

POLICE (NORTHERN IRELAND) ACT 2000

EXPLANATORY NOTES

COMMENTARY

Part VII: Reports and Inquiries

Section 57: Annual and Other Reports by Board to Secretary of State

72. **Section 57** replaces section 47 of the 1998 Act and requires the Board to issue an annual report and report to the Secretary of State as required. **Subsection (2)** requires the Board's annual report to include an assessment of its general functions under section 3.

Section 58: Annual Report by Chief Constable to the Board

73. **Section 58** replaces section 48 (in part) of the 1998 Act and requires the Chief Constable to publish an annual report.

Section 59: General Duty of Chief Constable to Report to the Board

74. **Section 59** requires the Chief Constable to submit to the Board a report on any policing matter at the request of the Board. Under Schedule 1, paragraph 17(6) and (7), the Board must determine, publish and comply with procedures for exercising its power to call for reports under section 59(1). The Chief Constable can refer to the Secretary of State requests by the Board for reports dealing with national security, sensitive personal matters, ongoing court cases, or matters which would prejudice the prevention or detection of crime (**subsection (3)**). In these cases the Secretary of State is required to determine, within 30 days, whether the Chief Constable should provide a report to the Board.

Section 60: Inquiry by Board Following Report by Chief Constable

75. This section introduces a new power recommended by the Patten Report, enabling the Board to order an inquiry into any matter upon which it has received a report if it considers the matter, or any related matter in the report, is grave or there are exceptional circumstances. A decision to hold an inquiry requires the support of a majority of members, as does the appointment of an inquirer (paragraph 18 of Schedule 1). Members must be notified in advance of any meeting where an inquiry is under consideration. The Board must inform the Chief Constable, the Police Ombudsman and the Secretary of State if it intends to hold an inquiry. The Chief Constable can refer the Board's proposal for an inquiry to the Secretary of State on the same grounds as under section 59(3) (reports). The Secretary of State may overrule the Board, within 30 days, only on one of those grounds (**subsection (5)**).
76. The Board can ask specified statutory agencies to carry out an inquiry. Alternatively, it may ask any other person to conduct an inquiry, but only with the agreement of the Secretary of State (**subsections (6)-(9)**). Inquiries are to be held in public except where it is not in the public interest to do so (**subsection (10)**). Inquiries cannot deal with acts or omissions which occurred before the coming into force of section 60 except where consideration of pre-commencement matters is necessary to inform the main subject

*These notes refer to the Police (Northern Ireland) Act 2000
(c.32) which received Royal Assent on 23 November 2000*

matter of the inquiry (*subsections (11) and (12)*). The Board is required to send a copy of the report of any inquiry to the Chief Constable, the Ombudsman and the Secretary of State.

Section 61: Reports by Chief Constable to Secretary of State

77. **Section 61** replaces section 49 of the 1998 Act. It provides for the Chief Constable to make reports to the Secretary of State.