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# SCHEDULES

## SCHEDULE 1

Section 2.

### THE NORTHERN IRELAND POLICING BOARD

VALID FROM 04/11/2001

#### PART I

##### STATUS AND MEMBERSHIP

###### *Status*

- 1 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, privilege or immunity of the Crown; and the Board's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (2) Subject to the provisions of this Act, section 19 of the <sup>M1</sup>Interpretation Act (Northern Ireland) 1954 shall apply to the Board; and, for the purposes of that section, the Board shall be treated as if it were established by an Act of the Northern Ireland Assembly.

###### **Marginal Citations**

M1 1954 c. 33 (N.I.).

###### *Membership: application of Parts II and III*

- 2 (1) While section 1 of the <sup>M2</sup>Northern Ireland Act 2000 (suspension of devolved government in Northern Ireland) is in force, Part II below shall have effect in relation to the membership of the Board (and accordingly Part III below shall not have effect).
- (2) At any other time, Part III below shall have effect in relation to the membership of the Board (and accordingly Part II below shall not have effect).
- (3) Where either of those Parts ceases to have effect in relation to the Board, the members of the Board holding office under that Part shall cease to do so, but may again become members of the Board under the other of those Parts.

###### **Marginal Citations**

M2 2000 c. 1.

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VALID FROM 04/11/2001

## PART II

### MEMBERSHIP DURING SUSPENSION OF DEVOLVED GOVERNMENT

#### *Constitution*

- 3
- (1) The Board shall consist of not less than 14 nor more than 19 members appointed by the Secretary of State.
  - (2) The Secretary of State may by order amend either or both of the numbers for the time being specified in sub-paragraph (1).
  - (3) The Secretary of State shall so exercise his powers of appointment under this paragraph as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
  - (4) Before making any appointment under this paragraph, the Secretary of State shall consult—
    - (a) district councils; and
    - (b) such other bodies as he considers appropriate.
  - (5) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (4)(b).
  - (6) Sub-paragraphs (4) and (5) do not apply to the first appointment of members of the Board under this Part following the making by the Secretary of State of an order revoking a restoration order under section 2(2) of the Northern Ireland Act 2000.
  - (7) A person is disqualified for membership of the Board if—
    - (a) he holds the office of Ombudsman, or
    - (b) he is—
      - (i) a member of the police support staff;
      - (ii) a police officer; or
      - (iii) a member of a district policing partnership.
  - (8) There shall be a chairman and a vice-chairman of the Board.
  - (9) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State.
  - (10) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.

#### *Term of office*

- 4
- (1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a member or as chairman or vice-chairman of the Board in accordance with the terms of his appointment.
  - (2) The chairman, vice-chairman and other members of the Board may not be appointed for a term of more than 4 years at a time, and a person appointed to fill a casual

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vacancy shall hold office for the remainder of the term of the person in whose place he is appointed.

- (3) A person may at any time resign as a member or as chairman or vice-chairman of the Board by notice in writing to the Secretary of State.
- (4) A person shall cease to hold office as a member or as chairman or vice-chairman if he becomes disqualified for membership of the Board.
- (5) The Secretary of State may remove a person from office as a member or as chairman or vice-chairman of the Board if satisfied that—
  - (a) before his appointment he failed to disclose to the Secretary of State his conviction of a criminal offence in Northern Ireland or elsewhere;
  - (b) he has been convicted of a criminal offence committed after the date of his appointment;
  - (c) he has become bankrupt or made a composition or arrangement with his creditors;
  - (d) he is not committed to non-violence and exclusively peaceful and democratic means;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions.
- (6) A member of the Board whose term of office expires or who has resigned shall be eligible for re-appointment.

#### *Remuneration and allowances of members*

- 5 (1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the Secretary of State may determine.
- (2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

### **PART III**

#### **MEMBERSHIP DURING DEVOLVED GOVERNMENT**

##### *Constitution*

- 6 (1) The Board shall consist of 19 members of whom—
  - (a) 10 shall be nominated from among members of the Assembly in accordance with paragraph 7; and
  - (b) 9 shall be appointed by the Secretary of State in accordance with paragraph 8.
- (2) In this Part—

“independent member” means a member of the Board appointed under sub-paragraph (1)(b);

“political member” means a member of the Board nominated under sub-paragraph (1)(a).

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### *Political members*

- 7 (1) Where this Part comes into effect in relation to the Board, the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (2) Where at any other time—
- (a) an Assembly is elected under section 31 or 32 of the <sup>M3</sup>Northern Ireland Act 1998;
  - (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act; or
  - (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,
- all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (3) At the request of the Secretary of State, the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a member of the Board who—
- (a) is a member of that party and of the Assembly; and
  - (b) is not disqualified for membership of the Board.
- (4) The nominated person may take up office as a member of the Board by making a statement to that effect to the Secretary of State.
- (5) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the prescribed period; or
  - (b) the nominated person does not take up office as a member of the Board within that period,
- that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.
- (7) The formula is—
- $$\frac{S}{1 + M}$$
- where—
- S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election; and
- M = the number of members of the party (if any) who hold office as a political member of the Board.
- (8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (9) A political member shall cease to hold office if—
- (a) he resigns by notice in writing to the Board;
  - (b) he becomes disqualified for membership of the Board; or

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- (c) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate a person to hold the office who—
- (a) is a member of that party and of the Assembly; and
  - (b) is not disqualified for membership of the Board.
- (11) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within the prescribed period; or
  - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying sub-paragraphs (3) to (8) within such further period as may be prescribed.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) of the <sup>M4</sup>Northern Ireland Act 1998 that a political party does not enjoy its confidence; and
  - (b) the party's period of exclusion has not come to an end,
- the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).
- (13) In this paragraph—
- “nominating officer”, in relation to a party, means the person registered under Part II of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by him for the purpose;
  - “prescribed” means prescribed by regulations made by the Secretary of State.

#### Marginal Citations

- M3** 1998 c. 47.  
**M4** 1998 c. 47.

#### *Independent members*

- 8 (1) The Secretary of State shall so exercise his powers of appointment under paragraph 6(1)(b) as to secure that as far as is practicable the membership of the Board is representative of the community in Northern Ireland.
- (2) Before making any appointment under paragraph 6(1)(b), the Secretary of State shall consult—
- (a) the First Minister and deputy First Minister;
  - (b) district councils; and
  - (c) such other bodies as he considers appropriate.
- (3) The Secretary of State shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (2)(c).

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- (4) In relation to the first appointment of members of the Board under this Part following the making of a restoration order by the Secretary of State under section 2(2) of the <sup>M5</sup>Northern Ireland Act 2000—
- (a) sub-paragraph (2) applies as if paragraphs (b) and (c) were omitted; and
  - (b) sub-paragraph (3) does not apply.
- (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.
- (6) An independent member may not be appointed for a term of more than 4 years at a time.
- (7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
- (8) An independent member shall cease to hold office if—
- (a) he resigns by notice in writing to the Secretary of State; or
  - (b) he becomes disqualified for membership of the Board.
- (9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

**Marginal Citations**

M5 2000 c. 1

*Removal of members from office*

- 9 (1) The Secretary of State may remove a person from office as an independent or political member of the Board if satisfied that—
- (a) in the case of an independent member, he failed, before his appointment, to make to the Secretary of State full disclosure of a conviction of his for a criminal offence in Northern Ireland or elsewhere;
  - (b) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
  - (c) he has become bankrupt or made a composition or arrangement with his creditors;
  - (d) he is not committed to non-violence and exclusively peaceful and democratic means;
  - (e) he is otherwise unable or unfit to discharge his functions as a member of the Board.
- (2) The Secretary of State may remove a person from office as an independent member of the Board if satisfied that he has failed to comply with the terms of his appointment.

*Disqualification*

- 10 (1) A person is disqualified for membership of the Board if—
- (a) he holds office as—
    - (i) First Minister or deputy First Minister;
    - (ii) a Northern Ireland Minister;

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- (iii) a junior Minister; or
  - (iv) the Ombudsman;
  - (b) he is—
    - (i) a member of the police support staff;
    - (ii) a police officer; or
    - (iii) a member of a district policing partnership; or
  - (c) he is for the time being excluded under section 30(1) of the <sup>M6</sup>Northern Ireland Act 1998 from holding office as a Minister or junior Minister.
- (2) A person removed from office under paragraph 9(1) is disqualified for membership of the Board until the date of the dissolution of the Assembly next following his removal.

**Marginal Citations**

**M6** 1998 c. 47.

*Chairman and vice-chairman*

- 11
- (1) There shall be a chairman and a vice-chairman of the Board.
  - (2) The first chairman and vice-chairman of the Board under this Part shall be appointed by the Secretary of State from among the members of the Board.
  - (3) Before making any appointment under sub-paragraph (2), the Secretary of State shall consult the First Minister and the deputy First Minister.
  - (4) Subsequent appointments to the office of chairman and vice-chairman shall be made by the Board from among its members.
  - (5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.
  - (6) A person may at any time resign as chairman or vice-chairman by notice in writing to the Board.
  - (7) A person appointed to fill a casual vacancy as chairman or vice-chairman shall hold office for the remainder of the term of the person in whose place he is appointed.
  - (8) If the chairman or vice-chairman ceases to be a member of the Board, he shall also cease to hold office as chairman or vice-chairman.

*Remuneration and allowances of members*

- 12
- (1) The Board may pay to the chairman, vice-chairman and other members of the Board such remuneration and allowances as the Secretary of State may determine.
  - (2) If a person ceases to be a member of the Board otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may direct the Board to make to the person a payment of such amount as the Secretary of State may determine.

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## PART IV

### STAFF

#### *Staff of the Board*

- 13 (1) The Board may, with the approval of the Secretary of State as to numbers and terms and conditions of service, employ persons to enable the Board to discharge its functions.
- (2) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the Board by persons employed in the civil service.

#### *Power to transfer staff to employment of Board*

- 14 (1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this paragraph applies.
- (2) Subject to sub-paragraph (3), this paragraph applies to any person who immediately before such date as may be prescribed in regulations under sub-paragraph (1) (“the prescribed date”) is—
- (a) employed in the civil service; and
  - (b) engaged, in pursuance of arrangements under paragraph 13(2), in providing assistance to the Board.
- (3) This paragraph does not apply to a person if—
- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
  - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Before making any regulations under this paragraph the Secretary of State shall consult—
- (a) the Board; and
  - (b) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.



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## PART V

### FUNDING

#### *Grants to the Board*

- 15 (1) The Secretary of State shall for each financial year make to the Board a grant for defraying the expenses of the Board.
- (2) A grant under this paragraph—
- (a) shall be of such amount,
  - (b) shall be paid at such time, or in instalments of such amounts and at such times, and
  - (c) shall be made on such conditions,
- as the Secretary of State may determine.
- (3) A time determined under sub-paragraph (2)(b) may fall within or after the financial year concerned.

#### *Accounts and audit*

- 16 (1) The Board shall in relation to grants received under paragraph 15—
- (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.
- (3) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Secretary of State may determine.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on each statement of accounts received by him under this paragraph; and
  - (b) lay copies of the statement of accounts and of his report before each House of Parliament.

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## PART VI

### PROCEDURE

#### *Procedure*

- 17 (1) Subject to sub-paragraph (2), the quorum for a meeting of the Board shall be seven.
- (2) The quorum for a meeting of the Board at which any appointment is to be made under paragraph 3(10) or 11(4) shall be—
- (a) 12, if the Board consists of 19 members;
  - (b) 11, if it consists of 16, 17 or 18 members;
  - (c) 10, if it consists of less than 16 members.
- (3) For the purposes of sub-paragraph (2), any vacancy in the membership of the Board is to be disregarded.
- (4) Subject to paragraph 18, every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.
- (5) If the chairman and vice-chairman are absent from a meeting of the Board, the members present shall elect one of their number to act as chairman of the meeting.
- (6) The Board shall determine the procedures to be followed by it in exercising its power under section 59(1).
- (7) The Board shall—
- (a) publish the procedures determined by it under sub-paragraph (6); and
  - (b) not exercise its power under section 59(1) otherwise than in accordance with those procedures.
- (8) Subject to sub-paragraphs (1) to (7) the Board may regulate its own procedure.

#### *Inquiries under section 60*

- 18 (1) Sub-paragraph (2) applies if—
- (a) the Board is considering—
    - (i) causing an inquiry to be held under section 60;
    - (ii) making a request under section 60(6); or
    - (iii) appointing a person under section 60(9); and
  - (b) at least three members of the Board have made a written request to the chairman, asking him to call a meeting of the Board to consider the matter.
- (2) The chairman shall, no later than three working days after the day on which he receives the request, call such a meeting.
- (3) The meeting shall be held no earlier than six, and no later than twenty-one, working days after that day.

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- (4) The chairman shall notify each member of the Board of the date and purpose of the meeting.
- (5) The Board shall not take any of the steps mentioned in sub-paragraph (1)(a) unless a proposal to that effect has been approved by the required number of members of the Board present and voting on the proposal.
- (6) The required number of members is—
  - (a) 10, if the Board consists of 18 or 19 members;
  - (b) 9, if it consists of 16 or 17 members;
  - (c) 8, if it consists of less than 16 members.
- (7) For the purposes of sub-paragraph (6), any vacancy in the membership of the Board is to be disregarded.

#### *Public meetings*

- 19
- (1) This paragraph applies to a meeting held by the Board for the purpose of receiving and considering a report on policing from the Chief Constable prepared for the meeting.
  - (2) There must be at least ten meetings in each year.
  - (3) No meeting shall be held before the end of the period of 28 days beginning with the date of the previous meeting.
  - (4) The Board must give such notice of a meeting as it considers appropriate.
  - (5) Members of the public may attend any meeting.
  - (6) But that does not prevent the Board from excluding the public, or particular members of the public, from a meeting, or from part of a meeting, in order to prevent or suppress disorderly conduct or other misbehaviour at, or a disturbance of, the meeting.

#### *Validity of proceedings*

- 20
- The validity of any proceedings of the Board or a committee thereof shall not be affected by—
- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
  - (b) any vacancy in the office of chairman or vice-chairman or among the other members.

#### *Seal*

- 21
- The application of the seal of the Board shall be authenticated by the signatures of—
- (a) two members of the Board; and
  - (b) some other person generally or specially authorised by the Board to act for that purpose.

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### *Execution and proof of instruments*

- 22 (1) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.
- (2) Before entering into contracts for the supply of goods or the execution of works, the Board shall comply with such requirements as the Secretary of State may direct.
- (3) A document purporting to be an instrument made or issued by or on behalf of the Board and—
- (a) to be duly executed under the seal of the Board, or
  - (b) to be signed or executed by a person generally or specially authorised by the Board to act for that purpose,
- shall be received in evidence and treated (without further proof) as being so made or issued unless the contrary is shown.

### *Disclosure of pecuniary interests, family connections, etc.*

- 23 Sections 28 to 33, 42, 46, 47 and 146 of the <sup>M7</sup>Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) shall apply to the Board and its members as if—
- (a) in those sections—
    - (i) any reference to a council were a reference to the Board;
    - (ii) any reference to a councillor were a reference to a member of the Board;
    - (iii) any reference to the clerk of the council were a reference to such officer of the Board as the Secretary of State may specify;
  - (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “by any person”;
  - (c) in section 29 of that Act any reference to the Minister were a reference to the Secretary of State.

#### **Marginal Citations**

**M7** 1972 c. 9(N.I.).

### *Committees*

- 24 (1) The Board may—
- (a) constitute committees of such 5 or more of its members as the Board may appoint; and
  - (b) delegate to a committee so constituted any of the functions of the Board.
- (2) The powers of any committee of the Board shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the Board.

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