

*Status: Point in time view as at 04/09/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, SCHEDULE 3A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 3A

#### BELFAST SUB-GROUPS

##### Textual Amendments

- F1** Sch. 3A inserted (4.9.2007) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 13](#); [S.R. 2007/371, art. 2\(c\)](#)

##### *Interpretation*

1 (1) In this Schedule—

“the council” means the district council for Belfast;

a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989, with the substitution of the words “if appointed” for the words “if elected”;

“independent member”, in relation to a sub-group, means a member appointed under paragraph 2(4);

“local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962;

“the partnership” means the district policing partnership for Belfast;

“political member”, in relation to a sub-group, means a member appointed under paragraph 2(3);

“sub-group” means a sub-group established under section 21.

[ In this Schedule, in relation to a sub-group and the holding of a local general <sup>F2</sup>(1A) election—

“the transitional period” means the period—

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Board under paragraph 4(2A).]

(2) For the purposes of this Schedule an independent member of the council shall be treated as a party.

##### Textual Amendments

- F2** Sch. 3A para. 1(1A) inserted by [2003 c. 6, Sch. 1 para. 13](#) (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(1\)](#) (with [s. 1\(3\)](#)); [S.R. 2007/371, art. 3](#))

*Status: Point in time view as at 04/09/2007.*

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### *Size and composition*

- 2 (1) A sub-group shall consist of 11 members.
- (2) The members of a sub-group need not be members of the partnership.
- (3) Six of the members of a sub-group shall be appointed by the council from among members of the council in accordance with paragraph 3.
- (4) Five of the members of a sub-group shall be appointed in accordance with paragraph 4.

### *Political members*

- 3 (1) The council shall exercise its power to appoint political members of a sub-group so as to ensure that, so far as practicable, the political members of all the sub-groups, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of his appointment.
- (3) A political member shall hold office until the date of the local general election next following his appointment.
- (4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place he is appointed.
- (5) A political member shall cease to hold office if—
- (a) he resigns by notice in writing to the council;
  - (b) he becomes disqualified for membership of a sub-group; or
  - (c) he ceases to be a member of the council.
- (6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

[ Where a political member ceases to hold office at any time during the transitional <sup>F3</sup>(7) period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.]

#### **Textual Amendments**

**F3** Sch. 3A para. 3(7) added by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), **Sch. 9 para. 2(3)** (with s. 1(3)); S.R. 2007/371, art. 3)

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

**C1** Sch. 3A para. 3(3) amendment to earlier affecting provision 2003 c. 6, Sch. 1 para. 13 (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), **Sch. 9 para. 2(2)** (with s. 1(3)); S.R. 2007/371, art. 3

### *Independent members*

- 4 (1) Appointments of independent members shall be made by the Board from among <sup>F4</sup>(a) I persons nominated by the council in accordance with paragraph 5<sup>F5</sup>; and

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(b) persons who hold office as independent members of the partnership]

(2) In appointing independent members of a sub-group the Board shall so far as practicable secure that the members of the sub-group (taken together) are representative of the community in the sub-group's police district.

[ Where, following a local general election, the Board has completed the appointment  
F6(2A) of the independent members of the sub-group for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the sub-group for that police district.

(2B) Notice under sub-paragraph (2A) shall be published in such manner as appears to the Board appropriate for bringing it to the attention of interested persons.]

(3) 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.

(4) An independent member shall hold office until the date of the local general election next following his appointment.

(5) 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.

(6) An independent member shall cease to hold office if—  
(a) he resigns by notice in writing to the council; or  
(b) he becomes disqualified for membership of a sub-group.

(7) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

[ Where an independent member ceases to hold office at any time during the  
F7(8) transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2 and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.]

#### Textual Amendments

- F4 Sch. 3A para. 4(1) renumbered as Sch. 3A para. 4(1)(a) (N.I.) (4.9.2007) (temp.) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 16\(5\)](#) (with [Sch. 1 para. 16\(2\)\(3\)](#)); S.R. 2007/371, art. 2(c)
- F5 Sch. 3A para. 4(1)(b) and word inserted (N.I.) (4.9.2007) (temp.) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 19, Sch. 1 para. 16\(5\)](#) (with [Sch. 1 para. 16\(2\)\(3\)](#)); S.R. 2007/371, art. 2(c)
- F6 Sch. 3A para. 4(2A)(2B) inserted by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(4\)](#) (with s. 1(3)); S.R. 2007/371, art. 3)
- F7 Sch. 3A para. 4(8) added by 2003 c. 6, Sch. 1 para. 13 (as amended (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(6\)](#) (with s. 1(3)); S.R. 2007/371, art. 3)

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

- C2 Sch. 3A para. 4(4) amendment to earlier affecting provision 2003 c. 6, Sch. 1 para. 13 (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\), s. 27\(6\), Sch. 9 para. 2\(5\)](#) (with s. 1(3)); S.R. 2007/371, art. 3

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*The council's nominations*

- 5
- (1) Where appointments are to be made of independent members of a sub-group, the council shall nominate persons willing to be candidates for appointment.
  - (2) Unless otherwise agreed with the Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.
  - (3) The council shall notify the Board of—
    - (a) the name of each person nominated by it under sub-paragraph (1); and
    - (b) such other information regarding those persons as it considers appropriate.
  - (4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Board of—
    - (a) whether the person is also willing to be a candidate for appointment as an independent member of any other sub-group;
    - (b) the sub-group or sub-groups concerned, if he is so willing;
    - (c) whether the person is also willing to be a candidate for appointment as an independent member of the partnership.
  - (5) A person shall not be nominated under sub-paragraph (1) if—
    - (a) he is disqualified for membership of a sub-group, or
    - (b) he has not made a declaration against terrorism.
  - (6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.
  - (7) If the Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

*Code of practice on appointment of independent members*

- 6
- (1) In exercising functions under paragraphs 4 and 5, the council and the Board shall have regard to any code of practice under this paragraph.
  - (2) The Secretary of State may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Board of their functions under paragraphs 4 and 5.
  - (3) Before issuing or revising a code of practice under this paragraph, the Secretary of State shall consult—
    - (a) the Board;
    - (b) the council; and
    - (c) the Equality Commission for Northern Ireland.
  - (4) The Secretary of State shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to him to be appropriate.

*Removal of members from office*

- 7
- (1) The Board, or the council with the approval of the Board, may remove a person from office as a political or independent member of a sub-group if satisfied that—

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- (a) in the case of an independent member, he failed to make the necessary disclosure in relation to a conviction of his for a criminal offence in Northern Ireland or elsewhere;
  - (b) in the case of an independent member, he has acted in breach of the terms of a declaration against terrorism;
  - [<sup>F8</sup>(c) he has been convicted in Northern Ireland or elsewhere after the date of his appointment of a criminal offence (whether committed before or after that date);]
  - (d) he has become bankrupt or made a composition or arrangement with his creditors;
  - (e) he has failed to comply with the terms of his appointment; or
  - (f) he is otherwise unable or unfit to discharge his functions as a member of the sub-group.
- (2) “The necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—
- (a) before his nomination, to the council;
  - (b) before his appointment, to the Board.
- (3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.
- (4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—
- (a) in subsection (1), for the words from “after” to “the Assembly” substitute “ when he is an independent member of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 ”;
  - (b) omit subsection (4);
  - (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
    - “(d) any meeting of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 or a committee of such a sub-group (whether or not a meeting which the public is permitted to attend), and
    - (e) any meeting of a district policing partnership or a committee of a district policing partnership (whether or not a meeting which the public is permitted to attend),”.

#### Textual Amendments

**F8** Sch. 3A para. 7(1)(c) substituted (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), [Sch. 9 para. 3](#) (with s. 1(3)); S.R. 2007/371, art. 3

#### *Disqualification*

- 8 (1) A person is disqualified for membership of a sub-group if he is—
- (a) a police officer;

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- (b) a member of the police support staff;
  - (c) a member of the Board; or
  - (d) an employee of the council.
- (2) A person removed from office under paragraph 7(1) is disqualified for membership of a sub-group until the date of the next local general election following his removal.
- (3) A person is disqualified for being an independent member of a sub-group if—
- (a) he has been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment or detention, and
  - (b) the relevant period has not ended.
- (4) The relevant period is the period of five years beginning with the person’s discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not his release is subject to conditions)—
- (a) his release on licence;
  - (b) his release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if he is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph “suspended sentence” means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

*[<sup>F9</sup>Chairman and vice-chairman*

**Textual Amendments**

**F9** Sch. 3A para. 9 substituted (N.I.) (4.9.2007) by [Northern Ireland \(St Andrews Agreement\) Act 2006 \(c. 53\)](#), s. 27(6), [Sch. 9 para. 4](#) (with s. 1(3)); S.R. 2007/371, art. 3

- 9
- (1) For each sub-group there shall be a chairman appointed by the council from among the political members.
  - (2) In making appointments to the office of chairman, the council shall ensure that, so far as is practicable—
    - (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following his appointment;
    - (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.
  - (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman in accordance with the terms of his appointment.

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- (4) A person may at any time resign as chairman by notice in writing to the council.
- (5) If the chairman ceases to be a member of the sub-group, he shall also cease to hold office as chairman.]

#### *Allowances*

- 10 The council may pay to the chairman, vice-chairman and other members of a sub-group such allowances as the council, with the approval of the Board, may determine.

#### *Indemnities*

- 11 The council may indemnify a member of a sub-group in respect of liability incurred by him in connection with the business of the sub-group.

#### *Insurance against accidents*

- 12 (1) The council may insure against risks of a member of a sub-group meeting with a personal accident, whether fatal or not, while he is engaged on the business of the sub-group.
- (2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the sub-group.
- (3) The council shall pay the sum to the member or his personal representatives, after deducting any expenses incurred in its recovery.
- (4) The provisions of the Life Assurance Act 1774 as extended by the Life Insurance (Ireland) Act 1866 do not apply to any insurance under this paragraph.

#### *Finance*

- 13 The Board shall for each financial year make to the council a grant equal to three-quarters of the expenses reasonably incurred by the council in that year in connection with the establishment of, or the exercise of functions by, sub-groups.

#### *Procedure*

- 14 (1) The quorum for a meeting of a sub-group shall be 5.
- (2) Every question at a meeting of a sub-group 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.
- (3) If the chairman and vice-chairman are absent from a meeting of a sub-group, the members present shall elect one of their number to act as chairman of the meeting.
- (4) Subject to sub-paragraphs (1) to (3) and to section 19 and to any directions given by the partnership, a sub-group may regulate its own procedure.

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### *Validity of proceedings*

- 15 The validity of any proceedings of a sub-group 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.

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

- 16 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a sub-group and its members as if—
- (a) in those sections—
    - (i) any reference to a council were a reference to the sub-group;
    - (ii) any reference to a councillor were a reference to a member of the sub-group;
    - (iii) any reference to the clerk of the council were a reference to the person acting as secretary of the sub-group;
  - (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.

### *Committees*

- 17
- (1) A sub-group may constitute a committee of its members.
  - (2) A sub-group shall constitute a committee of its members if directed to do so by the partnership.
  - (3) A committee of a sub-group shall consist of 5 or more members of the sub-group.
  - (4) The members of a committee of a sub-group shall be appointed by the sub-group.
  - (5) A sub-group may delegate any of its functions to a committee constituted by it.
  - (6) The powers of a committee of a sub-group shall be exercised in accordance with and subject to directions given by the sub-group.
  - (7) The proceedings of a committee of a sub-group shall be regulated in accordance with and subject to directions given by the sub-group.
  - (8) The approval of the partnership is required to—
    - (a) the constitution of a committee under sub-paragraph (1);
    - (b) the members of a committee of a sub-group to be appointed under sub-paragraph (4);
    - (c) the functions to be delegated to a committee under sub-paragraph (5);
    - (d) the exercise by a committee of any functions delegated to it under sub-paragraph (5);
    - (e) the directions to be given to a committee under sub-paragraphs (6) and (7).]



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