Police (Northern Ireland) Act 2003

2003 CHAPTER 6

PART 1

POLICING

Police functions and service

20 Core policing principles

(1) In Part 6 of the Police (Northern Ireland) Act 2000 (the police) at the beginning insert—

"Core policing principles

31A Core policing principles

(1) Police officers shall carry out their functions with the aim—

(a) of securing the support of the local community, and

(b) of acting in co-operation with the local community.

(2) In carrying out their functions, police officers shall be guided by the code of ethics under section 52."

(2) In section 3 of that Act (general functions of Board), in subsection (3)(b) before sub-paragraph (i) insert—

"(ia) complying with section 31A(1);".

(3) In section 57 of that Act (annual reports by Board), in subsection (2)(a) before sub-paragraph (i) insert—

"(ia) complying with section 31A(1);".

(4) In section 32 of that Act (general functions of the police) subsections (4) and (5) shall cease to have effect.

(5) In section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (members of the Police Service of Northern Ireland engaged on other police service), in subsection (7)(b) for "section 32" substitute "sections 31A and 32".

21 Chief Constable's functions

In section 33 of the Police (Northern Ireland) Act 2000 (c. 32) (general functions of Chief Constable) for subsection (2) substitute—

"(2) The Chief Constable shall have regard to the policing plan in discharging his functions.

(3) The Chief Constable shall have regard to any code of practice under section 27 in discharging his functions.

(4) The duty under subsection (3) applies only so far as consistent with the duty under subsection (2)."

22 Provision of information to Board

After section 33 of the Police (Northern Ireland) Act 2000 (c. 32) insert—

"**33A Provision of information to Board**

(1) The Chief Constable shall supply the Board with such information and documents as the Board may require for the purposes of, or in connection with, the exercise of any of its functions.

(2) Subsection (1) does not require the Chief Constable to supply any information to the Board if it appears to the Chief Constable that the information is—
   (a) information the disclosure of which would be likely to put an individual in danger, or
   (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).

(3) Subsection (4) applies if the Chief Constable supplies the Board with information which in his opinion is—
   (a) information the disclosure of which would be likely to put an individual in danger, or
   (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).

(4) The Chief Constable must—
   (a) inform the Secretary of State that the information has been supplied to the Board;
   (b) inform the Secretary of State and the Board that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (3)."

23 Appointment of constables with special policing skills

(1) The Police (Northern Ireland) Act 2000 (c. 32) is amended as set out in subsections (2) to (5).

(2) In section 36 (appointments to the Police Service of Northern Ireland) after subsection (3) (training requirements for persons appointed to rank of constable) insert—

"(4) Subsection (3) does not apply to a person appointed in pursuance of an authorisation under section 47A(1)."

(3) After section 47 insert—

"**47A Appointments to Police Service of Northern Ireland in special circumstances**

(1) The Board may if requested to do so by the Chief Constable authorise the appointment to the rank of constable in the Police Service of Northern Ireland of a specified number of persons—

(a) who have a specified policing skill, but

(b) who have not complied with the requirements in paragraphs (a) and (b) of section 36(3).

(2) The Board shall not give an authorisation under subsection (1) in relation to persons who have a particular policing skill unless it is satisfied—

(a) that the requirements of subsection (3) are met;

(b) that any further requirements which are specified by it under subsection (4) and which apply in relation to the giving of the authorisation are met.

(3) The requirements are—

(a) that there is a need for more persons who have the policing skill to be appointed to the rank of constable in the Police Service of Northern Ireland;

(b) that the need cannot be met by the appointment of persons who have complied with the requirements in paragraphs (a) and (b) of section 36(3).

(4) The Board may specify further requirements which apply in relation to the giving of an authorisation under subsection (1).

(5) Any requirements specified under subsection (4) may apply in relation to the giving of all authorisations under subsection (1) or to the giving of aparticular authorisation or description of authorisation.

(6) In this section "specified" means specified by the Board."

(4) In paragraph 17(4) of Schedule 1 (procedure for Board decisions) for "paragraph 18" substitute "paragraphs 17A and 18".

(5) After paragraph 17 of Schedule 1 insert—

"Authorisations under section 47A(1)

17A The Board shall not give an authorisation under section 47A(1) unless a proposal to do so has been approved by each member of the Board present and voting on the question at a meeting of the Board."

(6) The preceding provisions of this section expire at the end of a period of two years starting on the day on which this Act is passed.

(7) The Secretary of State may by order amend subsection (6) by substituting "four years" for "two years".

(8) An order under subsection (7) may be made only with the prior authorisation of the Board.

(9) The Board shall not give an authorisation under subsection (8) unless a proposal to do so has been approved by each member of the Board present and voting on the question at a meeting of the Board.

(10) In paragraph 17(4) of Schedule 1 to the Police (Northern Ireland) Act 2000 (c. 32) (procedure for Board decisions) after "18" insert "and section 23(9) of the Police (Northern Ireland) Act 2003".

(11) An order under subsection (7) may not be made after the end of the period of two years specified in subsection (6).

24 Fixed-term appointments

(1) After section 36 of the Police (Northern Ireland) Act 2000 insert—

"**36A Fixed-term appointments to the Police Service of Northern Ireland**

(1) The Chief Constable may appoint a person to the Police Service of Northern Ireland for a fixed term not exceeding three years.

(2) Appointments under subsection (1) shall be in accordance with regulations under section 25 of the 1998 Act.

(3) A person shall not be appointed under subsection (1) to the rank of constable or the rank of a senior officer.

(4) The Secretary of State may by order make such modifications as he considers necessary or expedient to any provision of the 1998 Act or this Act in its application to persons appointed under subsection (1).

(5) The Secretary of State shall consult the Board and the Police Association before making an order under subsection (4)."

(2) In section 25(6) of the Police (Northern Ireland) Act 1998 (c. 32) (regulations as to conditions of service of members of Police Service of Northern Ireland) after "except" insert—

"—

(a) as permitted by section 36A of the Police (Northern Ireland) Act 2000; or

(b)".

25 Members of PSNI engaged on other police service

In section 27 of the Police (Northern Ireland) Act 1998 (members of Police Service of Northern Ireland engaged on other police service) after subsection (6) insert—

"(6A) Regulations made by virtue of section 25(3) or (4) in relation to a member of the PSNI who has completed a period of relevant service within subsection (1)(d) may provide for a relevant procedure to be treated for the purposes of the regulations as carried out in accordance with procedures for which provision is made by regulations made by virtue of section 25(3).

(6B) In subsection (6A) "relevant procedure" means an investigation, hearing or other procedure carried out in relation to the person concerned in a country or territory outside the United Kingdom in connection with the person's relevant service."

26 Protected disclosures by police officers

(1) After Article 67K of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I.16)) insert—

"67KA **Application of Part VA and related provisions to police**

(1) Paragraph (2) applies for the purposes of—
(a) this Part,
(b) Article 70B and Articles 71 and 72 so far as relating to that Article, and
(c) Article 134A and the other provisions of Part XI so far as they relate to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of Article 134A.

(2) A person who holds, otherwise than under a contract of employment, the office of constable shall be treated as an employee employed by the relevant officer under a contract of employment; and any reference to a worker being "employed" and to his "employer" shall be construed accordingly.

(3) In this Article "the relevant officer"—
(a) in relation to a police officer, means the Chief Constable;
(b) in relation to a person holding office under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the NationalCriminal Intelligence Service; and
(c) in relation to any other person holding the office of constable, means the person who has the direction and control of the body of constables in question."

(2) In Article 243(1) of that Order (provisions which do not apply to persons engaged in police service under a contract of employment)—
(a) omit the words "Part VA,";
(b) after "Articles 132" insert ", 134A";

(c) after “Article 132” insert “or 134A”.

(3) Article 16 of the Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17)) (exclusion of police service from provisions about protected disclosures) shall cease to have effect.

(4) Subsections (1) to (3) come into force in accordance with provision made by the Secretary of State by order.