

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

## SCHEDULES

### SCHEDULE 1

#### THE NORTHERN IRELAND POLICING BOARD

##### 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 [F1paragraphs 17A and 18][F2and section 23(9) of the Police (Northern Ireland) Act 2003], 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.

##### Textual Amendments

- F1** Words in Sch. 1 para. 17(4) substituted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(4\)](#)

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- F2** Words in Sch. 1 para. 17(4) inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(10\)](#)

*[<sup>F3</sup> Authorisations under section 47A(1)*

**Textual Amendments**

- F3** Sch. 1 para. 17A and cross-heading inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(5\)](#)

- 17A The Board shall not give an authorisation under section 47A(1) unless a proposal to do so has been approved by each member of the Board present and voting on the question at a meeting of the Board.]

*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 [<sup>F4</sup>the day on which the chairman calls the meeting] .
- (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 [<sup>F5</sup>—
- (a) a majority of members of the Board present and voting on the proposal, and
  - (b)] the required number of members of the Board present and voting on the proposal.
- (6) The required number of members is—
- (a) [<sup>F6</sup>8] , if the Board consists of 18 or 19 members;
  - (b) [<sup>F7</sup>7] , if it consists of 16 or 17 members;
  - (c) [<sup>F8</sup>6] , 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.

**Textual Amendments**

- F4** Words in Sch. 1 para. 18(3) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(2\)](#)

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- F5** Words in Sch. 1 para. 18(5) inserted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(3\)](#)
- F6** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(a\)](#)
- F7** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(b\)](#)
- F8** Word in Sch. 1 para. 18(6) substituted (with effect in accordance with s. 12(5) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 12\(4\)\(c\)](#)

### *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 [<sup>F9</sup>eight] meetings in each year.
- <sup>F10</sup>(3) . . . . .
- (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.

#### **Textual Amendments**

- F9** Word in Sch. 1 para. 19(2) substituted (with effect in accordance with s. 4(3) of the amending Act) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 4\(1\)](#)
- F10** Sch. 1 para. 19(3) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 4\(2\), Sch. 4](#)

### *[<sup>F11</sup>Attendance of Director General of NCA at meetings*

#### **Textual Amendments**

- F11** Sch. 1 para. 19A inserted (19.5.2015) by [The Crime and Courts Act 2013 \(National Crime Agency and Proceeds of Crime\) \(Northern Ireland\) Order 2015 \(S.I. 2015/798\), art. 1\(3\), Sch. 2 para. 9](#)

- 19A. (1) The Director General of the National Crime Agency must attend a meeting of the Board if the Board gives the Director General a reasonable period of notice of the meeting.
- (2) The Director General may not be given notice under this paragraph of a meeting that is to be held in accordance with—
- (a) paragraph 18, except where section 60 applies in relation to a report on any relevant NCA matter submitted by the Director General of the National Crime Agency under section 59, or
- (b) paragraph 19.]

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*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.

*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 [<sup>F12</sup>Department of Justice] 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.

**Textual Amendments**

**F12** Words in Sch. 1 para. 22(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\(8\)](#) (with arts. 28-31)

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

- 23 Sections 28 to 33, 42, 46, 47 and 146 of the <sup>M1</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 [<sup>F13</sup>Department of Justice] may specify;

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- (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 [<sup>F14</sup>any reference to the Ministry were a reference to the Department of Justice].

#### Textual Amendments

- F13** Words in Sch. 1 para. 23(a)(iii) 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(9)(a)** (with arts. 28-31)
- F14** Words in Sch. 1 para. 23(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. 86(9)(b)** (with arts. 28-31)

#### Marginal Citations

- M1** 1972 c. 9(N.I.).

#### Committees

- 24 (1) The Board may [<sup>F15</sup>, subject to sub-paragraphs (1A) to (1E)] —
- (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.
- [<sup>F16</sup>(1A) The Board shall constitute a committee of its members for the purposes mentioned in sub-paragraph (1B) if—
- (a) the Chief Constable informs the Board that he wishes to supply information to a committee of the Board under section 59(4D),
  - (b) the Secretary of State [<sup>F17</sup>or the Minister of Justice] informs the Board that he proposes to modify a requirement to submit a report under section 59(1) for the purpose mentioned in section 59(4A)(b), or
  - (c) a person who is conducting or has conducted an inquiry under section 60, or who is assisting or has assisted in the conduct of such an inquiry, informs the Board that he wishes to disclose information to a committee of the Board under section 74A(6).
- (1B) The purposes are—
- (a) handling information supplied to the committee by the Chief Constable under section 59;
  - (b) handling information supplied to it by a person who is conducting or has conducted an inquiry under section 60 or by a person who is assisting or has assisted in the conduct of such an inquiry.
- (1C) The Board may not constitute a committee of its members for the purposes mentioned in sub-paragraph (1B) if a committee of its members has already been constituted for those purposes under sub-paragraph (1) or (1A).
- (1D) A committee constituted under sub-paragraph (1) or (1A) for the purposes mentioned in sub-paragraph (1B) shall consist of 7 members of the Board.
- (1E) The members of a committee constituted under sub-paragraph (1) or (1A) for the purposes mentioned in sub-paragraph (1B)—

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- (a) shall be appointed by the Board;
  - (b) shall include the chairman or vice-chairman of the Board (or both of them);
  - (c) shall as far as practicable be representative 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.

#### **Textual Amendments**

- F15** Words in Sch. 1 para. 24(1) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 28\(2\)](#)
- F16** Sch. 1 para. 24(1A)-(1E) inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 28\(3\)](#)
- F17** Words in Sch. 1 para. 24(1A)(b) inserted (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\(10\)](#) (with arts. 28-31)

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