
Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2011, Cross Heading: Removal of members. (See end of Document for details)

SCHEDULES

SCHEDULE 2

DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Removal of members

8.—(1) The Policing Board, or the council with the approval of the Policing Board, may remove a person (“P”) from office as a political or independent member of a DPCSP if satisfied that—

- (a) in the case of an independent member, P failed to make the necessary disclosure in relation to P's conviction for a criminal offence in Northern Ireland or elsewhere;
- (b) in the case of an independent member, P has acted in breach of the terms of a declaration against terrorism;
- (c) P has been convicted in Northern Ireland or elsewhere after the date of P's appointment of a criminal offence (whether committed before or after that date);
- (d) P has become bankrupt [^{F1}or P is the subject of a bankruptcy restrictions order][^{F2}or P has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,][^{F3}or has made] a composition or arrangement with P's creditors;
- (e) P has failed to comply with the terms of P's appointment; or
- (f) P is otherwise unable or unfit to discharge P's functions as a member of the DPCSP.

(2) The “necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—

- (a) before the nomination of that member, to the council which nominated that member; and
- (b) before the appointment of that member, to the Policing Board.

(3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3) 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 DPCSP”;
- (b) omit subsection (4);
- (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
 - “(d) any meeting of a PCSP or a DPCSP or a committee of a PCSP or DPCSP (whether or not a meeting which the public is permitted to attend), and”.

Textual Amendments

- F1** Words in Sch. 2 para. 8(1)(d) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\)](#), **Sch. para. 21(3)**
- F2** Words in Sch. 2 para. 8(1)(d) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 27(3)(a)**
- F3** Words in Sch. 2 para. 8(1)(d) substituted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 27(3)(b)**

Commencement Information

- I1** Sch. 2 para. 8 in operation at 1.4.2012 by [S.R. 2012/142](#), **art. 2(a)**

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