

## SCHEDULES

### SCHEDULE 1

Section 19

#### BELFAST

- 1 The [Police \(Northern Ireland\) Act 2000 \(c. 32\)](#) is amended as set out in paragraphs 2 to 13.
- 2 After section 15 insert—

#### “15A Default of council: Belfast sub-groups

- (1) If the Secretary of State is satisfied that the district council for Belfast has failed to comply with—
    - (a) section 21(1), or
    - (b) any provision of Schedule 3A,he may, after consulting the Board, direct the council to take, within such period as is specified in the direction, such action for the purpose of remedying the default as is so specified.
  - (2) If the council fails to comply with a direction under subsection (1), the Secretary of State may—
    - (a) declare the council to be in default; and
    - (b) make an order empowering the Board to exercise the functions of the council to such extent as appears to him necessary or expedient to secure that a sub-group of the council’s district policing partnership is established for each police district established under section 20(2).
  - (3) An order under subsection (2) may provide for Schedule 3A to have effect in relation to the exercise by the Board of any functions of the council with such modifications as may be specified in the order.
  - (4) An order under subsection (2) may confer on the Board power to remove any members of a sub-group of the council’s district policing partnership holding office at the date of the order.
  - (5) Any costs incurred by the Board under an order under subsection (2) shall in the first instance be defrayed as expenses of the Board, but—
    - (a) an amount equal to one quarter of those costs as certified by the Board shall on demand be paid to the Board by the council; and
    - (b) any sums demanded under paragraph (a) may be recovered summarily by the Board as a debt.
  - (6) A sub-group established in pursuance of an order under subsection (2) shall be treated as having been established under section 21.”
- 3 In section 17 (annual report by district policing partnership to council) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

4 In section 18 (reports by district policing partnership to Board) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

5 For section 21 substitute—

**“21 District policing partnership sub-groups for Belfast**

(1) The district council for Belfast shall establish a sub-group of its district policing partnership for each police district established under section 20(2).

(2) The functions of each sub-group shall be—

- (a) to provide views to the district commander of the sub-group’s police district and to the district policing partnership on any matter concerning the policing of that police district;
- (b) to monitor the performance of the police in carrying out—
  - (i) the policing plan in relation to the police district; and
  - (ii) the local policing plan applying to the police district;
- (c) to make arrangements for obtaining—
  - (i) the views of the public about matters concerning the policing of the police district; and
  - (ii) the co-operation of the public with the police in preventing crime;
- (d) to act as a general forum for discussion and consultation on matters affecting the policing of the police district.

(3) The code issued under section 19 may contain guidance as to the exercise by sub-groups of their functions.

(4) In exercising its functions a sub-group shall have regard to any such guidance contained in the code.

(5) If the district policing partnership is satisfied that a sub-group is carrying out any of the sub-group’s functions in relation to a police district, the partnership is not required to carry out any corresponding function it has in relation to the part of the district comprising the police district.

(6) Schedule 3A shall have effect in relation to the sub-groups.”

6 After section 21 insert—

**“21A Annual report by sub-groups to Belfast district policing partnership**

(1) A sub-group established under section 21 shall, not later than 2 months after the end of each financial year, submit to the district policing partnership for Belfast a general report on the exercise of its functions during that year.

(2) A report under subsection (1) shall include details of the arrangements made under section 21(2)(c).

(3) Before submitting any report under subsection (1), a sub-group shall consult the district commander of its police district.”

7 After section 21A (inserted by paragraph 6 above) insert—

**“21B Annual report by Belfast district policing partnership to council**

- (1) The district policing partnership for Belfast shall, not later than 4 months after the end of each financial year, submit to the district council for Belfast a general report on the exercise during that year of—
  - (a) its functions;
  - (b) the functions of the sub-groups established under section 21.
- (2) When the district policing partnership submits its report under subsection (1) it shall at the same time—
  - (a) send to the council copies of the sub-group reports for the year;
  - (b) send copies of its report and the sub-group reports for the year to the Board.
- (3) If the district policing partnership has made arrangements under section 16(1)(c) the report under subsection (1) shall include details of the arrangements.
- (4) Before submitting any report under subsection (1), the district policing partnership shall consult the district commander of each police district in the district of Belfast.
- (5) The district council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.
- (6) The district council may arrange for a sub-group report to be published with the report submitted under subsection (1) if—
  - (a) the council considers publication of the sub-group report to be appropriate, or
  - (b) the district policing partnership has requested the publication of the sub-group report.
- (7) A “sub-group report” is a report submitted to the district policing partnership under section 21A.”

8 After section 21B (inserted by paragraph 7 above) insert—

**“21C Other reports by sub-groups to Belfast district policing partnership**

- (1) A sub-group established under section 21 shall, whenever so required by the district policing partnership for Belfast, submit to the partnership a report on any matter which is specified in the requirement and is connected with the exercise of its functions.
- (2) A report under this section shall be made—
  - (a) in such form as may be specified in the requirement under subsection (1); and
  - (b) within the period of 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the sub-group and the partnership.
- (3) The partnership may arrange for a report submitted under this section to be published in such manner as appears to the partnership to be appropriate.

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- (4) Subsection (3) does not apply if the partnership has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 21D(1).”

9 After section 21C (inserted by paragraph 8 above) insert—

**“21D Reports by Belfast district policing partnership to Board**

- (1) The district policing partnership for Belfast shall, whenever so required by the Board, submit to the Board a report on any matter which is specified in the requirement and is connected with the exercise of—
- (a) its functions, or
  - (b) the functions of a sub-group established under section 21.
- (2) A report under this section shall be made—
- (a) in such form as may be specified in the requirement under subsection (1); and
  - (b) within the required period or such longer period as may be agreed between the district policing partnership and the Board.
- (3) The required period is—
- (a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the functions of a sub-group;
  - (b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.
- (4) When the district policing partnership submits its report under subsection (1) it shall at the same time send to the Board copies of any related sub-group report.
- (5) The Board may arrange for the publication, in such manner as appears to the Board to be appropriate, of—
- (a) a report submitted under subsection (1);
  - (b) a related sub-group report.
- (6) A “sub-group report” is a report submitted to the district policing partnership under section 21C.
- (7) A sub-group report is related to a report submitted in pursuance of a requirement under subsection (1) if the district policing partnership imposed the requirement to submit the sub-group report to enable it to comply with the requirement under subsection (1).”

10 In section 22 (the local policing plan) after subsection (3) insert—

“(3A) Before issuing or revising a local policing plan for a police district established under section 20(2), the district commander shall also consult the sub-group established for the district under section 21 and take account of any views expressed.”

11 (1) Schedule 1 (the Northern Ireland Policing Board) is amended as follows.

- (2) In paragraph 3(7) (disqualification from membership of Board during suspension of devolved government), after paragraph (b)(iii) insert—

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“; or

(iv) a member of a sub-group established under section 21.”

(3) In paragraph 10(1)(b) (disqualification from membership of Board during devolved government), after “district policing partnership;” insert—

“or

(iv) a member of a sub-group established under section 21;”.

12 In Schedule 3 (district policing partnerships) after paragraph 16 insert—

*“Belfast district policing partnership*

17 (1) The preceding paragraphs of this Schedule have effect in relation to the district policing partnership for Belfast with the following modifications.

(2) In paragraph 2 after sub-paragraph (5) insert—

“(6) The members of the DPP who are appointed by the council in accordance with paragraph 3 shall include the persons who hold the office of chairman of each of the sub-groups of the DPP established under section 21.”

(3) In paragraph 5 after sub-paragraph (3) insert—

“(3A) 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 a sub-group established under section 21;
- (b) the sub-group or sub-groups concerned, if he is so willing.”

13 After Schedule 3 insert—

“SCHEDULE  
3A

BELFAST SUB-GROUPS

### 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;

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“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.

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

### **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.

### **Independent members**

- 4
- (1) Appointments of independent members shall be made by the Board from among persons nominated by the council in accordance with paragraph 5.

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- (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.
- (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.

#### **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.

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- (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—
- (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;
  - (c) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;
  - (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.



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- (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),”.

### **Disqualification**

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

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- (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.

### **Chairman and vice-chairman**

- 9 (1) There shall be a chairman and vice-chairman of a sub-group appointed by the council from among the political members.
- (2) In making appointments under sub-paragraph (1), the council shall ensure that, so far as practicable—
  - (a) the office of chairman and vice-chairman are at all times held by members of different political parties;
  - (b) a person is appointed to the office of chairman or vice-chairman for a term of 12 months at a time or, where that period is shorter than 12 months, for a period ending with the date of the local general election next following his appointment;
  - (c) the office of chairman is held in turn by each of the four largest parties represented on the council immediately after the last local general election;
  - (d) the office of chairman is not held by a person who is a member of the same political party as a person who holds the office of chairman of another sub-group.
- (3) 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.
- (4) A person may at any time resign as chairman or vice-chairman by notice in writing to the council.
- (5) If the chairman or vice-chairman ceases to be a member of the sub-group, he shall also cease to hold office as chairman or vice-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.

### **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

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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).”

- 14 In Schedule 2 to the [Commissioner for Complaints \(Northern Ireland\) Order 1996 \(N.I. 7\)](#) after the entry for the Staff Commission for Education and Library Boards insert—

“A sub-group established under section 21 of the Police (Northern Ireland) Act 2000.”

- 15 In Part 7 of Schedule 1 to the [Freedom of Information Act 2000 \(c. 36\)](#) at the appropriate place in alphabetical order insert—
- “A sub-group established under section 21 of the Police (Northern Ireland) Act 2000.”
- 16 (1) Sub-paragraphs (4) and (5) have effect in relation to the transitional period.
- (2) The transitional period is the period—
- (a) beginning on the date on which this Schedule comes into force;
- (b) ending on the date of the next local general election after that date.
- (3) “Local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962.
- (4) In paragraph 17 of Schedule 3 to the Police (Northern Ireland) Act 2000 (inserted by paragraph 12 above) after sub-paragraph (2) insert—
- “(2A) In paragraph 3, after sub-paragraph (4) insert—
- “(4A) The council may, with the approval of the Board, terminate the appointment of a political member if it appears to the council to be necessary or expedient to do so in order to enable it to comply with paragraph 2(6).”
- (2B) In paragraph 3(5), after paragraph (a) insert—
- “(aa) his appointment is terminated under sub-paragraph (4A);”.
- (2C) In paragraph 3(6), after “expires” insert “, whose appointment is terminated under sub-paragraph (4A)”.
- (5) In Schedule 3A to the Police (Northern Ireland) Act 2000 (inserted by paragraph 13 above), in paragraph 4(1) after “among” insert “(a)” and after “paragraph 5” insert—
- “; and
- (b) persons who hold office as independent members of the partnership”.