



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART II

#### THE NORTHERN IRELAND POLICING BOARD

#### **2 The Northern Ireland Policing Board**

- (1) There shall be a body corporate to be known as the Northern Ireland Policing Board (in this Act referred to as “the Board”).
- (2) Schedule 1 shall have effect in relation to the Board.
- (3) The Police Authority for Northern Ireland is hereby dissolved.
- (4) Schedule 2 (which contains provisions for the transfer of the functions, assets, liabilities and staff of the Police Authority for Northern Ireland to the Board and other supplementary provisions) shall have effect.

#### **3 General functions of the Board**

- (1) The Board shall secure the maintenance of the police in Northern Ireland.
- (2) The Board shall secure that—
  - (a) the police,
  - (b) the police support staff, and
  - (c) traffic wardens appointed by the Board under section 71,are efficient and effective.
- (3) In carrying out its functions under subsections (1) and (2) the Board shall—
  - (a) in accordance with the following provisions of this Act, hold the Chief Constable to account for the exercise of his functions and those of the police, the police support staff and traffic wardens;
  - (b) monitor the performance of the police in—
    - (i) carrying out the general duty under section 32(1);

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- (ii) complying with the Human Rights Act 1998;
  - (iii) carrying out the policing plan;
  - (c) keep itself informed as to—
    - (i) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;
    - (ii) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;
    - (iii) trends and patterns in crimes committed in Northern Ireland;
    - (iv) trends and patterns in recruitment to the police and the police support staff;
    - (v) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;
  - (d) assess—
    - (i) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;
    - (ii) the level of public satisfaction with the performance of the police and of district policing partnerships;
    - (iii) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III in obtaining the views of the public about matters concerning policing and the co-operation of the public with the police in preventing crime;
    - (iv) the effectiveness of the code of ethics issued under section 52;
  - (e) make arrangements for obtaining the co-operation of the public with the police in the prevention of crime.
- (4) In carrying out its functions, the Board shall have regard to—
- (a) the principle that the policing of Northern Ireland is to be conducted in an impartial manner;
  - (b) the policing plan;
  - (c) any code of practice issued by the Secretary of State under section 27; and
  - (d) the need—
    - (i) to co-ordinate its activities with those of other statutory authorities; and
    - (ii) to co-operate with such authorities.

#### **4 Police support staff**

- (1) The Board may, subject to the following provisions of this section, employ persons to assist the police.
- (2) Senior employees shall be appointed by the Board—
  - (a) with the approval of the Secretary of State and after consultation with the Chief Constable; and
  - (b) on such terms and conditions as the Board may, with the approval of the Secretary of State, determine.
- (3) Other employees shall be appointed by the Board with the approval of the Secretary of State as to terms and conditions.

- (4) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the police by persons employed in the civil service.
- (5) The following functions of the Board shall be exercised, on behalf of and in the name of the Board, by the Chief Constable—
  - (a) the power to direct and control senior employees of the Board and all other powers and duties of the Board as employer of such employees, other than the power to appoint and dismiss;
  - (b) the power to appoint and dismiss other employees, the power to direct and control such employees and all other powers and duties of the Board as employer of such employees;
  - (c) the power to direct and control persons providing assistance to the police in pursuance of arrangements under subsection (4).
- (6) Persons who—
  - (a) are employed by the Board under this section, or
  - (b) are engaged in pursuance of arrangements under subsection (4) in providing assistance to the police,are referred to in this Act as the “police support staff”.
- (7) In this section and section 5 “senior employee” means an employee of such class or description as may be specified for the purposes of this section by the Board with the approval of the Secretary of State.

## **5 Power to transfer certain staff to employment of Board**

- (1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this section applies.
- (2) Subject to subsection (3), this section applies to any person who immediately before such date as may be prescribed in regulations under subsection (1) (“the prescribed date”) is—
  - (a) employed in the civil service; and
  - (b) engaged, in pursuance of arrangements under section 4(4), in providing assistance to the police.
- (3) This section does not apply to a person if—
  - (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
  - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Subsections (5)(b) and (6) of section 4 shall apply in relation to persons transferred to the employment of the Board under this section as they apply in relation to persons employed by the Board under that section who are not senior employees.
- (5) Before making any regulations under this section the Secretary of State shall consult—
  - (a) the Board;
  - (b) the Chief Constable; and
  - (c) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

## **6 Provision and maintenance of buildings and equipment**

- (1) The Board may provide and maintain buildings and equipment for police purposes.
- (2) The Board may enter into arrangements with any other person for the maintenance, on such terms as the Board may determine, of equipment used by that person; and maintenance of equipment carried out in pursuance of any such arrangements shall be treated for the purposes of this Act as maintenance of equipment for police purposes.
- (3) 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.
- (4) Nothing in this section confers power to acquire or hold land.
- (5) The power conferred by this section to provide equipment is subject to any regulations under section 40 of the 1998 Act.
- (6) The power conferred by this section to provide buildings or equipment includes power to enter into a contract with another person for the provision or making available of buildings or equipment together with any services relating to such buildings or equipment.

## **7 Acquisition and disposal of land by Board**

- (1) The Board may acquire, hold and dispose of land for police purposes.
- (2) The power of the Board to acquire land includes power to acquire it compulsorily in accordance with subsections (3) and (4).
- (3) Where the Board proposes to acquire any land compulsorily it may apply to the Secretary of State for an order (“a vesting order”) vesting that land in the Board and the Secretary of State may make such an order.
- (4) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—
  - (a) for any reference to the council there shall be substituted a reference to the Board;
  - (b) for any reference to the Ministry concerned there shall be substituted a reference to the Secretary of State;
  - (c) for any reference to that Act there shall be substituted a reference to this Act;
  - (d) in paragraph 6(2) for the words from “the fund” to the end there shall be substituted the words “funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000 (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments out of the compensation fund”; and
  - (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the Policing Board”.

## **8 Provision of advice and assistance to international organisations, etc**

- (1) Subject to the provisions of this section, the Board may provide advice and assistance to—

- (a) an international organisation or institution; or
  - (b) any other person or body engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the Board or the Chief Constable.
- (2) The power conferred on the Board by subsection (1) includes a power to make arrangements under which a police officer is engaged for a period of temporary service with a body or person within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State which may be given subject to such conditions as appear to him to be appropriate.
- (4) Nothing in this section authorises the Board to provide any financial assistance by making a grant or loan or giving a guarantee or indemnity.
- (5) The Board may make charges for advice or assistance provided by it under this section.
- (6) This section is without prejudice to section 10 of the Overseas Development and Co-operation Act 1980.

## **9 Grants to, and borrowing by, the Board**

- (1) The Secretary of State shall for each financial year make to the Board a grant for police purposes.
- (2) A grant under this section—
- (a) shall be of such amount;
  - (b) shall be paid at such time, or in instalments of such amounts and at such times; and
  - (c) shall be made on such conditions,
- as the Secretary of State may determine.
- (3) A time determined under subsection (2)(b) may fall within or after the financial year concerned.
- (4) Subject to subsections (5), (6) and (8), the Board may borrow, by way of temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require for the purpose of defraying expenses pending the receipt of moneys receivable by the Board.
- (5) The total amount owing of money borrowed under subsection (4) shall not at any time exceed such sum as the Secretary of State may specify to the Board in writing.
- (6) Any sum borrowed under subsection (4) shall be repaid before the end of the financial year in which it is borrowed.
- (7) Subject to subsection (8), the Board may, with the consent of the Secretary of State, borrow or raise money on such terms and subject to such conditions as the Secretary of State may approve upon the security of any property or assets of the Board for all or any of the following purposes—
- (a) meeting expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital;
  - (b) redeeming any loan previously borrowed or raised under this section; or
  - (c) any other purpose for which capital moneys may properly be applied.

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- (8) The Board may not borrow or raise money under this section for any purposes other than police purposes.

## **10 Funding for police purposes – ancillary provisions**

- (1) The Board shall—
- (a) prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct, estimates of the receipts and payments of the Board for police purposes during such period as may be specified in the direction; and
  - (b) submit to the Secretary of State such other information relating to those estimates as he may require.
- (2) A draft of the estimates of receipts and payments for police purposes shall be submitted by the Chief Constable to the Board.
- (3) The estimates submitted by the Board under subsection (1) shall be either—
- (a) in the form of the draft submitted under subsection (2); or
  - (b) in that form with such amendments as the Board may, after consultation with the Chief Constable, determine.
- (4) The Board shall comply with such directions as the Secretary of State may give as to the application of moneys received by the Board otherwise than by way of grant under section 9(1) or paragraph 15 of Schedule 1; and to the extent that any statutory provision or any such direction does not require moneys so received to be applied in a particular manner or for a particular purpose, the Board shall apply those moneys for police purposes.
- (5) The Board shall in each financial year put at the disposal of the Chief Constable—
- (a) an amount equal to the amount of the grant for police purposes received in that year by the Board under section 9(1); and
  - (b) any amount received by the Board in that year which is required to be applied for police purposes—
    - (i) by subsection (4) or directions under that subsection; or
    - (ii) by any other statutory provision.

## **11 Charges for special services**

The Chief Constable may, at the request of any person, provide special police services subject to the payment to the Board of such charges, or charges on such scales, as may be determined by the Board.

## **12 Accounts and audit**

- (1) The Board shall in relation to all amounts put at the Chief Constable's disposal under section 10(5)—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The functions of the Board under subsection (1) shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.

- (3) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.
- (4) The Chief Constable shall submit the statement of accounts to the Board within such period after the end of the financial year to which they relate as the Secretary of State may determine.
- (5) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such further period as the Secretary of State may determine.
- (6) The Comptroller and Auditor General shall—
  - (a) examine, certify and report on each statement of accounts received by him under this section; and
  - (b) lay copies of the statement of accounts and of his report before each House of Parliament.

### **13 Rewards for diligence**

The Board may, on the recommendation of the Chief Constable, pay rewards for exceptional diligence or other specially meritorious conduct to—

- (a) police officers;
- (b) members of the police support staff; and
- (c) traffic wardens.