

*Status: Point in time view as at 12/04/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, Part III. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### THE NORTHERN IRELAND POLICING BOARD

#### 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 [<sup>F1</sup>Minister of Justice] 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).
- [<sup>F2</sup>“transitional period” means the period for which independent members of the Board are appointed in accordance with paragraph 8(4A).]

#### Textual Amendments

- F1** Words in Sch. 1 para. 6(1)(b) 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. 86(2)** (with arts. 28-31)
- F2** Words in Sch. 1 para. 6(2) inserted (26.3.2007) by The Northern Ireland Policing Board (Northern Ireland) Order 2007 (S.I. 2007/911 (N.I. 5)), arts. 1(2), **3(1)**

##### *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>M1</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

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- (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 [<sup>F3</sup>Minister of Justice], 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 [<sup>F3</sup>Minister of Justice].
- (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
  - (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.

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- (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>M2</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 [<sup>F4</sup>Minister of Justice].

#### Textual Amendments

- F3** Words in Sch. 1 para. 7(3)(4) 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. 86(2)** (with arts. 28-31)
- F4** Words in Sch. 1 para. 7(13) 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. 86(2)** (with arts. 28-31)

#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 7 modified (8.5.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), ss. 2(2), 27(1), **Sch. 2 para. 6** (with s. 1(3)) (as amended (retrospectively) by [Northern Ireland \(St Andrews Agreement\) Act 2007 \(c. 4\)](#), s. 1(1)); S.I. 2007/1397, art. 2

#### Marginal Citations

- M1** 1998 c. 47.  
**M2** 1998 c. 47.

#### *Independent members*

- 8 (1) The [<sup>F5</sup>Minister of Justice] 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 [<sup>F6</sup>Minister of Justice] shall consult—
- (a) the First Minister and deputy First Minister;
  - (b) district councils; and
  - (c) such other bodies as he considers appropriate.

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- (3) The [<sup>F7</sup>Minister of Justice] shall publish, in such manner as he considers appropriate, the names of bodies consulted by him under sub-paragraph (2)(c).
- (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>M3</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.
- [<sup>F8</sup>(4A) In relation to the first appointment of members of the Board following the coming into effect of this Part in accordance with paragraph 2A(4)(b), the Secretary of State may, notwithstanding anything in sub-paragraph (1), so exercise his powers of appointment under paragraph 6(1)(b) as to secure that—
- (a) he appoints independent members of the Board only from among persons holding office as members of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1), and
  - (b) all appointments made in accordance with paragraph (a) are for the same term of office (the “transitional period”), which must not exceed four months.
- (4B) Where a vacancy in the membership of the Board arises as a result of—
- (a) a person holding office as a member of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1) being unavailable to take up office under sub-paragraph (4A), or
  - (b) an independent member of the Board appointed in accordance with sub-paragraph (4A) ceasing to hold office before the end of the transitional period,
- no appointment shall be made to fill the vacancy, and paragraph 6(1)(b) shall have effect subject to this sub-paragraph.]
- (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 [<sup>F9</sup>Minister of Justice]; 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.

#### Textual Amendments

- F5** Words in Sch. 1 para. 8(1) 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. 86(2)** (with arts. 28-31)
- F6** Words in Sch. 1 para. 8(2) 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. 86(2)** (with arts. 28-31)

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- F7** Words in Sch. 1 para. 8(3) 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. 86(2)** (with arts. 28-31)
- F8** Sch. 1 para. 8(4A)(4B) inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\)](#), arts. 1(2), **3(2)**
- F9** Words in Sch. 1 para. 8(8) 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. 86(2)** (with arts. 28-31)

#### Marginal Citations

**M3** 2000 c. 1

#### *Removal of members from office*

- 9 (1) The [<sup>F10</sup>Minister of Justice] 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 [<sup>F10</sup>Minister of Justice] 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 [<sup>F11</sup>Minister of Justice] 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.

#### Textual Amendments

- F10** Words in [Sch. 1 para. 9\(1\)](#) 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. 86(2)** (with arts. 28-31)
- F11** Words in [Sch. 1 para. 9\(2\)](#) 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. 86(2)** (with arts. 28-31)

#### *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;
    - (iii) a junior Minister; or
    - (iv) the Ombudsman;
  - (b) he is—
    - (i) a member of the police support staff;
    - (ii) a police officer; <sup>F12</sup>...
    - (iii) a member of a district policing partnership; [<sup>F13</sup>or

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- (iv) a member of a sub-group established under section 21;]
- (c) he is for the time being excluded under section 30(1) of the <sup>M4</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.

#### Textual Amendments

**F12** Word in Sch. 1 para. 10(1)(b) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), Sch. 4](#)

**F13** Sch. 1 para. 10(1)(b)(iv) and word inserted (4.9.2007) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 11\(3\); S.R. 2007/371, art. 2\(c\)](#)

#### Marginal Citations

**M4** 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.
- [<sup>F14</sup>(9) Any appointment of a chairman or vice-chairman during the transitional period shall be for a term expiring at the end of the transitional period.]

#### Textual Amendments

**F14** Sch. 1 para. 11(9) inserted (26.3.2007) by [The Northern Ireland Policing Board \(Northern Ireland\) Order 2007 \(S.I. 2007/911 \(N.I. 5\)\), arts. 1\(2\), 4](#)

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*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 <sup>F15</sup>Minister of Justice] 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 <sup>F15</sup>Minister of Justice] that there are special circumstances which make it right for that person to receive compensation, the <sup>F15</sup>Minister of Justice] may direct the Board to make to the person a payment of such amount as the <sup>F15</sup>Minister of Justice] may determine.

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**Textual Amendments**

**F15** Words in Sch. 1 para. 12 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. 86(2) (with arts. 28-31)

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