

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 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).

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 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.

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- (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.
- (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 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,

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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.

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).
- (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 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.

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—

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- (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;
 - (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 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.

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.

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- (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.