



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VI

THE POLICE

Temporary provisions concerning composition of the police

46 Discrimination in appointments.

[^{F1}(1) Subject to subsection (2), in making appointments under section 39 on any occasion, the Chief Constable shall proceed as set out in subsections (1A) to (1F).

(1A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) an even number of persons of whom—

- (a) one half shall be persons who are treated as Roman Catholic; and
- (b) one half shall be persons who are not so treated.

(1B) Where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is physically and mentally fitted for appointment; and
- (b) is not unsuitable for appointment;

the Chief Constable shall confirm the appointment.

(1C) Subsections (1D), (1E) and (1F) apply where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is not physically and mentally fitted for appointment; or
- (b) is unsuitable for appointment.

(1D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.

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- (1E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) a person to replace the unsuccessful applicant being a person who—
- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
 - (b) is not so treated, where the unsuccessful applicant was not so treated.
- (1F) Subsections (1B) to (1E) apply in relation to a person provisionally appointed under subsection (1E) as they apply in relation to a person provisionally appointed under subsection (1A).
- (1G) In subsections (1B) and (1C) references to a person being “physically and mentally fitted for appointment” and “unsuitable for appointment” have such meanings as may be prescribed by regulations under section 41(3).
- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of the preceding subsections in their application to the making of appointments under section 39 on any occasion specified in the order.]
- (3) The Secretary of State shall not make an order under subsection (2) in relation to the making of appointments under section 39 on any occasion unless he is satisfied that—
- (a) were those appointments to be made in compliance with [F²subsections (1) to (1F)] the number of police trainees which the Chief Constable requires to be appointed on that occasion could not be appointed; or
 - (b) one or more orders under subsection (2) have been made in the previous three years and he considers that it is appropriate to make the order for the purpose of redressing, or partially redressing, the imbalance occurring during that period.
- (4) No order may be made under subsection (2) as a result of subsection (3)(b) which has the effect, as respects an occasion specified in the order, of requiring more than three-quarters of the persons appointed on that occasion to be—
- (a) the persons who are treated as Roman Catholic; or
 - (b) the persons who are not so treated.
- [F³(5) Subject to subsection (6), in making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall proceed as set out in subsections (5A) to (5F).
- (5A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and
 - (b) one half shall be persons who are not so treated.
- (5B) Where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—
- (a) is physically and mentally fitted for appointment; and
 - (b) is not unsuitable for appointment;
- the Chief Constable shall confirm the appointment.

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- (5C) Subsections (5D), (5E) and (5F) apply where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—
- (a) is not physically and mentally fitted for appointment; or
 - (b) is unsuitable for appointment.
- (5D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.
- (5E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) a person to replace the unsuccessful applicant being a person who—
- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
 - (b) is not so treated, where the unsuccessful applicant was not so treated.
- (5F) Subsections (5B) to (5E) apply in relation to a person provisionally appointed under subsection (5E) as they apply in relation to a person provisionally appointed under subsection (5A).
- (6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of subsections (5) to (5F) in their application to the making of appointments under section 4(3) on any occasion specified in the order.]
- (7) The Secretary of State shall not make an order under subsection (6) in relation to the making of appointments under section 4 on any occasion unless he is satisfied that were those appointments to be made in compliance with [^{F4}subsections (5) to (5F)] the number of police support staff which the Chief Constable requires to be appointed on that occasion could not be appointed.
- (8) In [^{F5}this section] “treated as Roman Catholic” means treated by the Chief Constable in accordance with the Monitoring Regulations as belonging to the Roman Catholic community in Northern Ireland.
- (9) In subsection (8) “the Monitoring Regulations” means the ^{M1}Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 or any regulations replacing those regulations and for the time being in operation.
- (10) In Part VIII of the Fair ^{M2}Employment and Treatment (Northern Ireland) Order 1998 (exceptions) after Article 71 there shall be inserted—

“71A The police and the police support staff

- (1) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
- (2) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).
- (3) The application of any requirement or condition to any person applying for appointment as a police reserve trainee with a view to service in the

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Police Service of Northern Ireland Reserve on a part-time basis where the requirement or condition is one that the person applying is resident in a particular area is not by virtue of Article 3(2) unlawful under any provision of Part III or V.”

- (11) In Part VI of the ^{M3}Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

“40A The Police Service of Northern Ireland and the police support staff

- (1) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
- (2) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).”

Textual Amendments

- F1** S. 46(1)-(2) substituted for s. 46(1)(2) (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(2)**
- F2** Words in s. 46(3)(a) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(3)(a)**
- F3** S. 46(5)-(6) substituted for s. 46(5)(6) (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **9(3)**
- F4** Words in s. 46(7) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **9(4)**
- F5** Words in s. 46(8) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(3)(b)**

Modifications etc. (not altering text)

- C1** S. 46 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C2** S. 46 continued (30.3.2004) (temp. until 28.3.2007) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2004 \(S.R. 2004/114\)](#), **art. 2**
- C3** S. 46 continued (29.3.2007) (temp. from 28.3.2007 until 28.3.2010) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2007 \(S.R. 2007/214\)](#), arts. 1, **2**
- C4** S. 46 continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), arts. 1, **2**

Marginal Citations

- M1** SR 1999 No. 148.
- M2** 1998 NI 21.
- M3** 1997 NI 6.

47 Expiry, renewal and repeal of temporary provisions.

- (1) In this section “the temporary provisions” means—
- (a) Article 40A of the Race Relations (Northern Ireland) Order 1997;

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- (b) Article 71A of the Fair Employment and Treatment (Northern Ireland) Order 1998;
 - (c) section 44(5) to (7);
 - (d) section 45; and
 - (e) section 46.
- (2) The temporary provisions shall, subject to subsection (3), expire on the third anniversary of the commencement date.
- (3) The Secretary of State may by order provide that all or any of the temporary provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding three years from the coming into operation of the order.
- (4) In deciding whether and, if so, how to exercise his powers under subsection (3), the Secretary of State shall—
- (a) have regard to the progress that has been made towards securing that membership of the police and the police support staff is representative of the community in Northern Ireland; and
 - (b) consult the Board and take into account any recommendations made to him by the Board.
- (5) In this section “the commencement date” means the day appointed under section 79 for the coming into force of this section.

[^{F6}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 a particular authorisation or description of authorisation.
- (6) In this section “specified” means specified by the Board.]

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Textual Amendments

F6 S. 47A inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(3\)](#)

48 Action plans.

- (1) The Board shall make, and from time to time revise, a plan (its “action plan”) for monitoring the number of women in—
 - (a) the police,
 - (b) the police support staff, and
 - (c) the Board’s staff,
 and, if they are under-represented, for increasing that number.
- (2) The Chief Constable shall, if requested to do so by the Board, prepare and submit to the Board a draft plan for monitoring the number of women in the police and, if they are under-represented, for increasing that number.
- (3) The Board may adopt the draft submitted to it under subsection (2) as part of its action plan, either—
 - (a) as submitted; or
 - (b) with such amendments as the Board may determine, after consultation with the Chief Constable.
- (4) Before making or revising its action plan, the Board shall consult—
 - (a) the Equality Commission for Northern Ireland;
 - (b) the Chief Constable; and
 - (c) the [^{F7}Department of Justice].
- (5) The Board may publish its action plan in such manner as it thinks appropriate.

Textual Amendments

F7 Words in s. 48(4)(c) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 67** (with arts. 28-31)

49 Severance arrangements.

- (1) Regulations under section 25(2)(k) of the 1998 Act (pensions and gratuities in respect of service) may make special provision in respect of persons (“eligible persons”) who—
 - (a) cease to be police officers serving in the Police Service of Northern Ireland at any time within a period prescribed by the regulations; and
 - (b) comply with such conditions as may be so prescribed.
- (2) The period prescribed under subsection (1)(a) may be a period commencing before the coming into force of this section.
- (3) The special provision which may be made by such regulations includes provision modifying the ^{M4}Royal Ulster Constabulary Pensions Regulations 1988 in their application to eligible persons so as to—

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- (a) increase the amount of any pension or gratuity which would otherwise be payable to such persons under those Regulations;
- (b) remove or relax any condition which would otherwise apply as to the entitlement of such persons to any pension or gratuity under those Regulations;
- (c) alter the time at or from which any pension or gratuity would otherwise be payable to such persons under those Regulations;
- (d) provide for the making of payments to such persons which would otherwise not be made under those Regulations.

[^{F8}(4) Sections 25(8) and 26(6) of the Police (Northern Ireland) Act 1998 (requirement to consult the Board and the Police Association before making regulations) shall not apply in relation to regulations made by virtue of this section.]

- (5) In section 26(2)(g) of the 1998 Act (application to reserve constables of provision with respect to pensions made under section 25 of that Act)—
- (a) after “pensions” insert “ or gratuities ”;
 - (b) the reference to provision made under section 25 of the 1998 Act includes reference to provision made by virtue of this section.

Textual Amendments

F8 S. 49(4) substituted (1.9.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 91](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2125, art. 2(f)(iv)

Marginal Citations

M4 SR 1988/374.

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