



# Police (Northern Ireland) Act 2003

## 2003 CHAPTER 6

### PART 1

#### POLICING

##### *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—

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- (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—
- (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;

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(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.”

(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—

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““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;”.

## 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.

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