

# **POLICE (NORTHERN IRELAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **DISTRICT POLICING PARTNERSHIPS**

39. [Sections 14 to 19](#) and Schedule 1 make amendments to those provisions in the 2000 Act regarding district policing partnerships (“DPPs”). Section 14(1) of the 2000 Act requires each district council to establish a DPP, which has the functions set out in section 16 of the 2000 Act. Paragraph 2 of Schedule 3 of that Act provides for DPPs to be composed of members of the council (“political members”) and of independent members.

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

40. This section amends paragraph 4 of Schedule 3 to the 2000 Act. Its effect is that the Board (which appoints independent members from among persons nominated by the district council) shall, so far as practicable, ensure that the independent members of a DPP taken together are representative of the community in the district.

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

41. This section amends Schedule 3 to the 2000 Act so as to require applicants for independent membership of a DPP to make a declaration against terrorism before being nominated as independent members by the council. The form of the declaration is that set out in Part 1 of Schedule 2 to the [Elected Authorities \(Northern Ireland\) Act 1989 \(c.3\)](#), with the words “if appointed” substituted for “if elected”.
42. *Subsection (4)* amends paragraph 7 of Schedule 3 to the 2000 Act. It provides that acting in breach of the terms of a declaration against terrorism constitutes a further ground on which an independent member may be removed from office by the Board, or by the council with the Board’s consent. *Subsection (5)* sets out how the terms of the Elected Authorities (Northern Ireland) Act 1989 apply to determine whether an independent member has acted in breach of the terms of his declaration against terrorism.

#### ***Section 16: Independent members: disqualification***

43. This section amends the provisions of paragraph 8 of Schedule 3 to the 2000 Act, which deal with disqualification for membership of DPPs. The previous paragraph 8(2) provided that a person was disqualified from membership of a DPP if he had ever had a sentence of imprisonment passed on him, whether suspended or not. The effect of the amendment at section 16 is that instead a person is disqualified for membership of a DPP for five years following his discharge from a sentence of imprisonment or detention.
44. The new paragraphs 8(4) to (5) provide that the person’s release on licence, or his release following a grant of remission, will be treated as his discharge from a sentence of imprisonment or detention for the purposes of paragraph 8. The exception to this is if the person is subsequently required to return to prison or detention for a further period in respect of that offence. The new paragraphs 8(6) to (8) provide that these

disqualification provisions do not apply to people whose sentence has been suspended, unless the sentence is subsequently ordered to take effect.

### ***Section 17: Disqualification following removal from office***

45. Paragraph 7(1) of Schedule 3 of the 2000 Act sets out various circumstances in which the Board, or a district council with the Board's approval, may remove a person from office as a member of a DPP (e.g. conviction of a criminal offence; bankruptcy). Section 17 amends paragraph 8 of Schedule 3 to the 2000 Act to provide that someone removed from a DPP under paragraph 7(1) is disqualified from reappointment until the next local general election. This brings the arrangements for DPP membership in line with those already in place for membership of the Board.

### ***Section 18: Council's powers***

46. This section inserts two new paragraphs into Schedule 3 to the 2000 Act. The effect is to give district councils power to insure against accidents to a member of a DPP while he is engaged on DPP business, and to indemnify a member of a DPP for liability incurred in relation to DPP business. These provisions will apply retrospectively.

### ***Section 19 and Schedule 1: Belfast***

47. *Section 19* provides for Schedule 1, which deals with arrangements within Belfast. Section 21 of the 2000 Act required the Belfast DPP to set up a sub-group for each of the police districts within the Belfast City Council area, established under section 20(2) of that Act. Schedule 1 replaces section 21, and makes provisions dealing with the composition and functions of the sub-groups.
48. Section 15 of the 2000 Act provides that, where a council has failed to set up a DPP in accordance with the provisions of section 14 of, or Schedule 3 to, that Act, the Secretary of State may, after consulting the Board, direct the council to take a specified action to remedy this. If the council fails to comply with this direction, the Secretary of State may empower the Board to take over the council's functions insofar as this is necessary to ensure that a DPP is established. *Paragraph 2* of Schedule 1 inserts a new section 15A into the 2000 Act that gives the Secretary of State similar powers in the event of Belfast City Council failing to set up a sub-group for each Belfast police district in accordance with the new provisions set out elsewhere in Schedule 1.
49. *Paragraphs 3 and 4* disapply the requirements of sections 17 and 18 of the 2000 Act (reports by DPPs) to the Belfast DPP. New arrangements relating to the Belfast DPP are set out in the new sections 21B and 21D, inserted by *paragraphs 7 and 9* of Schedule 1. (These are explained in the notes on paragraphs 7 and 9 below.)
50. *Paragraph 5* substitutes a new section 21 into the 2000 Act, replacing the previous section. The new section 21 requires Belfast City Council to establish a sub-group of its DPP for each of the police districts established in accordance with section 20(2) of that Act. The new section 21(5) provides that, where the Belfast DPP is satisfied that a sub-group is carrying out its functions satisfactorily in relation to a particular area, the Belfast DPP is not obliged to duplicate these functions in fulfilling its own obligations under section 16 of the 2000 Act.
51. *Paragraph 6* inserts a new section 21A into the 2000 Act, which requires each sub-group of the Belfast DPP to produce an annual report to the Belfast DPP within two months of the end of each financial year. The report is to include an account of any arrangements the sub-group has made for obtaining the views and co-operation of the public (new section 21A(2)). New section 21A(3) requires the sub-group to consult the local district police commander before submitting its report.
52. *Paragraph 7* inserts a new section 21B into the 2000 Act, which deals with the arrangements for the Belfast DPP to provide an annual report to Belfast City Council.

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This new section replaces, in respect of the Belfast DPP, the existing arrangements in section 17 of the 2000 Act (see also the notes on paragraph 3 above). The provisions of the new section 21B reflect those that apply to other DPPs under section 17 of the 2000 Act. Additionally the new provisions take account of the need for the Belfast DPP to consult its sub-groups and to report on their activities as well as its own by:

- giving it a longer period (four months, compared with three months for other DPPs) within which to produce its annual report (the new section 21B(1)); and
  - requiring it to include with its report copies of all the sub-group annual reports produced under the new section 21A (new section 21B(2) – see also notes on paragraph 6 above.
53. *Paragraph 8* inserts a new section 21C into the 2000 Act, which provides that each sub-group shall, if asked by the DPP, provide the DPP with a report on any matter connected with its functions within two months of receiving such a request. Publication of such a report is at the discretion of the DPP (new section 21C(3)), unless the DPP has asked for the report in order to help it respond to a request from the Board under section 21D(1) (see notes on paragraph 9 below).
54. *Paragraph 9* inserts a new section 21D into the 2000 Act, which deals with the arrangements for the Belfast DPP to provide reports, as required, to the Board. This new section replaces, in respect of the Belfast DPP, the existing arrangements in section 18 of the 2000 Act (see also the notes on paragraph 4 above). The provisions of the new section 21D reflect those that apply to other DPPs under section 18 of the 2000 Act. Additionally, as with the new section 21B inserted by paragraph 7, the provisions of the new section 21D take account of the need for the Belfast DPP to consult its sub-groups and to report on their activities as well as its own.
55. Section 22 of the 2000 Act requires each police district commander to produce a local policing plan for the police district and, before doing so, to consult and take account of the views of the DPP for that district. *Paragraph 10* amends section 22 to provide that, in the case of each of the Belfast police districts, the district commander must consult and take account of the views of the sub-group for that police district, as well as those of the Belfast DPP.
56. Paragraphs 3 and 10 of Schedule 1 to the 2000 Act deal with the constitution of the Board, and provide that any member of a DPP is disqualified from holding office as a member of the Board. *Paragraph 11* amends these provisions to provide that members of Belfast DPP sub-groups are also disqualified from Board membership.
57. *Paragraph 12* inserts a new paragraph 17 into Schedule 3 to the 2000 Act, which sets out some modifications to the preceding provisions of that Schedule in respect of the Belfast DPP. These provide that the political members appointed to the Belfast DPP will include each of the chairmen of the sub-groups of the Belfast DPP (new paragraph 17(2)). The council is also required, when nominating people to be considered for independent membership of the Belfast DPP, to identify whether or not they are also interested in being considered for independent membership of a sub-group (new paragraph 17(3)).
58. *Paragraph 13* inserts a new Schedule 3A into the 2000 Act to deal with the arrangements that apply to the Belfast DPP sub-groups. The provisions of this new schedule reflect very closely the existing provisions of Schedule 3 of the 2000 Act, which deals with the arrangements that apply to DPPs. The main provisions are as follows:
- sub-groups of the Belfast DPP are to have 11 members, of whom six are to be political members appointed by the council from among its members and five are to be independent members appointed by the Board (paragraph 2 of Schedule 3A);

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- the political members of all of the sub-groups taken together are, so far as practicable, to reflect the balance of the parties on the council (paragraph 3(1) of Schedule 3A);
  - Belfast City Council must do all it can to ensure that the chairmanship and vice-chairmanship are held by members of different political parties, that the office of chairman rotates between the four largest parties on the council, and that no political party holds the chairmanship of more than one sub-group at any one time (paragraph 9(2) of Schedule 3A);
  - the Belfast DPP is given the power to give directions to the sub-groups as to the regulation of their procedures (paragraph 14(4) of Schedule 3A) and to approve or direct the establishment of committees within the sub-groups (paragraph 17(2) and (8) of Schedule 3A).
59. *Paragraph 16* deals with arrangements for making and altering appointments to the Belfast DPP during the transitional period. (The transitional period is the period from the date on which Schedule 1 to the Act comes into force, to the date of the next following local general election.) Paragraph 16(4) amends paragraph 17 of Schedule 3 to the 2000 Act (inserted by paragraph 12) to allow
- Belfast City Council, with the Board's approval, to remove an existing member of the Belfast DPP if it is necessary or expedient to do so in order to comply with the requirement to include the sub-group chairmen on the DPP (see notes on paragraph 12 above) and
  - the Board to draw on existing independent members of the Belfast DPP in appointing independent members to the sub-groups, thereby avoiding those individuals having to go through the full application process for a second time.