These notes refer to the Police (Northern Ireland) Act 2003 (c.6) which received Royal Assent on 8 April 2003

POLICE (NORTHERN IRELAND) ACT 2003

EXPLANATORY NOTES

POLICE FUNCTIONS AND SERVICE

Section 20: Core policing principles

60. *Subsection (1)* inserts a new section 31A in the 2000 Act setting out what are considered to be core policing principles. It provides that police officers must carry out their functions with the aim of securing the support of the local community, and of co-operating with the local community. They must also be guided by the code of ethics issued by the Board under section 52 of the 2000 Act. This requirement is not new: it currently appears in section 32(4) of the 2000 Act, but as it affects the way the police carry out their other functions, it sits more easily in the new section 31A. *Subsection (4)* makes consequential amendments.

61. *Subsection (2)* amends section 3 of the 2000 Act. It obliges the Board, in carrying out its functions, to monitor the performance of the police in complying with the community policing core principles set out in the new section 31A(1). *Subsection (3)* obliges the Board to include an assessment of the performance of the police in this respect in its annual report. *Subsection (5)* amends section 27 of the 1998 Act, which deals with PSNI members on secondment or "relevant service" to other police services. The effect of the amendment is that a member of the PSNI on relevant service will be treated for the purposes of new section 31A as if he were still a member of the PSNI.

Section 21: Chief Constable's functions

62. Section 21 deals with the Chief Constable's functions, and amends section 33 of the 2000 Act. The amended section 33 provides (as previously) that the Chief Constable shall have regard, in carrying out his functions, both to the policing plan and to any code of practice issued under section 27 of the 2000 Act. However, a new provision is inserted (the new section 33(4)) to the effect that the Chief Constable's duty to have regard to the code of practice applies only so far as consistent with his duty to have regard to the policing plan.

Section 22: Provision of information to Board

63. This section inserts a new section 33A into the 2000 Act. The new section places a general obligation on the Chief Constable to supply the Board with whatever information and documents it may require in order to carry out its functions.

64. New section 33A(2), however, exempts the Chief Constable from supplying any information if, in his opinion, its disclosure would be likely to put an individual in danger, or if he considers that it ought not to be disclosed on any of the grounds mentioned in the new section 76A(1) of the 2000 Act (see notes on section 29 below).

65. New section 33A(4) provides that, where the Chief Constable supplies information of a sensitive nature (as defined by the new section 33A(3)), to the Board, he must inform the Secretary of State that the information has been supplied, and notify both the Secretary of State and the Board of its sensitive nature.

Section 23: Appointment of constables with special policing skills

66. Section 36 of the 2000 Act provides that a person may not be appointed to the rank of constable within the PSNI unless he has completed a specified period of service as a police trainee, and complied with any other specified training requirements. Police trainees are recruited under section 39 of the 2000 Act, and are subject to the temporary provisions relating to discrimination in appointments set out in section 46 of that Act.

67. *Subsection (3)* inserts a new section 47A into the 2000 Act. This provides for circumstances in which the Board may, at the request of the Chief Constable, authorise the appointment as constables in the PSNI of persons who have a specified policing skill, but who have not complied with the specified training requirements at section 36 of the 2000 Act. The Board may only give such an authorisation if it is satisfied that there is a need for more persons with a particular skill at constable rank, and that this need cannot be filled through appointing persons who have complied with the training requirements at section 36(the new section 47A(3)). *Subsection (5)* amends paragraph 17 of Schedule 1 to the 2000 Act to provide that any authorisation made under the new section 47A must be approved unanimously by all Board members present and voting on the proposal.

68. *Subsection (6)* provides that the provisions of section 23 will expire two years after Royal Assent to the Act. *Subsections (7)-(9)* provide that the Secretary of State may, by Order, extend this period to four years with the authorisation of the Board. An authorisation to this effect must be approved unanimously by all members of the Board present and voting on the issue.

Section 24: Fixed-term appointments

69. Section 24 makes provision for fixed term appointments to the PSNI. *Subsection (1)* inserts a new section 36A into the 2000 Act, permitting the Chief Constable to appoint persons to the PSNI for a fixed term of up to three years (new section 36A(1)). The Chief Constable may not appoint anyone under this provision to the rank of constable or to the rank of a senior officer (new section 36A(3)). The Secretary of State is given the power to modify by order the provisions of Northern Ireland policing legislation (the 1998 Act and the 2000 Act) as they apply to people appointed through this route, where he considers appropriate. However, before making such an order, the Secretary of State is obliged to consult the Board and the Police Association. *Subsection (2)* makes a consequential amendment to section 25(6) of the 1998 Act, which relates to regulations as to conditions of service of members of the PSNI.

Section 25: Members of PSNI engaged on other police service

70. Section 25 amends section 27 of the 1998 Act insofar as it deals with members of the PSNI engaged on other police service under section 8 of that Act. The amendment relates to regulations dealing with discipline or appeals, which are made in respect of members of the PSNI who have completed a period of temporary service in accordance with arrangements under section 8 of the 2000 Act. Its effect is that these regulations may permit disciplinary investigations and hearings held in a country outside the United Kingdom to be treated by the PSNI as though they were carried out by the PSNI as part of its own disciplinary procedure.

Section 26: Protected disclosures by police officers

71. The Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)) provides for employees to make protected disclosures about misconduct of their colleagues without fear of subsequent discrimination. At present there is an exemption providing that police officers are not covered by this protection. Section 26 inserts a new article 67KA into the Employment Rights (Northern Ireland) Order 1996 which removes this exemption in respect of police officers.