

SCHEDULES

SCHEDULE 1

Section 2.

THE NORTHERN IRELAND POLICING BOARD

PART I

STATUS AND MEMBERSHIP

Status

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

Membership: application of Parts II and III

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

PART II

MEMBERSHIP DURING SUSPENSION OF DEVOLVED GOVERNMENT

Constitution

- 3 (1) The Board shall consist of not less than 14 nor more than 19 members appointed by the Secretary of State.
- (2) The Secretary of State may by order amend either or both of the numbers for the time being specified in sub-paragraph (1).

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- (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
- (4) Before making any appointment under this paragraph, the Secretary of State shall consult—
 - (a) district councils; and
 - (b) such other bodies as he considers appropriate.
- (5) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (4)(b).
- (6) Sub-paragraphs (4) and (5) do not apply to the first appointment of members of the Board under this Part following the making by the Secretary of State of an order revoking a restoration order under section 2(2) of the Northern Ireland Act 2000.
- (7) A person is disqualified for membership of the Board if—
 - (a) he holds the office of Ombudsman, or
 - (b) he is—
 - (i) a member of the police support staff;
 - (ii) a police officer; or
 - (iii) a member of a district policing partnership.
- (8) There shall be a chairman and a vice-chairman of the Board.
- (9) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State.
- (10) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.

Term of office

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

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

Remuneration and allowances of members

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

PART III

MEMBERSHIP DURING DEVOLVED GOVERNMENT

Constitution

- 6 (1) The Board shall consist of 19 members of whom—
- (a) 10 shall be nominated from among members of the Assembly in accordance with paragraph 7; and
 - (b) 9 shall be appointed by the Secretary of State in accordance with paragraph 8.
- (2) In this Part—
- “independent member” means a member of the Board appointed under sub-paragraph (1)(b);
 - “political member” means a member of the Board nominated under sub-paragraph (1)(a).

Political members

- 7 (1) Where this Part comes into effect in relation to the Board, the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (2) Where at any other time—
- (a) an Assembly is elected under section 31 or 32 of the Northern Ireland Act 1998;
 - (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act; or
 - (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,

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all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.

(3) At the request of the Secretary of State, the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a member of the Board who—

- (a) is a member of that party and of the Assembly; and
- (b) is not disqualified for membership of the Board.

(4) The nominated person may take up office as a member of the Board by making a statement to that effect to the Secretary of State.

(5) If—

- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the prescribed period; or
- (b) the nominated person does not take up office as a member of the Board within that period,

that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.

(6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.

(7) The formula is—

$$\frac{S}{I + M}$$

$I + M$

where—

- S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election; and
- M = the number of members of the party (if any) who hold office as a political member of the Board.

(8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.

(9) A political member shall cease to hold office if—

- (a) he resigns by notice in writing to the Board;
- (b) he becomes disqualified for membership of the Board; or
- (c) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.

(10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate a person to hold the office who—

- (a) is a member of that party and of the Assembly; and
- (b) is not disqualified for membership of the Board.

(11) If—

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- (a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within the prescribed period; or
 - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying sub-paragraphs (3) to (8) within such further period as may be prescribed.

(12) Where—

- (a) the Assembly has resolved under section 30(2) of the Northern Ireland Act 1998 that a political party does not enjoy its confidence; and
 - (b) the party's period of exclusion has not come to an end,
- the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).

(13) In this paragraph—

- “nominating officer”, in relation to a party, means the person registered under Part II of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by him for the purpose;
- “prescribed” means prescribed by regulations made by the Secretary of State.

Independent members

- 8 (1) The Secretary of State shall so exercise his powers of appointment under paragraph 6(1)(b) as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
- (2) Before making any appointment under paragraph 6(1)(b), the Secretary of State shall consult—
- (a) the First Minister and deputy First Minister;
 - (b) district councils; and
 - (c) such other bodies as he considers appropriate.
- (3) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (2)(c).
- (4) In relation to the first appointment of members of the Board under this Part following the making of a restoration order by the Secretary of State under section 2(2) of the Northern Ireland Act 2000—
- (a) sub-paragraph (2) applies as if paragraphs (b) and (c) were omitted; and
 - (b) sub-paragraph (3) does not apply.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.
- (6) An independent member may not be appointed for a term of more than 4 years at a time.
- (7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
- (8) An independent member shall cease to hold office if—
- (a) he resigns by notice in writing to the Secretary of State; or

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(b) he becomes disqualified for membership of the Board.

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

Removal of members from office

9 (1) The Secretary of State may remove a person from office as an independent or political member of the Board if satisfied that—

- (a) in the case of an independent member, he failed, before his appointment, to make to the Secretary of State full disclosure of a conviction of his for a criminal offence in Northern Ireland or elsewhere;
- (b) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
- (c) he has become bankrupt or made a composition or arrangement with his creditors;
- (d) he is not committed to non-violence and exclusively peaceful and democratic means;
- (e) he is otherwise unable or unfit to discharge his functions as a member of the Board.

(2) The Secretary of State may remove a person from office as an independent member of the Board if satisfied that he has failed to comply with the terms of his appointment.

Disqualification

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

- (a) he holds office as—
 - (i) First Minister or deputy First Minister;
 - (ii) a Northern Ireland Minister;
 - (iii) a junior Minister; or
 - (iv) the Ombudsman;
- (b) he is—
 - (i) a member of the police support staff;
 - (ii) a police officer; or
 - (iii) a member of a district policing partnership; or
- (c) he is for the time being excluded under section 30(1) of the Northern Ireland Act 1998 from holding office as a Minister or junior Minister.

(2) A person removed from office under paragraph 9(1) is disqualified for membership of the Board until the date of the dissolution of the Assembly next following his removal.

Chairman and vice-chairman

11 (1) There shall be a chairman and a vice-chairman of the Board.

(2) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State from among the members of the Board.

(3) Before making any appointment under sub-paragraph (2), the Secretary of State shall consult the First Minister and the deputy First Minister.

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- (4) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.
- (6) A person may at any time resign as chairman or vice-chairman by notice in writing to the Board.
- (7) A person appointed to fill a casual vacancy as chairman or vice-chairman shall hold office for the remainder of the term of the person in whose place he is appointed.
- (8) If the chairman or vice-chairman ceases to be a member of the Board, he shall also cease to hold office as chairman or vice-chairman.

Remuneration and allowances of members

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

PART IV

STAFF

Staff of the Board

- 13 (1) The Board may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to enable the Board to discharge its functions.
- (2) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the Board by persons employed in the civil service.

Power to transfer staff to employment of Board

- 14 (1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this paragraph applies.
- (2) Subject to sub-paragraph (3), this paragraph applies to any person who immediately before such date as may be prescribed in regulations under sub-paragraph (1) (“the prescribed date”) is—
 - (a) employed in the civil service; and
 - (b) engaged, in pursuance of arrangements under paragraph 13(2), in providing assistance to the Board.
- (3) This paragraph does not apply to a person if—

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- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
 - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Before making any regulations under this paragraph the Secretary of State shall consult—
- (a) the Board; and
 - (b) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

PART V

FUNDING

Grants to the Board

- 15 (1) The Secretary of State shall for each financial year make to the Board a grant for defraying the expenses of the Board.
- (2) A grant under this paragraph—
- (a) shall be of such amount,
 - (b) shall be paid at such time, or in instalments of such amounts and at such times, and
 - (c) shall be made on such conditions,
- as the Secretary of State may determine.
- (3) A time determined under sub-paragraph (2)(b) may fall within or after the financial year concerned.

Accounts and audit

- 16 (1) The Board shall in relation to grants received under paragraph 15—
- (a) keep proper accounts and proper records in relation to the accounts; and
 - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.
- (3) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under this paragraph; and
 - (b) lay copies of the statement of accounts and of his report before each House of Parliament.

PART VI

PROCEDURE

Procedure

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

Inquiries under section 60

- 18 (1) Sub-paragraph (2) applies if—
- (a) the Board is considering—
 - (i) causing an inquiry to be held under section 60;
 - (ii) making a request under section 60(6); or
 - (iii) appointing a person under section 60(9); and
 - (b) at least three members of the Board have made a written request to the chairman, asking him to call a meeting of the Board to consider the matter.
- (2) The chairman shall, no later than three working days after the day on which he receives the request, call such a meeting.
- (3) The meeting shall be held no earlier than six, and no later than twenty-one, working days after that day.
- (4) The chairman shall notify each member of the Board of the date and purpose of the meeting.

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- (5) The Board shall not take any of the steps mentioned in sub-paragraph (1)(a) unless a proposal to that effect has been approved by the required number of members of the Board present and voting on the proposal.
- (6) The required number of members is—
 - (a) 10, if the Board consists of 18 or 19 members;
 - (b) 9, if it consists of 16 or 17 members;
 - (c) 8, if it consists of less than 16 members.
- (7) For the purposes of sub-paragraph (6), any vacancy in the membership of the Board is to be disregarded.

Public meetings

- 19 (1) This paragraph applies to a meeting held by the Board for the purpose of receiving and considering a report on policing from the Chief Constable prepared for the meeting.
- (2) There must be at least ten meetings in each year.
- (3) No meeting shall be held before the end of the period of 28 days beginning with the date of the previous meeting.
- (4) The Board must give such notice of a meeting as it considers appropriate.
- (5) Members of the public may attend any meeting.
- (6) But that does not prevent the Board from excluding the public, or particular members of the public, from a meeting, or from part of a meeting, in order to prevent or suppress disorderly conduct or other misbehaviour at, or a disturbance of, the meeting.

Validity of proceedings

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

Seal

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

Execution and proof of instruments

- 22 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

- (2) Before entering into contracts for the supply of goods or the execution of works, the Board shall comply with such requirements as the Secretary of State may direct.
- (3) A document purporting to be an instrument made or issued by or on behalf of the Board and—
- (a) to be duly executed under the seal of the Board, or
 - (b) to be signed or executed by a person generally or specially authorised by the Board to act for that purpose,
- shall be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

Disclosure of pecuniary interests, family connections, etc.

- 23 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) shall apply to the Board and its members as if—
- (a) in those sections—
 - (i) any reference to a council were a reference to the Board;
 - (ii) any reference to a councillor were a reference to a member of the Board;
 - (iii) any reference to the clerk of the council were a reference to such officer of the Board as the Secretary of State may specify;
 - (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;
 - (c) in section 29 of that Act any reference to the Minister were a reference to the Secretary of State.

Committees

- 24 (1) The Board may—
- (a) constitute committees of such 5 or more of its members as the Board may appoint; and
 - (b) delegate to a committee so constituted any of the functions of the Board.
- (2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

SCHEDULE 2

Section 2.

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

Interpretation

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

Transfer of functions

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

Transfer of assets and liabilities

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

Transfer of employed staff

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

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

Transfer of seconded staff

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

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

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

Accounts

- 7 (1) In this paragraph “the relevant period” means the period—
- (a) beginning on 1st April 2000; and
 - (b) ending immediately before the transfer date.

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

SCHEDULE 3

Section 14.

DISTRICT POLICING PARTNERSHIPS

Interpretation

- 1 (1) In this Schedule “a DPP” means a district policing partnership.
- (2) In this Schedule—
- “the council”, in relation to a DPP, means the district council by which the DPP is established;
 - “independent member”, in relation to a DPP, means a member appointed under paragraph 2(3)(b), (4)(b) or (5)(b);
 - “political member”, in relation to a DPP, means a member appointed under paragraph 2(3)(a), (4)(a) or (5)(a).
- (3) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962.
- (4) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Size and composition

- 2 (1) A DPP shall consist of 15, 17 or 19 members as the council may determine.
- (2) In making a determination under sub-paragraph (1), the council shall have regard to—
- (a) the number of members constituting the council; and
 - (b) the duty imposed by paragraph 3(1).
- (3) Where a DPP consists of 15 members, of whom—
- (a) 8 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 7 shall be appointed in accordance with paragraph 4.
- (4) Where a DPP consists of 17 members, of whom—

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- (a) 9 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 8 shall be appointed in accordance with paragraph 4.
- (5) Where a DPP consists of 19 members, of whom—
- (a) 10 shall be appointed by the council from among members of the council in accordance with paragraph 3; and
 - (b) 9 shall be appointed in accordance with paragraph 4.

Political members

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

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) 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.
 - (3) An independent member shall hold office until the date of the local general election next following his appointment.
 - (4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
 - (5) An independent member shall cease to hold office if—
 - (a) he resigns by notice in writing to the council; or
 - (b) he becomes disqualified for membership of the DPP.
 - (6) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

Status: This is the original version (as it was originally enacted).

The council's nominations

- 5
- (1) Where appointments are to be made of independent members of a DPP, 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) A person shall not be nominated under sub-paragraph (1) if he is disqualified for membership of the DPP.
 - (5) 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; and 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, a 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 councils and the Board of their functions under paragraphs 4 and 5.
 - (3) Before issuing, or revising, a code of practice under this paragraph, the Secretary of State shall consult—
 - (a) the Board;
 - (b) district councils; 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 DPP 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) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
 - (c) he has become bankrupt or made a composition or arrangement with his creditors;
 - (d) he has failed to comply with the terms of his appointment; or
 - (e) he is otherwise unable or unfit to discharge his functions as a member of the DPP.

Status: This is the original version (as it was originally enacted).

- (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 which nominated him; and
 - (b) before his appointment, to the Board.

Disqualification

- 8 (1) A person is disqualified for membership of a DPP 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 is disqualified for being an independent member of a DPP if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

Chairman and vice-chairman

- 9 (1) There shall be a chairman and a vice-chairman of a DPP appointed by the council from among the political members.
- (2) In making appointments under sub-paragraph (1), the council shall ensure that, so far as is practicable—
- (a) the offices of chairman and vice-chairman are at all times held by members of different political parties;
 - (b) a person is appointed to the office of chairman or vice-chairman for a term of 12 months at a time or, where that period is shorter than 12 months, for a period ending with the date of the local general election next following his appointment;
 - (c) the office of chairman 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 or vice-chairman in accordance with the terms of his appointment.
- (4) A person may at any time resign as chairman or vice-chairman by notice in writing to the council.
- (5) If the chairman or vice-chairman ceases to be a member of the DPP, he shall also cease to hold office as chairman or vice-chairman.

Allowances

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

Finance

- 11 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, a DPP.

Status: This is the original version (as it was originally enacted).

Procedure

- 12 (1) The quorum for a meeting of a DPP shall be 5.
- (2) Every question at a meeting of a DPP 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 DPP, 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, a DPP may regulate its own procedure.

Validity of proceedings

- 13 The validity of any proceedings of a DPP 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.

- 14 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) shall apply to a DPP and its members as if—
- (a) in those sections—
 - (i) any reference to a council were a reference to the DPP;
 - (ii) any reference to a councillor were a reference to a member of the DPP;
 - (iii) any reference to the clerk of the council were a reference to the person acting as secretary to the DPP;
 - (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

- 15 (1) A DPP may—
- (a) constitute committees of such 5 or more of its members as the DPP may appoint; and
 - (b) delegate to a committee so constituted any of the functions of the DPP.
- (2) The powers of any committee of a DPP shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the DPP.

Joint partnerships

- 16 (1) The Secretary of State may by order provide that two or more councils may by agreement establish a single DPP for their districts.
- (2) An order under this paragraph may—
- (a) provide for Part IV and this Schedule to have effect in relation to—
 - (i) the councils in question and their districts, and
 - (ii) any DPP established by virtue of this paragraph,with such modifications as the Secretary of State thinks necessary or expedient;
 - (b) make such other provision as the Secretary of State thinks necessary or expedient for the proper functioning of any such DPP.
- (3) Before making an order under this paragraph, the Secretary of State shall consult—
- (a) the Board; and
 - (b) any council affected by the order.

SCHEDULE 4

Section 67.

THE COMMISSIONER

Appointment etc. of the Commissioner

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

Status: This is the original version (as it was originally enacted).

Terms of reference

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

Remuneration, pensions, allowances, etc.

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

Staff

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

Exercise of functions

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

Evidence

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

Finance

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

SCHEDULE 5

Section 74.

APPLICATION OF ANTI-DISCRIMINATION LEGISLATION TO THE POLICE

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

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

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

- “84 (1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—
- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
 - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) Regulations under section 25 or 26 of the Police (Northern Ireland) Act 1998 or section 41 of the Police (Northern Ireland) Act 2000 shall not treat men and women differently except—

Status: This is the original version (as it was originally enacted).

- (a) as to requirements relating to uniform or equipment or allowances in lieu of uniform or equipment;
 - (b) so far as special treatment is accorded to women in connection with pregnancy or childbirth; or
 - (c) in relation to pensions.
- (3) Nothing in Part II renders unlawful any discrimination between male and female constables as to matters such as are mentioned in paragraph (2)(a).
- (4) For the purposes of Article 42—
 - (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (5) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
 - (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him the proceedings; and
 - (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.
- (6) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
 - (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
 - (b) any costs incurred and not recovered by a police officer in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (7) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (6).
- (8) Paragraphs (1) and (4) to (7)—
 - (a) apply in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as they apply in relation to a police officer;
 - (b) apply in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
 - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;

- (ii) in paragraphs (4), (6) and (7) the references to the Chief Constable were references to the Ombudsman.

Other police bodies

- 85 (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
 - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 42—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
 - (b) any costs incurred and not recovered by such a person in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
 - (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
 - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
 - “police authority” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
 - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
- “police fund” means—
- (a) in relation to the National Criminal Intelligence Service, the Service fund under section 16 of the Police Act 1997;
 - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

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

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

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

- “72A(1) For the purposes of Part II, the holding of the office of constable as a police officer shall be treated as employment—
- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
 - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 32—
- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—

Status: This is the original version (as it was originally enacted).

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

Other police bodies

- 72B (1) For the purposes of Part II, the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
 - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 32—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.

Status: This is the original version (as it was originally enacted).

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

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

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

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

- “94 (1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable as a police officer shall be treated as employment—
- (a) by the Chief Constable as respects any act done by him in relation to that office or a holder of it;
 - (b) by the Policing Board as respects any act done by it in relation to that office or the holder of it.

Status: This is the original version (as it was originally enacted).

- (2) For the purposes of Article 36—
- (a) the holding of the office of constable as a police officer shall be treated as employment by the Chief Constable (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of funds put at the disposal of the Chief Constable under section 10(5) of the Police (Northern Ireland) Act 2000—
- (a) any compensation, damages or costs awarded against the Chief Constable in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
 - (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
 - (c) any sum required by the Chief Constable for the settlement of any claim made against him under this Order if the settlement is approved by the Policing Board.
- (4) The Chief Constable may, in such cases and to such extent as appear to him to be appropriate, pay—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a police officer;
 - (b) any costs incurred and not recovered by a police officer in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings if the settlement is approved by the Policing Board.
- (5) The Chief Constable may make arrangements for the legal representation of a police officer in any proceedings mentioned in paragraph (4).
- (6) This Article—
- (a) applies in relation to a person serving with the Police Service of Northern Ireland by virtue of section 98 of the Police Act 1996 or section 23 of the Police Act 1997 as it applies in relation to a police officer;
 - (b) applies in relation to a police officer who by virtue of paragraph 7(2)(a) or 8(4)(a) of Schedule 3 to the Police (Northern Ireland) Act 1998 is under the direction and control of the Police Ombudsman for Northern Ireland as if—
 - (i) in paragraph (1) the reference to the Chief Constable included a reference to the Ombudsman;
 - (ii) in paragraphs (2), (4) and (5) the references to the Chief Constable were references to the Ombudsman.

Status: This is the original version (as it was originally enacted).

Other police bodies

- 94A(1) For the purposes of this Order (except Article 36 and Part VII), the holding of the office of constable otherwise than as a police officer shall be treated as employment—
- (a) by the chief officer of police as respects any act done by him in relation to that office or a holder of it;
 - (b) by the police authority as respects any act done by it in relation to that office or the holder of it.
- (2) For the purposes of Article 36—
- (a) the holding of the office of constable otherwise than as a police officer shall be treated as employment by the chief officer of police (and as not being employment by any other person); and
 - (b) anything done by a person holding such an office in the performance, or purported performance, of his functions shall be treated as done in the course of that employment.
- (3) There shall be paid out of the police fund—
- (a) any compensation, damages or costs awarded against a chief officer of police in any proceedings brought against him under this Order, and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings;
 - (b) costs incurred by him in connection with any investigation under Part II so far as not defrayed by sums paid by the Commission under paragraph 10 of Schedule 2; and
 - (c) any sum required by a chief officer of police for the settlement of any claim made against him under this Order if the settlement is approved by the police authority.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
- (a) any compensation, damages or costs awarded in proceedings under this Order against a person under the direction and control of the chief officer of police;
 - (b) any costs incurred and not recovered by such a person in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) A police authority may make arrangements for the legal representation of any person under the direction and control of the chief officer of police in any proceedings mentioned in paragraph (4).
- (6) In this Article—
- “chief officer of police” means—
 - (a) in relation to the National Criminal Intelligence Service, the Director General of that Service;
 - (b) in relation to any other body of constables, the person who has the direction and control of the body in question;
 - “police authority” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to the National Criminal Intelligence Service, the Service Authority for the National Criminal Intelligence Service;
 - (b) in relation to any other body of constables, the authority by which the members of the body are paid;
- “police fund” means—
- (a) in relation to the National Criminal Intelligence Service, the service fund under section 16 of the Police Act 1997;
 - (b) in relation to any other body of constables, money provided by the authority by which the members of the body are paid.
- (7) Nothing in paragraphs (3) to (6) applies in relation to the police.”

SCHEDULE 6

Section 78.

AMENDMENTS

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

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

“43A Definitions in connection with police

In an enactment—

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

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

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

“Policing Board” means the Northern Ireland Policing Board;

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

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

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

Parliamentary Commissioner Act 1967 (1967 c. 13)

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

Status: This is the original version (as it was originally enacted).

“Northern Ireland Policing Board”.

House of Commons Disqualification Act 1975 (c. 24)

- 3 (1) The House of Commons Disqualification Act 1975 shall be amended as follows.
- (2) In section 1(3) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.
- (3) In Part III of Schedule 1 at the appropriate place in alphabetical order insert the following entry—
- “Chairman or vice-chairman of the Northern Ireland Policing Board.”
- (4) In that Part of that Schedule, at the appropriate place in alphabetical order insert the following entry—
- “Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 4 (1) The Northern Ireland Assembly Disqualification Act 1975 shall be amended as follows.
- (2) In section 1(2) in the definition of “police authority” for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.
- (3) In Part III of Schedule 1, at the appropriate place in alphabetical order insert the following entry—
- “Commissioner appointed under section 67(1) of the Police (Northern Ireland) Act 2000.”

Interpretation Act 1978 (c. 30)

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

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

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

Finance Act 1981 (c. 35)

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

Status: This is the original version (as it was originally enacted).

Aviation Security Act 1982 (c. 36)

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

Official Secrets Act 1989 (c. 6)

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

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

- 10 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) In Article 2(2) omit the definition of “police officer”.
- (3) In Articles 7(1), 50(2) and 56(14) for “section 48(1) of the Police (Northern Ireland) Act 1998” substitute “section 58(1) of the Police (Northern Ireland) Act 2000”.
- (4) In Article 32(4)(b) for “Police Authority” substitute “Policing Board”.
- (5) In Article 75(3) in the definition of “police purposes” for the words from “Royal Ulster Constabulary” to the end substitute “police and of the police support staff.”

Aviation and Maritime Security Act 1990 (c. 31)

- 11 In section 22(4)(b) of the Aviation and Maritime Security Act 1990 for subparagraph (ii) substitute—
- “(ii) in Northern Ireland, by the Northern Ireland Policing Board or an authority which has entered into an agreement with the Police Ombudsman for Northern Ireland under section 60 of the Police (Northern Ireland) Act 1998;”.

Police Act 1996 (c. 16)

- 12 (1) The Police Act 1996 shall be amended as follows.
- (2) In section 61(1) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland” and for “that Constabulary” substitute “the Police Service”.
- (3) In section 97(1)(f) and (7)(b) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.
- (4) In section 98(1) to (5) for “Royal Ulster Constabulary” (wherever occurring) substitute “Police Service of Northern Ireland”.
- (5) In section 98 for subsections (8) and (9) substitute—
- “(8) “Constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000.”.

Status: This is the original version (as it was originally enacted).

Juries (Northern Ireland) Order 1996 (NI 6)

- 13 In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entries beginning “Members of the Royal Ulster Constabulary” and “Members and staff of the Police Authority” substitute—
- “Police officers and any other person employed in any capacity by virtue of which he has the powers and privileges of a constable.
Members and staff of the Policing Board.”.

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

- 14 In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 after the entry beginning “A district council” insert the following entry—
- “A district policing partnership”.

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

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

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

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

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

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

Licensing (Northern Ireland) Order 1996 (NI 22)

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

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

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

Police Act 1997 (c. 50)

- 20 (1) The Police Act 1997 shall be amended as follows.
- (2) In that Act—

Status: This is the original version (as it was originally enacted).

- (a) for “Royal Ulster Constabulary Reserve” (wherever occurring) substitute “Police Service of Northern Ireland Reserve”; and
 - (b) for “Royal Ulster Constabulary” (wherever occurring) substitute “Police Service of Northern Ireland”.
- (3) In that Act for “Police Authority for Northern Ireland” (wherever occurring) substitute “Northern Ireland Policing Board”.
- (4) In section 9(3)(c) for “the Constabulary” substitute “the Police Service of Northern Ireland”.
- (5) In section 23(5) for “section 19(1) of the Police (Northern Ireland) Act 1998” substitute “section 33(1) of the Police (Northern Ireland) Act 2000”.
- (6) In section 66(3) for “section 25(2)(k) of the Police Act (Northern Ireland) 1970” substitute “section 25(2)(k) of the Police (Northern Ireland) Act 1998”.
- (7) In Schedule 1 in paragraphs 7(b) and 8(d) for “that Constabulary” substitute “that Police Service”.

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

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

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

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

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

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

Status: This is the original version (as it was originally enacted).

(f) in section 29(5) for “Royal Ulster Constabulary” substitute “the Police Service of Northern Ireland”;

(g) in section 31(5)(c)(iv) for “the Authority” substitute “the Board”.

(3) In section 33(2)(c) for “Police Authority” substitute “Board”.

(4) In Part V—

(a) omit sections 37 and 39;

(b) for “Police Authority” (wherever occurring) substitute “Board”;

(c) in sections 41(2), 45(1) and (2) and 46 for “the Northern Ireland Police Service” substitute “—

(a) the Police Service of Northern Ireland;

(b) the Police Service of Northern Ireland Reserve;

(c) the police support staff; and

(d) traffic wardens.”;

(e) in subsection (4) of section 42, and in both places where it occurs in subsection (5) of that section, for “the Authority” substitute “the Board”.

(5) In Part VII—

(a) for “Police Authority” (wherever occurring) substitute “Board”;

(b) in section 50(1) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”;

(c) in section 55(1) for “the Authority” (wherever occurring) substitute “the Board”;

(d) in sections 56(3) and 57(6) for “section 18” substitute “section 32 of the Police (Northern Ireland) Act 2000”.

(6) In Part VIII—

(a) in section 72 after subsection (2) insert—

“(2A) Regulations shall not be made under section 25(2)(k) or 26(2)(g) except with the consent of the Treasury.”;

(b) for section 73 substitute—

“73 Interpretation

(1) This Act shall be construed as one with the Police (Northern Ireland) Act 2000; and accordingly any word or expression to which a meaning is given by section 77 of that Act has the same meaning in this Act as in that Act.

(2) References in this Act to a member of the police force are to be construed as references to a police officer.

(3) References in this Act in any other context to the police force are to be construed as references to the police.

(4) In this Act “a police force in Great Britain” means a police force within the meaning of the Police Act 1996 or the Police (Scotland) Act 1967 .”

(7) In Schedule 3—

(a) in paragraph 5(2) for “Police Authority” substitute “Board”;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph 7(2)(a), for “section 19” substitute “section 33 of the Police (Northern Ireland) Act 2000”;
 - (c) in paragraph 8(4), for “section 18” substitute “section 32 of the Police (Northern Ireland) Act 2000”.
- (8) In Schedule 5, in paragraph 2 for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.

Northern Ireland Act 1998 (c. 47)

- 24 (1) The Northern Ireland Act 1998 shall be amended as follows.
- (2) In section 75(3) after paragraph (c) insert—
- “(cc) the Northern Ireland Policing Board, the Chief Constable of the Police Service of Northern Ireland and the Police Ombudsman for Northern Ireland;”.
- (3) In section 76(7) for paragraph (e) substitute—
- “(e) the Police Service of Northern Ireland, the Police Service of Northern Ireland Reserve and the Police Ombudsman for Northern Ireland;”.
- (4) In Schedule 3 in paragraph 11 for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland” and for “Police Authority for Northern Ireland” substitute “Northern Ireland Policing Board”.

Freedom of Information Act 2000 (c.)

- 25 (1) The Freedom of Information Act 2000 shall be amended as follows.
- (2) In Part V of Schedule 1—
- (a) for “Policing Authority for Northern Ireland” substitute “Northern Ireland Policing Board”; and
 - (b) for “Royal Ulster Constabulary” substitute “Police Service of Northern Ireland”.
- (3) In Part VII of Schedule 1 at the appropriate place in alphabetical order insert—
- “A district policing partnership.”

SCHEDULE 7

Section 78.

TRANSITIONAL AND TRANSITORY PROVISIONS

Statutory references to the police service and the police service reserve

- 1 In relation to any time before the coming into force of section 78(2), any reference in any statutory provision (including this Act)—
- (a) to the Chief Constable of the Police Service of Northern Ireland shall be construed as a reference to the Chief Constable of the Royal Ulster Constabulary;

Status: This is the original version (as it was originally enacted).

- (b) to a person holding any other particular rank, or a rank of any particular description, in the Police Service of Northern Ireland shall be construed as a reference to a person holding that rank, or a rank of that description, in the Royal Ulster Constabulary;
- (c) to a police officer serving in the Police Service of Northern Ireland shall be construed as a reference to a member of the Royal Ulster Constabulary;
- (d) to a police officer serving in the Police Service of Northern Ireland Reserve shall be construed as a reference to a member of the Royal Ulster Constabulary Reserve;
- (e) to the Police Service of Northern Ireland Reserve in any other context shall be construed as a reference to the Royal Ulster Constabulary Reserve;
- (f) to the Police Service of Northern Ireland in any other context shall be construed as a reference to the Royal Ulster Constabulary.

Recruitment arrangements: references to the Board

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

Section 23

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

Registration of Political Parties Act 1998

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

““nominating officer” means—

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

“registered” means registered under the Registration of Political Parties Act 1998 or the Political Parties, Elections and Referendums Act 2000;”.

SCHEDULE 8

Section 78.

REPEALS

<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1954 c. 33 (N.I.)	Interpretation Act (Northern Ireland) 1954.	In section 43(2), the definitions of “Chief

Status: This is the original version (as it was originally enacted).

<i>Chapter or Number</i>	<i>Short title</i>	<i>Extent of repeal</i>
1975 c. 24.	House of Commons Disqualification Act 1975.	Constable”, “constable” and “reserve constable”. In Part III of Schedule 1, the entry relating to Chairman or Vice-chairman of the Police Authority for Northern Ireland.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Police Authority for Northern Ireland.
1976 NI 15.	Sex Discrimination (Northern Ireland) Order 1976.	Article 19.
1978 NI 9.	Health and Safety at Work (Northern Ireland) Order 1978.	In Article 47A(3) the words “of the Royal Ulster Constabulary”.
1989 NI 12.	Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 2(2) the definitions of “police officer” and “Police Authority”.
1997 c. 50.	Police Act 1997.	In Schedule 9, paragraphs 32 and 37.
1997 NI 2.	Road Traffic Regulation (Northern Ireland) Order 1997.	In Article 2(2), the definition of “the Police Authority”.
1997 NI 6.	Race Relations (Northern Ireland) Order 1997.	Article 17.
1998 c. 32.	Police (Northern Ireland) Act 1998.	Parts I and II. Sections 18 to 24. Sections 36 to 39. Part VI. Section 61(7). Section 70. Section 72(3). Schedules 1 and 2. In Schedule 4, paragraphs 3, 12, 17, 18(2), (4) and (5), 20(6), 22(6), 24 and 25.