
- (5) The Board may arrange for the publication, in such manner as appears to the Board to be appropriate, of—
  - (a) a report submitted under subsection (1);
  - (b) a related sub-group report.
- (6) A “sub-group report” is a report submitted to the district policing partnership under section 21C.
- (7) A sub-group report is related to a report submitted in pursuance of a requirement under subsection (1) if the district policing partnership imposed the requirement to submit the sub-group report to enable it to comply with the requirement under subsection (1).”

#### Commencement Information

**I20** Sch. 1 para. 9 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

10 In section 22 (the local policing plan) after subsection (3) insert—

“(3A) Before issuing or revising a local policing plan for a police district established under section 20(2), the district commander shall also consult the sub-group established for the district under section 21 and take account of any views expressed.”

#### Commencement Information

**I21** Sch. 1 para. 10 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

*Status: Point in time view as at 18/03/2011.*

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- 11 (1) Schedule 1 (the Northern Ireland Policing Board) is amended as follows.
- (2) In paragraph 3(7) (disqualification from membership of Board during suspension of devolved government), after paragraph (b)(iii) insert—
- “; or
- (iv) a member of a sub-group established under section 21.”
- (3) In paragraph 10(1)(b) (disqualification from membership of Board during devolved government), after “district policing partnership;” insert—
- “or
- (iv) a member of a sub-group established under section 21;”.

**Commencement Information**

**I22** Sch. 1 para. 11 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

- 12 In Schedule 3 (district policing partnerships) after paragraph 16 insert—

*“Belfast district policing partnership*

- 17 (1) The preceding paragraphs of this Schedule have effect in relation to the district policing partnership for Belfast with the following modifications.
- (2) In paragraph 2 after sub-paragraph (5) insert—
- “(6) The members of the DPP who are appointed by the council in accordance with paragraph 3 shall include the persons who hold the office of chairman of each of the sub-groups of the DPP established under section 21.”
- (3) In paragraph 5 after sub-paragraph (3) insert—
- “(3A) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Board of—
- (a) whether the person is also willing to be a candidate for appointment as an independent member of a sub-group established under section 21;
- (b) the sub-group or sub-groups concerned, if he is so willing.””

**Commencement Information**

**I23** Sch. 1 para. 12 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

- 13 After Schedule 3 insert—

*Status: Point in time view as at 18/03/2011.*

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## “SCHEDULE 3A

### BELFAST SUB-GROUPS

#### *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”;

“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.

[<sup>F19</sup>(1A) In this Schedule, in relation to a sub-group and the holding of a local general 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.

#### *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

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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 [<sup>F20</sup>day before the reconstitution date ] 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.
- (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.

[<sup>F21</sup>(7) Where a political member ceases to hold office at any time during the transitional 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.]

#### *Independent members*

- 4 (1) Appointments of independent members shall be made by the Board from among persons nominated by the council in accordance with paragraph 5.
- (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.
- [<sup>F22</sup>(2A) Where, following a local general election, the Board has completed the appointment 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 [<sup>F23</sup>day before the reconstitution date ] 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

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(b) he becomes disqualified for membership of a sub-group.

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

[<sup>F24</sup>(8) Where an independent member ceases to hold office at any time during the 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.]

*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—
- (a) the name of each person nominated by it under sub-paragraph (1); and
  - (b) 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—
- (a) whether the person is also willing to be a candidate for appointment as an independent member of any other sub-group;
  - (b) the sub-group or sub-groups concerned, if he is so willing;
  - (c) 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—
- (a) he is disqualified for membership of a sub-group, or
  - (b) 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 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 Secretary of State 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.



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- (3) Before issuing or revising a code of practice under this paragraph, the Secretary of State shall consult—
  - (a) the Board;
  - (b) the council; and
  - (c) the Equality Commission for Northern Ireland.
- (4) The Secretary of State shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to him to be appropriate.

*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>F25</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);]
  - (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

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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),”.

#### *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—
- (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>F26</sup>Chairman and vice-chairman*

- 9 (1) For each sub-group there shall be a chairman appointed by the council from among the political members.

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- (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.
- 9A
- (1) For each sub-group there shall be a vice-chairman elected by the independent members from among such members.
  - (2) The election of a vice-chairman shall be conducted in accordance with procedures determined by the sub-group under paragraph 14(4).
  - (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chairman in accordance with such terms as the Board may determine.
  - (4) In determining terms under sub-paragraph (3), the Board shall ensure that, so far as is practicable, a person holds office as vice-chairman 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 election to that office.
  - (5) A person may at any time resign as vice-chairman by notice in writing to the Board.
  - (6) If the vice-chairman ceases to be a member of the sub-group, he shall also cease to hold office as vice-chairman.]

#### *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.

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- (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.

#### *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;

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- (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 any reference to the Minister were a reference to the Secretary of State.

### *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).”

#### **Textual Amendments**

- F19** Words in Sch. 1 para. 13 inserted (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
- F20** Words in Sch. 1 para. 13 substituted (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
- F21** Words in Sch. 1 para. 13 added (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
- F22** Words in Sch. 1 para. 13 inserted (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
- F23** Words in Sch. 1 para. 13 substituted (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
- F24** Words in Sch. 1 para. 13 added (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
- F25** Words in Sch. 1 para. 13 substituted (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

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**F26** Words in Sch. 1 para. 13 substituted (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

**Commencement Information**

**I24** Sch. 1 para. 13 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

14 In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (N.I. 7) after the entry for the Staff Commission for Education and Library Boards insert—

“A sub-group established under section 21 of the Police (Northern Ireland) Act 2000.”

**Commencement Information**

**I25** Sch. 1 para. 14 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

15 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) at the appropriate place in alphabetical order insert— “ A sub-group established under section 21 of the Police (Northern Ireland) Act 2000. ”

**Commencement Information**

**I26** Sch. 1 para. 15 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

- 16 (1) Sub-paragraphs (4) and (5) have effect in relation to the transitional period.
- (2) The transitional period is the period—
- (a) beginning on the date on which this Schedule comes into force;
  - (b) ending on the date of the next local general election after that date.
- (3) “Local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962.
- (4) In paragraph 17 of Schedule 3 to the Police (Northern Ireland) Act 2000 (inserted by paragraph 12 above) after sub-paragraph (2) insert—
- “(2A) In paragraph 3, after sub-paragraph (4) insert—
- “(4A) The council may, with the approval of the Board, terminate the appointment of a political member if it appears to the council to be necessary or expedient to do so in order to enable it to comply with paragraph 2(6).”
- (2B) In paragraph 3(5), after paragraph (a) insert—
- “(aa) his appointment is terminated under sub-paragraph (4A);”.
- (2C) In paragraph 3(6), after “expires” insert “ , whose appointment is terminated under sub-paragraph (4A) ”.
- (5) In Schedule 3A to the Police (Northern Ireland) Act 2000 (inserted by paragraph 13 above), in paragraph 4(1) after “among” insert “ (a) ” and after “paragraph 5” insert—

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“; and

- (b) persons who hold office as independent members of the partnership”.

**Commencement Information**

**I27** Sch. 1 para. 16 in force at 4.9.2007 by S.R. 2007/371, art. 2(c)

SCHEDULE 2

Sections 30 and 31

POWERS EXERCISABLE BY DESIGNATED PERSONS

PART 1

INVESTIGATING OFFICERS

*Entry and search for purposes of arrest*

- 1 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under section 42 of the Terrorism Act 2000 (c. 11) (warrants for entry and search for purposes of arrest);
  - (b) the persons authorised by a warrant issued under section 42 of that Act to enter and search premises include the designated person;
  - (c) Article 17 of the 1989 Order (safeguards) has effect in relation to the issue of a warrant under section 42 of that Act to the designated person as it has effect in relation to the issue of a warrant under that section to a constable;
  - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under section 42 of that Act (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person.

*Entry and search for evidence etc.*

- 2 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under Article 10 of the 1989 Order (warrants for entry and search for evidence etc.);
  - (b) the persons authorised by a warrant issued under Article 10 of that Order to enter and search premises include the designated person;
  - (c) the designated person has the power of a constable under Article 10(2) of that Order to seize and retain things for which a search has been authorised under paragraph (1) of that Article;
  - (d) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under Article 10 of that Order to the designated person as it has effect in relation to the issue of a warrant under that Article to a constable;

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- (e) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under Article 10 of that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
- (f) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything under Article 10(2) of that Order by a constable;
- (g) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (c) as it applies to the power of seizure conferred on a constable by Article 10(2) of that Order;
- (h) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable included references to the designated person;
- (i) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 10(2) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;
  - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

[<sup>F27</sup>2A Where a designation applies this paragraph to any person—

- (a) the persons to whom a warrant may be addressed under section 25 of the Theft Act (Northern Ireland) 1969 (search for stolen goods) shall include that person; and
- (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

#### Textual Amendments

**F27** Sch. 2 para. 2A, 2B inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 2**

2B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if the reference to a constable included a reference to that person.]

#### Textual Amendments

**F27** Sch. 2 para. 2A, 2B inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 2**



*Status: Point in time view as at 18/03/2011.*

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*Access to excluded and special procedure material*

- 3 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Article 11(1) of the 1989 Order (special provisions for access) to obtain access to excluded material and special procedure material, in accordance with Schedule 1 to that Order and the following provisions of this paragraph;
  - (b) Schedule 1 to that Order has effect as if the references in paragraphs 1, 4, 5, 9 and 10 of that Schedule to a constable were references to the designated person;
  - (c) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under paragraph 9 of Schedule 1 to that Order to the designated person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
  - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under paragraph 9 of Schedule 1 to that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
  - (e) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as it has effect in relation to the seizure of anything under that paragraph by a constable;
  - (f) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by paragraph 10 of Schedule 1 to that Order as it applies to the power of seizure conferred on a constable by that paragraph;
  - (g) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as if the references to a constable included references to the designated person;
  - (h) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order or taken away by him following the imposition of a requirement by virtue of sub-paragraph (f), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Order—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 10 of Schedule 1 to that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule;
    - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

*Entry and search after arrest*

- 4 Where a designation applies this paragraph to a person—

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- (a) he has the powers of a constable under Article 20 of the 1989 Order (entry and search after arrest) to enter and search premises and to seize and retain anything for which a constable may search under that Article;
- (b) paragraphs (5) and (6) of that Article (power to carry out search before arrested person taken to police station and duty to inform senior officer) have effect in relation to any exercise by the designated person of those powers as if the references in those paragraphs to a constable were references to the designated person;
- (c) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 20(2) of that Order by a constable;
- (d) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (a) as it applies to the power of seizure conferred on a constable by Article 20(2) of that Order;
- (e) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;
- (f) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 20(2) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;
  - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

*General power of seizure*

5

Where a designation applies this paragraph to a person—

- (a) when lawfully on any premises, he has the same powers as a constable under Article 21 of the 1989 Order (general powers of seizure) to seize things;
- (b) he has the powers of a constable to impose a requirement by virtue of paragraph (4) of that Article in relation to information accessible from premises;
- (c) paragraph (6) of that Article (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 21 of that Order by a constable;
- (d) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;

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- (e) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
- (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 21(2) or (3) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 21(4) of that Order;
  - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

*Access and copying in the case of things seized by constables*

- 6 Where a designation applies this paragraph to a person, Article 23 of the 1989 Order (access and copying) has effect in relation to anything seized by a constable <sup>F28</sup>or by a person authorised to accompany him under Article 18(2) of that Order ] as if the second reference to a constable in paragraph (3) of Article 23 and the references to a constable in paragraphs (4) and (5) of that Article (supervision of access and photographing of seized items) included references to the designated person.

**Textual Amendments**

**F28** Words in Sch. 2 para. 6 inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), [Sch. 1 para. 3](#)

*Arrest at a police station for another offence*

- 7 (1) Where a designation applies this paragraph to a person, he has the power to make an arrest at a police station in any case where an arrest—
- (a) is required to be made under Article 33 of the 1989 Order (arrest for a further offence of a person already at a police station), or
  - (b) would be so required if the reference in that Article to a constable included a reference to a person to whom this paragraph applies.
- (2) Article 5 of the Criminal Evidence (Northern Ireland) Order 1988 (S.I. 1988/ 1987 (N.I. 20)) (consequences of failure by arrested person to account for objects etc.) applies (without prejudice to the effect of any designation applying paragraph 9) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

*Power to transfer persons into custody of investigating officers*

- 8 (1) Where a designation applies this paragraph to a person, the custody officer for a designated police station may—
- (a) transfer a person falling within sub-paragraph (2) to the designated person, or
  - (b) permit the transfer of a person falling within sub-paragraph (2) to the designated person.

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- (2) A person falls within this sub-paragraph if—
- (a) he is in police detention for an offence;
  - (b) the offence is being investigated by the designated person.
- (3) If a person is transferred under sub-paragraph (1) into the custody of the designated person, the designated person—
- (a) must be treated for all purposes as having the person in his lawful custody;
  - (b) is under a duty [<sup>F29</sup>to keep that person under control and ] to prevent the person’s escape;
  - (c) is entitled to use reasonable force to keep the person in his custody [<sup>F30</sup>and under his control] .
- (4) If a person is transferred under sub-paragraph (1) into the custody of the designated person, paragraphs (2) and (3) of Article 40 of the 1989 Order have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person’s transfer into the custody of the designated person;
  - (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the designated person.

#### Textual Amendments

- F29** Words in Sch. 2 para. 8(3)(b) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 4(a)**
- F30** Words in Sch. 2 para. 8(3)(c) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 4(b)**

#### *[<sup>F31</sup>Powers in respect of detained persons*

#### Textual Amendments

- F31** Sch. 2 para. 8A and cross-heading inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 5**

- 8A Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to assist any officer or other designated person to keep any person detained at the police station under control; and
  - (b) to prevent the escape of any such person,
- and for those purposes shall be entitled to use reasonable force.]

#### *Power to require arrested person to account for certain matters*

- 9 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Articles 5(1)(c) and 6(1)(c) of the Criminal Evidence (Northern Ireland) Order 1988 to request a person who has been arrested by a constable or by a person to whom paragraph 7

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- applies to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
- (b) the references to a constable in Articles 5(1)(b) and (c) and (4) and 6(1)(b) and (c) and (3) of that Order accordingly include references to the person to whom this paragraph is applied.

*Extended powers of seizure*

- 10 (1) Where a designation applies this paragraph to a person—
- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable by a constable by reference to a relevant power are exercisable by the designated person by reference to the relevant power to the same extent as they would be by a constable;
  - (b) section 56 of that Act (retention of property seized by a constable) has effect as if the property referred to in subsection (1) of that section included property seized by the designated person at any time when he was lawfully on any premises.
- (2) A relevant power is a power of a constable that is conferred on the designated person by virtue of the provisions of this Part of this Schedule.

<sup>F32</sup>*Persons accompanying investigating officers*

**Textual Amendments**

**F32** Sch. 2 para. 10A and cross-heading inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 1 para. 6**

- 10A (1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of Article 18(2) of the 1989 Order to accompany an investigating officer designated for the purposes of paragraph 2 (or 3) in the execution of a warrant.
- (2) The reference in paragraph 2(h) (or 3(g)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.
  - (3) In relation to any such seizure, paragraph 2(h) (or 3(g)) is to be read as if it provided for the references to a constable in Article 23(1) and (2) of the 1989 Order to include references to the authorised person.
  - (4) The reference in paragraph 2(i) (or 3(h)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of Article 18(2A) of the 1989 Order.
  - (5) In relation to anything so seized, paragraph 2(i)(ii) (or 3(h)(ii)) is to be read as if it provided for—
    - (a) the references to the supervision of a constable in paragraphs (3) and (4) of Article 23 of the 1989 Order to include references to the supervision of a person designated for the purposes of paragraph 2 (or paragraph 3), and

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- (b) the reference to a constable in paragraph (5) of that Article to include a reference to such a person or an authorised person accompanying him.
- (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 10, the references in sub-paragraphs (1)(a) and (b) of that paragraph to the designated person include references to the authorised person.]

## PART 2

### DETENTION OFFICERS

#### *Attendance at police station for fingerprinting*

- 11       Where a designation applies this paragraph to a person, he has the power of a constable under Article 29(1) of the 1989 Order (fingerprinting of offenders) to require a person to attend a police station in order to have his fingerprints taken.

#### *Non-intimate searches of detained persons*

- 12       (1) Where a designation applies this paragraph to a person, he has the powers of a constable under Article 55 of the 1989 Order (non-intimate searches of detained persons)—
- (a) to carry out a search under that Article of any person at a police station or of any other person otherwise in police detention;
  - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.
- (2) Paragraphs (9) and (12) of Article 55 of that Order (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

#### *Searches and examinations to ascertain identity*

- 13       Where a designation applies this paragraph to a person, he has the powers of a constable under Article 55A of the 1989 Order (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at a police station;
  - (b) to take a photograph at a police station of an identifying mark.

#### *Fingerprinting*

- 14       Where a designation applies this paragraph to a person—
- (a) he has the power of a constable under Article 61 of the 1989 Order (fingerprinting) to take fingerprints at a police station without the appropriate consent;
  - (b) the requirement by virtue of paragraph (7A)(a) of that Article that a person must be informed by an officer that his fingerprints may be the subject of a speculative search may be discharged, in the case of a person at a police station, by his being so informed by the designated person.

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- 15 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 10(2) of Schedule 8 to the Terrorism Act 2000 (c. 11) (fingerprinting persons detained under the terrorism provisions) to take fingerprints from a person detained under the terrorism provisions.

*Warnings about intimate samples*

- 16 Where a designation applies this paragraph to a person, the requirement by virtue of Article 62(7A)(a) of the 1989 Order (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search may be discharged, in the case of a person in a police station, by his being so informed by the designated person.

*Non-intimate samples*

- 17 Where a designation applies this paragraph to a person—
- (a) he has the power of a constable under Article 63 of the 1989 Order (non-intimate samples), in the case of a person in a police station, to take a non-intimate sample without the appropriate consent;
  - (b) the requirement by virtue of paragraph (6) of that Article (information about authorisation) that a person must be informed by an officer of the matters mentioned in that paragraph may be discharged, in the case of an authorisation in relation to a person in a police station, by his being so informed by the designated person;
  - (c) the requirement by virtue of paragraph (8B)(a) of that Article that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search may be discharged, in the case of a person in a police station, by his being so informed by the designated person.
- 18 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 10(3) of Schedule 8 to the Terrorism Act 2000 (c. 11) (non-intimate samples from persons detained under the terrorism provisions) to take a non-intimate sample from a person detained under the terrorism provisions.

*Attendance at police station for the taking of a sample*

- 19 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph (4) of Article 63A of the 1989 Order (supplementary provisions relating to fingerprints and samples) to require a person to attend a police station in order to have a sample taken.

*Photographing detained persons*

- 20 Where a designation applies this paragraph to a person, he has the power of a constable under Article 64A of the 1989 Order (photographing of suspects etc.) to take a photograph of a person detained at a police station.

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*[<sup>F33</sup>Taking of impressions of footwear*

**Textual Amendments**

**F33** Sch. 2 paras. 20A-20D and cross-headings inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 2 para. 2**

- 20A Where a designation applies this paragraph to any person—
- (a) he shall, at any police station, have the powers of a constable under Article 61A of the 1989 Order (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and
  - (b) the requirement by virtue of Article 61A(5)(a) of the 1989 Order that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.]

*[<sup>F33</sup>Powers in respect of detained persons*

- 20B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
  - (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
  - (c) to prevent the escape of any such person as is mentioned in subparagraph (a) or (b),
- and for those purposes shall be entitled to use reasonable force.]

*[<sup>F33</sup>Use of reasonable force in relation to detained persons*

- 20C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—
- (a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station, or
  - (b) escorting within a police station, or assisting an officer or another designated person to escort within a police station, a person detained there.]

*[<sup>F33</sup>Powers in relation to information about intimate search, x-ray and ultrasound*

- 20D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
- (a) Article 56 of the 1989 Order of informing a person who is to be subject to an intimate search under that Article of the matters of which he is required to be informed in pursuance of paragraph (3B) of that Article;
  - (b) Article 56A of that Order of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that Article of the matters of which he is required to be informed in pursuance of paragraph (3) of that Article.]



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- 21 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 2 of Schedule 8 to the Terrorism Act 2000 (identification of persons detained under the terrorism provisions) to photograph a person detained under the terrorism provisions.

### PART 3

#### ESCORT OFFICERS

##### *Power to take an arrested person to a police station*

- 22 (1) Where a designation applies this paragraph to a person—
- (a) the persons who, in the case of a person arrested by a constable, are authorised for the purposes of [<sup>F34</sup>paragraph (1A) of Article 32]of the 1989 Order (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station include the designated person;
  - (b) that Article has effect in relation to the exercise by the designated person of the power conferred by virtue of paragraph (a) as if the references to a constable in paragraphs (3), (4)(a) and (13) (but not the references in paragraphs (5) to (12)) included references to the designated person;
  - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) must be treated for all purposes as having the other person in his lawful custody;
    - (ii) is under a duty [<sup>F35</sup>to keep that person under control and ] to prevent the other person's escape;
    - (iii) is entitled to use reasonable force to keep the other person in his charge [<sup>F36</sup>and under his control ] .
  - [<sup>F37</sup>(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;
    - (ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
    - (iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
    - (iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).]
- (2) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person;

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- (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
- (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

#### Textual Amendments

- F34** Words in Sch. 2 para. 22(1)(a) substituted (1.1.2005) by [The Criminal Justice \(Northern Ireland\) Order 2004 \(S.I. 2004/1500\)](#), art. 1(3), **Sch. 1 para. 6**; S.R. 2004/391, art. 3
- F35** Words in Sch. 2 para. 22(1)(c)(ii) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(2)(a)**
- F36** Words in Sch. 2 para. 22(1)(c)(iii) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(2)(b)**
- F37** Sch. 2 para. 22(1)(d) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 2(3)**

#### *Escort of persons in police detention*

- 23 (1) Where a designation applies this paragraph to a person, he may be authorised by the custody officer for any designated police station to escort a person in police detention—
- (a) from that police station to another police station;
  - (b) from that police station to any other place that is specified by the custody officer;
  - (c) from that police station to any other place that is specified by the custody officer and then either back to that police station or on to another police station.
- (2) A person who is escorting another in accordance with an authorisation under sub-paragraph (1)—
- (a) must be treated for all purposes as having the other person in his lawful custody;
  - (b) is under a duty [<sup>F38</sup>to keep that person under control and] to prevent the other person's escape;
  - (c) is entitled to use reasonable force to keep the other person in his charge [<sup>F39</sup>and under his control] .
- [<sup>F40</sup>(2A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1)—
- (a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person;
  - (b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
  - (c) for so long as he is at the police station or other place or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and

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- (d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).]
- (3) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (2) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (non-intimate searches) as a constable has in the case of a person in police detention—
- (i) to carry out a search of the other person;
- (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
- (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.
- (4) Article 40(2) of that Order (responsibilities of custody officer where person transferred to escort) has effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the designated person were a police officer.

#### Textual Amendments

- F38** Words in Sch. 2 para. 23(2)(b) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 3(2)(a)**
- F39** Words in Sch. 2 para. 23(2)(c) added (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 3(2)(b)**
- F40** Sch. 2 para. 23(2A) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), art. 1(3), **Sch. 3 para. 3(3)**

## PART 4

### INTERPRETATION

- 24 (1) In this Schedule—
- “designated person” means a person designated under section 30 or 31;
- “designation” means a designation under section 30 or 31;
- “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (2) Expressions used in this Schedule and in the 1989 Order have the same meanings in this Schedule as they have in that Order.

*Status: Point in time view as at 18/03/2011.*

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## [<sup>F41</sup>SCHEDULE 2A

### POWERS AND DUTIES OF COMMUNITY SUPPORT OFFICER

#### Textual Amendments

**F41** Sch. 2A inserted (22.4.2007 for the insertion of Sch. 2A paras. 2, 6, 7, 10, 13, 15, 18) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), 7(8), **Sch. 5**

#### *Powers to issue fixed penalty notice*

- 1 A CSO shall have the power of a constable in uniform to give a fixed penalty notice under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996 (fixed penalty notices) to any person who he has reason to believe has committed an offence under Article 42 or 43 of the Road Traffic (Northern Ireland) Order 1995 (dangerous, careless or inconsiderate cycling).

#### *Power to require name and address: relevant offences*

- 2 (1) Subject to sub-paragraph (2), where a CSO has reason to believe that another person has committed a relevant offence, he may require that other person to give him his name and address.
- (2) The power to impose a requirement under sub-paragraph (1) in relation to an offence under a relevant byelaw is exercisable only in, or in the vicinity of, a place to which the byelaw relates.
- (3) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.
- (4) In this paragraph “relevant offence” means—
- (a) an offence under section 3 of the Vagrancy (Ireland) Act 1847;
  - (b) an offence under section 24 of the Children and Young Persons Act (Northern Ireland) 1968;
  - (c) an offence under Article 18 of the Public Order (Northern Ireland) Order 1987;
  - (d) an offence under Article 3 or 4 of the Litter (Northern Ireland) Order 1994;
  - (e) an offence under any of Articles 3, 30(9), 41, 50 or 60 to 64 of the Licensing (Northern Ireland) Order 1996;
  - (f) an offence under a relevant byelaw.
- (5) In this paragraph and paragraph 4 “relevant byelaw” means a byelaw included in a list of byelaws which—
- (a) have been made by a relevant body with authority to make byelaws for any place; and
  - (b) the Chief Constable and the relevant body have agreed to include in the list.
- (6) The list must be published by the Chief Constable in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

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- (7) A list of byelaws mentioned in sub-paragraph (6) may be amended from time to time by agreement between the Chief Constable and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the Chief Constable as mentioned in sub-paragraph (6).
- (8) A relevant body for the purposes of sub-paragraph (5) is—
  - (a) a district council;
  - (b) any other body specified in an order made by the Secretary of State.
- (9) An order under sub-paragraph (8) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (5)(b) and (7) is to be made between the Chief Constable and the Secretary of State (rather than between the Chief Constable and the relevant body).

*Power to require name and address: road traffic offences*

- 3 A CSO shall have the powers of a constable—
  - (a) under Article 177 of the Road Traffic (Northern Ireland) Order 1981 to require a person to give information about certain offences;
  - (b) under Article 178 of that Order to require a pedal cyclist to give his name and address;
  - (c) under Article 179 of that Order to require a pedestrian to give his name and address

*Power to detain etc*

- 4 (1) Where, in a case in which a requirement has been imposed on another person under paragraph 2(1) or by virtue of paragraph 3—
  - (a) that other person fails to comply with the requirement, or
  - (b) the CSO who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,the CSO who imposed the requirement may require the other person to wait with him, for a period not exceeding 30 minutes, for the arrival of a constable.
- (2) Sub-paragraph (1) does not apply if the requirement was imposed in connection with an offence under the Licensing (Northern Ireland) Order 1996 believed to have been committed on licensed premises (within the meaning of that Order).
- (3) Where by virtue of paragraph 2 a CSO has the power to impose a requirement under sub-paragraph (1) of that paragraph in relation to an offence under a relevant byelaw, the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.
- (4) Where a CSO has reason to believe that another person is committing an offence under section 3 of the Vagrancy (Ireland) Act 1847, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding 30 minutes, for the arrival of a constable.
- (5) A person who has been required under sub-paragraph (1) or (4) to wait with a CSO may, if requested to do so, elect that (instead of waiting) he will accompany the CSO imposing the requirement to a police station.

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- (6) A person who—
- (a) makes off while subject to a requirement under sub-paragraph (1) or (4), or
  - (b) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (5),
- is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

*Confiscation of alcohol: public processions*

- 5 A CSO shall have the powers of a constable in uniform under section 13 of the Public Processions (Northern Ireland) Act 1998 (control of alcohol at public processions)—
- (a) to impose a requirement under subsection (1) or (3) of that section; and
  - (b) to dispose under subsection (5) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by a CSO as if the references to a constable (except in subsection (8) (power to stop vehicles)) were references to the CSO.

*Confiscation of alcohol: young persons*

- 6 (1) A CSO shall have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (confiscation of intoxicating liquor)—
- (a) to impose a requirement under subsection (1) [<sup>F42</sup> or (1AA) ] of that section; and
  - (b) to dispose under subsection (2) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by a CSO as if the references to a constable in [<sup>F43</sup>subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal))] were references to the CSO.
- (2) Paragraph 4 applies in the case of a requirement imposed by a CSO under [<sup>F44</sup>section 1(1AA)] of that Act of 1997 on any person to state his name and address as it applies in the case of a requirement under paragraph 2(1).

**Textual Amendments**

- F42** Words in Sch. 2A para. 6(1) inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 28(2)(a); S.I. 2010/125, art. 2(t)
- F43** Words in Sch. 2A para. 6(1) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 28(2)(b); S.I. 2010/125, art. 2(t)
- F44** Words in Sch. 2A para. 6(2) substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), s. 116(1), Sch. 7 para. 28(3); S.I. 2010/125, art. 2(t)

*Confiscation of tobacco etc*

- 7 (1) A CSO shall have the power to seize anything that a constable has power to seize under Article 5(1) of the Health and Personal Social Services (Northern Ireland) Order 1978 (seizure of tobacco etc from young persons).

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- (2) Article 5(2) of that Order (disposal) applies to anything seized by virtue of sub-paragraph (1) as it applies to anything seized by a constable under Article 5(1) of that Order.

*Search and seizure powers: alcohol and tobacco*

- 8 (1) Where—
- (a) in exercise of the powers referred to in paragraph 5 or 6 a CSO has imposed, under section 13 of the Public Processions (Northern Ireland) Act 1998 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol;
  - (b) that person fails to comply with that requirement; and
  - (c) the CSO reasonably believes that the person has alcohol in his possession, the CSO may search him for it.
- (2) Where—
- (a) in exercise of the powers referred to in paragraph 7 a CSO has sought to seize something which by virtue of that paragraph he has a power to seize;
  - (b) the person from whom he sought to seize it fails to surrender it; and
  - (c) the CSO reasonably believes that the person has it in his possession, the CSO may search him for it.
- (3) The power to search conferred by sub-paragraph (1) or (2)—
- (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and
  - (b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket, headgear or gloves.
- (4) A person who without reasonable excuse fails to consent to being searched under sub-paragraph (1) or (2) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) A CSO who proposes to exercise the power to search a person under sub-paragraph (1) or (2) must inform him that failing without reasonable excuse to consent to being searched is an offence.
- (6) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.
- (7) Paragraph 4 applies in the case of a requirement imposed under sub-paragraph (6) as it applies in the case of a requirement under paragraph 2(1).
- (8) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

*Powers to seize and retain: controlled drugs*

- 9 (1) If a CSO—
- (a) finds a controlled drug in a person's possession (whether or not he finds it in the course of searching the person by virtue of any other paragraph of this Schedule); and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it,

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the CSO may seize it and retain it.

- (2) If a CSO—
  - (a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (1)); or
  - (b) reasonably believes that a person is in possession of a controlled drug, and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.
- (3) If in exercise of the power conferred by sub-paragraph (1) the CSO seizes and retains a controlled drug, he must—
  - (a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and
  - (b) comply with a constable's instructions about what to do with it.
- (4) A person who fails to comply with a requirement under sub-paragraph (2) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) Paragraph 4 applies in the case of a requirement imposed by virtue of sub-paragraph (2) as it applies in the case of a requirement under paragraph 2(1).
- (6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

*Entry to save life or limb or prevent serious damage to property*

- 10 A CSO shall have the powers of a constable under Article 19 of the 1989 Order to enter and search any premises for the purpose of saving life or limb or preventing serious damage to property.

*Entry to investigate licensing offences*

- 11 (1) A CSO shall have the powers of a constable under Article 71(1)(b) of the Licensing (Northern Ireland) Order 1996 to enter and inspect premises.
- (2) Except as mentioned in sub-paragraph (3), a CSO shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.
- (3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the CSO reasonably believes that a licence under the Licensing (Northern Ireland) Order 1996 authorises the sale of intoxicating liquor for consumption off the premises.

*Power to stop vehicles*

- 12 A CSO shall have the power of a constable in uniform under Article 180(1) of the Road Traffic (Northern Ireland) Order 1981 to require a person driving a vehicle or riding a pedal cycle to stop.



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### *Power to direct traffic and place traffic signs*

- 13 (1) A CSO shall have—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
  - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (2) A CSO shall also have the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.
- (3) Article 49 of the Road Traffic (Northern Ireland) Order 1995 (offences of failing to comply with directions of constable in uniform) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (2), for the purposes for which they may be exercised and by a CSO, as if the references to a constable in uniform were references to a CSO.
- (4) A CSO shall have the powers of a constable under Article 32 of the Road Traffic Regulation (Northern Ireland) Order 1997 to place traffic signs.
- (5) Article 50 of the Road Traffic (Northern Ireland) Order 1995 (contravention of indication given by traffic sign) shall apply to signs placed in the exercise of the powers conferred by virtue of sub-paragraph (4).

### *Carrying out of road checks*

- 14 A CSO shall have the power to carry out any road check the carrying out of which by a police officer is authorised under Article 6 of the 1989 Order (road checks).

### *Cordoned areas*

- 15 A CSO shall, in relation to any cordoned area have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

### *Power to stop and search vehicles etc in authorised areas*

- 16 (1) A CSO shall, in any authorised area, have all the powers of a constable in uniform by virtue of sections 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)—
- (a) to stop and search vehicles;
  - (b) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;
  - (c) to search anything carried by a pedestrian; and
  - (d) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act.

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- (2) References to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by a CSO as references to a CSO.
- (3) A CSO shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

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

- C2** Sch. 2A para. 16 modified (18.3.2011) by [Terrorism Act 2000 \(Remedial\) Order 2011 \(S.I. 2011/631\)](#), art. 1, [Sch. 2 para. 6](#) (with art. 6)

*Powers in relation to fireworks*

- 17 A CSO shall have the powers of a constable under—
- (a) Article 3 of the 1989 Order in relation to any firework to which paragraph (9A) of that Article applies;
  - (b) regulation 7(4) of the Explosives (Fireworks) Regulations (Northern Ireland) 2002.

*Interpretation*

- 18 (1) In this Schedule—
- “a CSO” means a person designated as a community support officer under section 30A;
- “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989.
- (2) Expressions used in this Schedule and in the 1989 Order have the same meaning in this Schedule as in that Order.]

SCHEDULE 3

Section 32

POLICE POWERS: AMENDMENTS

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

- 1 In Article 2 of the 1989 Order (general interpretation) after paragraph (4) insert—
- “(4A) Where a person is in another’s lawful custody by virtue of paragraph 8, 22(1) or 23(2) of Schedule 2 to the Police (Northern Ireland) Act 2003, he shall be treated as being in police detention for the purposes of this Order.”
- 2 In Article 20(5) of the 1989 Order (power of constable to conduct search of arrested person’s premises before taking him to a police station) for “taking the person” substitute “the person is taken”.
- 3 In Article 55A(6) of the 1989 Order (persons entitled to carry out search or examination or to take photographs) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.

*Status: Point in time view as at 18/03/2011.*

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- 4 In Article 61 of the 1989 Order (fingerprinting) after paragraph (8) insert—  
“(8A) The fingerprints of a person detained at a police station may be taken without the appropriate consent by a constable.”
- 5 In Article 63 of the 1989 Order (non-intimate samples) after paragraph (9) insert—  
“(9A) The power to take a non-intimate sample from a person without the appropriate consent is exercisable by a constable.”
- 6 In Article 64A(3) of the 1989 Order (persons entitled to photograph detainees) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.
- 7 (1) Article 66 of the 1989 Order (codes of practice: supplementary) is amended as follows.  
(2) After paragraph (8) insert—  
“(8A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this Article applies in—  
(a) the exercise of the powers conferred on him by the designation;  
(b) the performance of the duties imposed on him by the designation.”  
(3) In paragraph (9) after sub-paragraph (b) insert—  
“; or  
(c) of a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with paragraph (8A),”.

*Terrorism Act 2000 (c. 11)*

- 8 (1) Section 101 of the Terrorism Act 2000 (c. 11) (codes of practice: supplementary) is amended as follows.  
(2) After subsection (5) insert—  
“(5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—  
(a) the exercise of the powers conferred on him by the designation;  
(b) the performance of the duties imposed on him by the designation.”  
(3) After subsection (7) insert—  
“(7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.”

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## SCHEDULE 4

Section 45

## REPEALS AND REVOCATIONS

<i>Short title and chapter or title</i>	<i>Extent of repeal or revocation</i>
Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))	In Article 243(1), the words “Part VA,”.
Police (Northern Ireland) Act 1998 (c. 32)	Section 61A.
Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17))	Article 16.
Police (Northern Ireland) Act 2000 (c. 32)	In section 25(2), the words from “but” to the end. Section 28(5)(c) and the word “and” immediately preceding it. Section 32(4) and (5). Section 63(1). In Schedule 1: (a) in paragraph 3(7)(b), the word “or” immediately preceding subparagraph (iii), (b) in paragraph 10(1)(b), the word “or” immediately preceding subparagraph (iii), and (c) paragraph 19(3).
1	The repeals in section 28(5) of the Police (Northern Ireland) Act 2000 have effect in accordance with section 8(6) above.
2	The revocations in the Employment Rights (Northern Ireland) Order 1996 and the Public Interest Disclosure (Northern Ireland) Order 1998 have effect in accordance with section 26(4) above.

**Status:**

Point in time view as at 18/03/2011.

**Changes to legislation:**

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