Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 20.

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.—(1) In this Schedule, in relation to a PCSP—

"independent member" means a member appointed under paragraph 4;

"political member" means a member appointed under paragraph 3.

(2) In this Schedule "local general election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule 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 (c. 3), with the substitution of the words "if appointed" for the words "if elected".

(4) In this Schedule, in relation to a PCSP and the holding of a local general 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 Policing Board under paragraph 4(4).

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

Commencement Information

I1 Sch. 1 para. 1 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Composition

2 A PCSP shall consist of—

(a) political members appointed under paragraph 3;

(b) independent members appointed under paragraph 4; and

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(c) representatives nominated by organisations designated under paragraph 7.

Commencement Information

I2 Sch. 1 para. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Political members

3.—(1) There shall be 8, 9 or 10 political members, as the council may determine.

(2) In making a determination under sub-paragraph (1), the council shall have regard to—

(a) the number of members constituting the council; and

(b) the duty imposed by sub-paragraph (3).

(3) A council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(4) 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 that person's appointment.

(5) A political member shall hold office until the day before the reconstitution date next following that member's appointment.

(6) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(7) A political member ("P") shall cease to hold office if—

(a) P resigns by notice in writing to the council;

(b) P becomes disqualified for membership of the PCSP; or

(c) P ceases to be a member of the council.

(8) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(9) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Commencement Information

I3 Sch. 1 para. 3 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Independent members

4.—(1) The number of independent members shall be one less than the number of political members.

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

(3) In appointing independent members the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community in the district.

(4) Where following a local general election the Policing Board has completed the arrangements for the appointment of the independent members of the PCSP for a district, it shall publish notice of the date which is to be the reconstitution date in relation to the PCSP for that district.

(5) Notice under sub-paragraph (4) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(6) 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 that person's appointment.

(7) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(8) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(9) An independent member shall cease to hold office if that member—

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the PCSP.

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

(11) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Commencement Information

I4 Sch. 1 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

5.—(1) Where appointments are to be made of independent members, the council shall nominate persons willing to be candidates for appointment.

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Unless otherwise agreed with the Policing 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 Policing 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) A person shall not be nominated under sub-paragraph (1) if that person—

(a) is disqualified for membership of the PCSP; or

(b) has not made a declaration against terrorism.

(5) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing 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.

(6) If the Policing Board does so, paragraph 4(2) shall have effect as if those persons had been nominated by the council.

Commencement Information

I5 Sch. 1 para. 5 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

6.—(1) In exercising functions under paragraphs 4 and 5, a council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by councils and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing, or revising, a code of practice under this paragraph, the Department shall consult—

(a) the Policing Board;

(b) district councils; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Commencement Information

I6 Sch. 1 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Representatives of designated organisations

7.—(1) A PCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A PCSP may at any time revoke a designation under sub-paragraph (1).

(3) The Department may by order designate organisations for the purposes of this paragraph.

(4) No order may be made under sub-paragraph (3) unless—

(a) the Department has consulted each PCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) An organisation for the time being designated by a PCSP or by an order under sub-paragraph (3) must nominate a person to attend a meeting of the PCSP or a committee appointed under paragraph 14.

(6) A person who is so nominated and attends a meeting is to be treated as a member of the PCSP or the committee.

Commencement Information

I7 Sch. 1 para. 7 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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 PCSP 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

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(f) P is otherwise unable or unfit to discharge P's functions as a member of the PCSP.

(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.

(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 PCSP ";

(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. 1 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(2)**

F2 Words in Sch. 1 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(2)(a)**

F3 Words in Sch. 1 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(2)(b)**

Commencement Information

I8 Sch. 1 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Disqualification

9.—(1) A person is disqualified for being a political or independent member if that person is—

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a PCSP until the date of the next local general election following that person's removal.

[[F4](2A) A person is disqualified for being an independent member of a PCSP if that person is a councillor.**]**

(3) A person is disqualified for being an independent member of a PCSP if—

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 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 the release of that person is subject to conditions)—

(a) release on licence;

(b) 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 that person 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.

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Textual Amendments

F4 Sch. 1 para. 9(2A) inserted (1.4.2015) by Local Government Act (Northern Ireland) 2014 (c. 8), **ss. 4(2)**, 129 (with s. 124(4)); S.R. 2015/209, art. 2, Sch. 1

Commencement Information

I9 Sch. 1 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Chair and vice-chair

10.—(1) For each PCSP there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(2) In appointing to the office of chair, the council shall ensure that, so far as 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 that person's 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) A person may at any time resign as chair or vice-chair by notice in writing to the PCSP.

(4) If the person holding office as chair or vice-chair ceases to be a member of the PCSP, that person shall also cease to hold that office.

Commencement Information

I10 Sch. 1 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Procedure of PCSP

11.—(1) The quorum for a meeting of a PCSP shall be one-quarter of the total number of members.

(2) Every question at a meeting of a PCSP 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 chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a PCSP, the members present shall elect one of their number to act as chair of the meeting.

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(4) Subject to sub-paragraphs (1) to (3) and to section 23, a PCSP may regulate its own procedure.

Commencement Information

I11 Sch. 1 para. 11 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: constitution

12.—(1) For each PCSP there shall be a policing committee consisting of—

(a) the political members; and

(b) the independent members.

(2) For each policing committee there shall be—

(a) a chair who shall be the person who is for the time being chair of the PCSP; and

(b) a vice-chair elected by the independent members from among such members.

(3) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chair in accordance with such terms as the Policing Board may determine.

(5) In determining terms under sub-paragraph (4), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair 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 that person's election to that office.

(6) A person may at any time resign as vice-chair by notice in writing to the Policing Board.

(7) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

Commencement Information

I12 Sch. 1 para. 12 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: procedure

13.—(1) The quorum for a meeting of a policing committee shall be 5.

(2) Every question at a meeting of a policing committee shall be determined by a majority of the votes of the members present and voting on the question, and in the

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case of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.

(5) A policing committee may—

(a) constitute sub-committees of such 5 or more of its members as the policing committee may appoint; and

(b) delegate to a sub-committee so constituted any of the functions exercisable by the policing committee.

(6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Commencement Information

I13 Sch. 1 para. 13 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Other committees

14.—(1) A PCSP may—

(a) constitute other committees of such 5 or more of its members as the PCSP may appoint; and

(b) delegate to a committee so constituted any of the functions of the PCSP (other than a restricted function).

(2) A committee appointed under this paragraph may co-opt to the committee persons who are not members of the committee or the PCSP.

(3) A person co-opted under sub-paragraph (2) may not vote on any matter, but otherwise is to be treated as a member of the committee.

(4) The powers of any committee appointed under this paragraph shall be exercised, and the proceedings of the committee shall be regulated, in accordance with and subject to directions given by the PCSP.

Commencement Information

I14 Sch. 1 para. 14 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Indemnities

15 The council may indemnify a member of a PCSP in respect of liability incurred by that member in connection with the business of the PCSP.

Commencement Information

I15 Sch. 1 para. 15 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Insurance against accidents

16.—(1) The council may insure against risks of a member of the PCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the PCSP.

(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 PCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Commencement Information

I16 Sch. 1 para. 16 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Expenses

17 The council may pay to members of a PCSP such expenses as the council may determine.

Commencement Information

I17 Sch. 1 para. 17 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Finance

18.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with PCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

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(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)(a) may fall within or after the financial year concerned.

Commencement Information

I18 Sch. 1 para. 18 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Validity of proceedings

19 The validity of any proceedings of a PCSP or a committee of a PCSP shall not be affected by—

(a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or

(b) any vacancy in the office of chair or vice-chair or among the other members.

Commencement Information

I19 Sch. 1 para. 19 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disclosure of pecuniary interests, family connections, etc.

20 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a PCSP and its members as if—

(a) in those sections—

(i) any reference to a council were a reference to the PCSP;

(ii) any reference to a councillor were a reference to a member of the PCSP;

(iii) any reference to the clerk of the council were a reference to the person acting as secretary of the PCSP;

(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 Department.

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Commencement Information

I20 Sch. 1 para. 20 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Joint PCSPs

21.—(1) The Department may by order provide that two or more councils may by agreement establish a single PCSP for their districts.

(2) An order under this paragraph may—

(a) provide for Part 3, this Schedule and Schedule 2 to have effect in relation to—

(i) the councils in question and their districts, and

(ii) any PCSP established by virtue of this paragraph,

with such modifications as the Department thinks necessary or expedient;

(b) make such other provision as the Department thinks necessary or expedient for the proper functioning of any such PCSP.

(3) Before making an order under this paragraph, the Department shall consult—

(a) the Policing Board; and

(b) any council affected by the order.

Commencement Information

I21 Sch. 1 para. 21 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Belfast PCSP

22.—(1) The preceding paragraphs of this Schedule have effect in relation to the PCSP for the district of Belfast with the following modifications.

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

"(3A) The members of the PCSP who are appointed by the council in accordance with this paragraph shall include the persons who hold the office of chair of each of the DPCSPs.".

(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 Policing Board of—

(a) whether the person is also willing to be a candidate for appointment as an independent member of a DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned.".

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I22 Sch. 1 para. 22 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

SCHEDULE 2

Section 20.

DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.—(1) In this Schedule, in relation to a DPCSP—

"independent member" means a member appointed under paragraph 4;

"political member" means a member appointed under paragraph 3.

(2) In this Schedule "local general election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule 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 (c. 3), with the substitution of the words "if appointed" for the words "if elected".

(4) In this Schedule, in relation to a DPCSP and the holding of a local general 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 Policing Board under paragraph 4(3).

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

Commencement Information

I23 Sch. 2 para. 1 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Composition

2.—(1) A DPCSP shall consist of—

(a) 6 political members appointed under paragraph 3;

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(b) 5 independent members appointed under paragraph 4; and

(c) representatives nominated by organisations designated under paragraph 7.

(2) The members of a DPCSP need not be members of the principal PCSP.

Commencement Information

I24 Sch. 2 para. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Political members

3.—(1) The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, 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 that person's appointment.

(3) A political member shall hold office until the day before the reconstitution date next following that member's 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 that person is appointed.

(5) A political member ("P") shall cease to hold office if—

(a) P resigns by notice in writing to the council;

(b) P becomes disqualified for membership of the DPCSP; or

(c) P 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.

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

Commencement Information

I25 Sch. 2 para. 3 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Independent members

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

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

(3) Where, following a local general election, the Policing Board has completed the arrangements for the appointment of the independent members of the DPCSP for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the DPCSP for that police district.

(4) Notice under sub-paragraph (3) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(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 that person's appointment.

(6) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(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 that person is appointed.

(8) An independent member shall cease to hold office if that member—

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the DPCSP.

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

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

Commencement Information

I26 Sch. 2 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

5.—(1) Where appointments are to be made of independent members of a DPCSP, the council shall nominate persons willing to be candidates for appointment.

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(2) Unless otherwise agreed with the Policing 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 Policing 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 Policing Board of—

(a) whether the person is also willing to be a candidate for appointment as an independent member of any other DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned;

(c) whether the person is also willing to be a candidate for appointment as an independent member of the principal PCSP.

(5) A person shall not be nominated under sub-paragraph (1) if that person—

(a) is disqualified for membership of the DPCSP, or

(b) 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 Policing 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 Policing Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

Commencement Information

I27 Sch. 2 para. 5 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

6.—(1) In exercising functions under paragraphs 4 and 5, the council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing or revising a code of practice under this paragraph, the Department shall consult—

(a) the Policing Board;

(b) the council; and

(c) the Equality Commission for Northern Ireland.

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(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Commencement Information

I28 Sch. 2 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Representatives of designated organisations

7.—(1) A DPCSP must designate at least 4 organisations for the purposes of this paragraph.

(2) A DPCSP may at any time revoke a designation under sub-paragraph (1).

(3) The Department may by order designate organisations for the purposes of this paragraph.

(4) No order may be made under sub-paragraph (3) unless—

(a) the Department has consulted each DPCSP; and

(b) a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) An organisation for the time being designated by a DPCSP or by an order under sub-paragraph (3) must nominate a person to attend a meeting of the DPCSP or a committee appointed under paragraph 14.

(6) A person who is so nominated and attends a meeting is to be treated as a member of the DPCSP or the committee.

Commencement Information

I29 Sch. 2 para. 7 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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;

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(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 **[**[F5]or P is the subject of a bankruptcy restrictions order**][**[F6]or P has had a debt relief order made in respect of him or is the subject of a debt relief restrictions order,**][**[F7]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.

(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

F5 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)**

F6 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)**

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F7 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

I30 Sch. 2 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Disqualification

9.—(1) A person is disqualified for being a political or independent member of a DPCSP if that person is—

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a DPCSP until the date of the next local general election following that person's removal.

[[F8](2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor.**]**

(3) A person is disqualified for being an independent member of a DPCSP if—

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 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 the release of that person is subject to conditions)—

(a) release on licence;

(b) 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 that person 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.

Textual Amendments

F8 Sch. 2 para. 9(2A) inserted (1.4.2015) by Local Government Act (Northern Ireland) 2014 (c. 8), **ss. 4(3)**, 129 (with s. 124(4)); S.R. 2015/209, art. 2, Sch. 1

Commencement Information

I31 Sch. 2 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Chair and vice-chair

10.—(1) For each DPCSP there shall be—

(a) a chair appointed by the council from among the political members; and

(b) a vice-chair elected by the independent members from among such members.

(2) In appointing to the office of chair, 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 that person's 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) A person may at any time resign as chair or vice-chair by notice in writing to the DPCSP.

(4) If the person holding office as chair or vice-chair ceases to be a member of the DPCSP, that person shall also cease to hold that office.

Commencement Information

I32 Sch. 2 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Procedure of DPCSP

11.—(1) The quorum for a meeting of a DPCSP shall be one-quarter of the total number of members.

(2) Every question at a meeting of a DPCSP shall be determined by a majority of the votes of the members present and voting on the question, and in the case

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of an equal division of the votes, the chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a DPCSP, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a DPCSP may regulate its own procedure.

Commencement Information

I33 Sch. 2 para. 11 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Policing committee: constitution

12.—(1) For each DPCSP there shall be a policing committee consisting of—

(a) the political members; and

(b) the independent members.

(2) For each policing committee there shall be—

(a) a chair who shall be the person who is for the time being chair of the DPCSP; and

(b) a vice-chair elected by the independent members from among such members.

(3) The election of the vice-chair shall be conducted in accordance with procedures determined by the policing committee under paragraph 13(4).

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as vice-chair in accordance with such terms as the Policing Board may determine.

(5) In determining terms under sub-paragraph (4), the Policing Board shall ensure that, so far as practicable, a person holds office as vice-chair 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 that person's election to that office.

(6) A person may at any time resign as vice-chair by notice in writing to the Policing Board.

(7) If the person holding office as chair or vice-chair ceases to be a member of the policing committee, that person shall also cease to hold that office.

Commencement Information

I34 Sch. 2 para. 12 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Policing committee: procedure

13.—(1) The quorum for a meeting of a policing committee shall be 5.

(2) Every question at a meeting of a policing committee 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 chair of the meeting shall have a second or casting vote.

(3) If the chair and vice-chair are absent from a meeting of a policing committee, the members present shall elect one of their number to act as chair of the meeting.

(4) Subject to sub-paragraphs (1) to (3) and to section 23, a policing committee may regulate its own procedure.

(5) A policing committee may—

(a) constitute committees of such 5 or more of its members as the policing committee may appoint; and

(b) delegate to a committee so constituted any of the functions exercisable by the policing committee.

(6) The powers of any sub-committee of a policing committee shall be exercised, and the proceedings of the sub-committee shall be regulated, in accordance with and subject to directions given by the policing committee.

Commencement Information

I35 Sch. 2 para. 13 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Other committees

14.—(1) A DPCSP may constitute other committees of its members; and references in this paragraph to a committee are to a committee so constituted.

(2) A DPCSP shall constitute a committee of its members if directed to do so by the principal PCSP.

(3) A committee of a DPCSP shall consist of 5 or more members of the DPCSP.

(4) The members of a committee of a DPCSP shall be appointed by the DPCSP.

(5) A DPCSP may delegate any of its functions (other than restricted functions) to a committee constituted by it.

(6) The powers of a committee of a DPCSP shall be exercised in accordance with and subject to directions given by the DPCSP.

(7) The proceedings of a committee of a DPCSP shall be regulated in accordance with and subject to directions given by the DPCSP.

(8) The approval of the principal PCSP is required to—

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(a) the constitution of a committee under sub-paragraph (1);

(b) the members of a committee of a DPCSP 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).

Commencement Information

I36 Sch. 2 para. 14 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Indemnities

15 The council may indemnify a member of a DPCSP in respect of liability incurred by that member in connection with the business of the DPCSP.

Commencement Information

I37 Sch. 2 para. 15 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Insurance against accidents

16.—(1) The council may insure against risks of a member of the DPCSP meeting with a personal accident, whether fatal or not, while engaged on the business of the DPCSP.

(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 DPCSP.

(3) The council shall pay the sum to the member or the member's personal representatives, after deducting any expenses incurred in its recovery.

(4) The provisions of the Life Assurance Act 1774 (c. 48) as extended by the Life Insurance (Ireland) Act 1866 (c. 42) do not apply to any insurance under this paragraph.

Commencement Information

I38 Sch. 2 para. 16 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Expenses

17 The council may pay to members of a DPCSP such expenses as the council may determine.

Commencement Information

I39 Sch. 2 para. 17 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Finance

18.—(1) The Department and the Policing Board shall for each financial year make to the council grants of such amounts as the joint committee may determine for defraying or contributing towards the expenses of the council in that year in connection with DPCSPs.

(2) A grant made by the Department or the Policing Board under this paragraph—

(a) shall be paid at such time, or in instalments of such amounts and at such times, and

(b) shall be made on such conditions,

as the joint committee may determine.

(3) A time determined under sub-paragraph (2)(a) may fall within or after the financial year concerned.

Commencement Information

I40 Sch. 2 para. 18 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

Validity of proceedings

19 The validity of any proceedings of a DPCSP or a committee of a DPCSP shall not be affected by—

(a) any defect in the appointment of any member or in the appointment or election of the chair or vice-chair; or

(b) any vacancy in the office of chair or vice-chair or among the other members.

Commencement Information

I41 Sch. 2 para. 19 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

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Disclosure of pecuniary interests, family connections, etc.

20 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (c. 9) (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a DPCSP and its members as if—

(a) in those sections—

(i) any reference to a council were a reference to the DPCSP;

(ii) any reference to a councillor were a reference to a member of the DPCSP;

(iii) anyreference to the clerk of the council were a reference to the person acting as secretary of the DPCSP;

(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 Department.

Commencement Information

I42 Sch. 2 para. 20 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(a)**

SCHEDULE 3

Section 35.

REGULATED MATCHES

1 In this Schedule—

"the IFA" means the Irish Football Association;

"the FAI" means the Football Association of Ireland;

"FIFA" means the Fédération Internationale de Football Association;

"the IRFU" means the Irish Rugby Football Union;

"gaelic game" means gaelic football (including international rules football), hurling or camogie;

"member" includes a full or associate member;

"UEFA" means Union des Associations Européennes de Football.

Commencement Information

I43 Sch. 3 para. 1 wholly in operation at 1.1.2012; Sch. 3 para. 1 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 1 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 1 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I44 Sch. 3 para. 1 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Association football

2 This paragraph applies to an association football match in which one or both participating teams represents a country or territory.

Commencement Information

I45 Sch. 3 para. 2 wholly in operation at 1.1.2012; Sch. 3 para. 2 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 2 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 2 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I46 Sch. 3 para. 2 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

3 This paragraph applies to an association football match in which one or both participating teams represents a club which is for the time being a member of—

(a) the IFA Premiership,

(b) the IFA Championship,

(c) the FAI Premier League, or

(d) the FAI First Division.

Commencement Information

I47 Sch. 3 para. 3 wholly in operation at 1.1.2012; Sch. 3 para. 3 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 3 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 3 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I48 Sch. 3 para. 3 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

4 This paragraph applies to an association football match in which one or both participating teams represents a club which is for the time being a member of—

(a) the Football League,

(b) the Football Association Premier League,

(c) the Football Conference,

(d) the Welsh Premier League,

(e) the Scottish Premier League, or

(f) the Scottish Football League.

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Commencement Information

I49 Sch. 3 para. 4 wholly in operation at 1.1.2012; Sch. 3 para. 4 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 4 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 4 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I50 Sch. 3 para. 4 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

5 This paragraph applies to an association football match—

(a) in which one or both participating teams is a member of, or affiliated to, a national football association which is a member of FIFA; and

(b) which is part of a competition or tournament organised by, or under the authority of—

(i) FIFA, or

(ii) UEFA.

Commencement Information

I51 Sch. 3 para. 5 wholly in operation at 1.1.2012; Sch. 3 para. 5 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 5 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 5 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I52 Sch. 3 para. 5 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Gaelic games

6 This paragraph applies to a match in a gaelic game which is played at a sports ground which is designated as requiring a safety certificate under Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006 (NI 2).

Commencement Information

I53 Sch. 3 para. 6 wholly in operation at 1.1.2012; Sch. 3 para. 6 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 6 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 6 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I54 Sch. 3 para. 6 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

7 This paragraph applies to a match in a gaelic game which is played outside Northern Ireland and—

(a) in which one or both participating teams represents a county; or

(b) which is an international rules football match.

Commencement Information

I55 Sch. 3 para. 7 wholly in operation at 1.1.2012; Sch. 3 para. 7 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 7 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 7 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I56 Sch. 3 para. 7 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

Rugby union

8 This paragraph applies to a rugby union match which—

(a) is subject to regulation by the IRFU, and

(b) is played at a sports ground which is designated as requiring a safety certificate under Part 2 of the Safety of Sports Grounds (Northern Ireland) Order 2006.

Commencement Information

I57 Sch. 3 para. 8 wholly in operation at 1.1.2012; Sch. 3 para. 8 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 8 in operation for specified purposes at 1.8.2011 by S.R. 2011/224, **art. 3(a)**; Sch. 3 para. 8 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I58 Sch. 3 para. 8 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

9 This paragraph applies to a rugby union match—

(a) which is subject to regulation by the IRFU,

(b) which is played outside Northern Ireland, and

(c) in which one or both participating teams represents Ireland or Ulster Rugby.

Commencement Information

I59 Sch. 3 para. 9 wholly in operation at 1.1.2012; Sch. 3 para. 9 not in operation at Royal Assent see s. 111(3); Sch. 3 para. 9 in operation for specified purposes at 1.8.2011 by S.R. 2011/224,

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art. 3(a); Sch. 3 para. 9 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

I60 Sch. 3 para. 9 in operation at 1.1.2012 in so far as not already in operation by S.R. 2011/370, **art. 3(c)**

SCHEDULE 4

Section 59.

PENALTY OFFENCES AND PENALTIES

Commencement Information

I61 Sch. 4 in operation at 6.6.2012 by S.R. 2012/214, **art. 2(m)**

Offence	Penalty
An offence under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28) (indecent behaviour)	£40
An offence under section 1 of the Theft Act (Northern Ireland) 1969 (c. 16) (theft)	£80
An offence under Article 3(1) of the Criminal Damage (Northern Ireland) Order 1977 (NI 4) (criminal damage)	£80
An offence under Article 10(1) of the Criminal Justice (Northern Ireland) Order 1980 (NI 6) (drunk in a public place)	£40
An offence under Article 18(1)(a) of the Public Order (Northern Ireland) Order 1987 (NI 7) (disorderly behaviour)	£80
An offence under Article 18(1)(b) of the Public Order (Northern Ireland) Order 1987 (NI 7) (behaviour likely to cause a breach of the peace)	£80
An offence under section 66(1) of the Police (Northern Ireland) Act 1998 (c. 32) where it is alleged that the	£80

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accused resisted, obstructed or impeded
a constable

PROSPECTIVE

SCHEDULE 5

Section 87.

ENHANCED LEGAL AID FEES FOR CERTAIN SOLICITORS

Power to provide for enhanced fee

1.—(1) Regulations under Article 22 or 36 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8) or an order under Schedule 2 to that Order may provide for the payment of an enhanced fee to a solicitor who—

(a) exercises a right of audience in a court or tribunal to which this Schedule applies;

(b) has been accredited by the Law Society under paragraph 2 in relation to that court or tribunal; and

(c) complied with the duties in paragraph 3.

(2) This Schedule applies to—

(a) the Crown Court;

(b) a county court;

(c) a magistrates' court; and

(d) a tribunal to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to a tribunal if—

(a) it is a tribunal mentioned in Part 1 of Schedule 1 to the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8); or

(b) assistance by way of representation may be approved under Article 5 of that Order in respect of proceedings before the tribunal.

Accreditation of solicitors

2.—(1) The Law Society shall make regulations with respect to the education, training and experience to be undergone by solicitors seeking accreditation for the purposes of this paragraph in relation to a court or tribunal to which this Schedule applies.

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(2) A person who is qualified to act as a solicitor may apply to the Law Society for accreditation under this paragraph in relation to a court or tribunal to which this Schedule applies.

(3) An application under sub-paragraph (2)—

(a) shall be made in such manner as may be prescribed;

(b) shall be accompanied by such information as the Law Society may reasonably require for the purpose of determining the application; and

(c) shall be accompanied by such fee (if any) as may be prescribed.

(4) At any time after receiving the application and before determining it the Law Society may require the applicant to provide it with further information.

(5) The Law Society shall grant accreditation under this paragraph in relation to a court or tribunal if it appears to the Law Society, from the information furnished by the applicant and any other information it may have, that the applicant has complied with the requirements applicable to the applicant in relation to that court or tribunal by virtue of regulations under sub-paragraph (1).

(6) Accreditation granted to a person under this paragraph ceases to have effect if, and for so long as, that person is not qualified to act as a solicitor.

(7) The Law Society may by regulations provide that any person who has completed such education, training or experience as may be prescribed, before such date as may be prescribed shall be taken to be accredited under this paragraph in relation to a prescribed court or tribunal.

(8) Every entry in the register kept under Article 10 of the Solicitors (Northern Ireland) Order 1976 (NI 12) shall include details of any accreditation granted under this paragraph to the solicitor to whom the entry relates.

Duties of solicitor

3.—(1) Sub-paragraph (2) applies where—

(a) either—

(i) a criminal aid certificate or civil aid certificate is granted under the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to a person in any proceedings in a court or tribunal to which this Schedule applies; or

(ii) assistance by way of representation is approved in respect of a person under Article 5 of that Order in relation to proceedings in such a court or tribunal;

(b) that certificate or approval entitles that person ("the client") to be represented by counsel or by a solicitor accredited under paragraph 2 in relation to that court or tribunal; and

(c) either—

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(i) the client's solicitor is minded to arrange for another solicitor who is accredited in relation to that court or tribunal to provide that representation; or

(ii) the client's solicitor is accredited in relation to that court or tribunal and is minded to provide that representation.

(2) The client's solicitor must advise the client in writing—

(a) of the advantages and disadvantages of representation by an accredited solicitor and by counsel, respectively; and

(b) that the decision as to whether an accredited solicitor or counsel is to represent the client is entirely that of the client.

(3) The Law Society shall make regulations with respect to the giving of advice under sub-paragraph (2).

(4) A solicitor shall—

(a) in advising a client under sub-paragraph (2), act in the best interest of the client; and

(b) give effect to any decision of the client referred to in sub-paragraph (2)(b).

(5) Where—

(a) a solicitor has complied with sub-paragraph (2) in relation to the representation of a client in any proceedings in a court or tribunal, and

(b) that client is to be represented in those proceedings by an accredited solicitor,

the solicitor shall inform the court or tribunal of the fact mentioned in paragraph (a) in such manner and before such time as the relevant rules may require.

(6) For the purposes of this paragraph compliance with sub-paragraph (2) or (5) in relation to any proceedings in a court or tribunal in any cause or matter is to be taken to be compliance with that sub-paragraph in relation to any other proceedings in that court in the same cause or matter.

(7) If a solicitor contravenes this paragraph, any person may make a complaint in respect of the contravention to the Solicitors Disciplinary Tribunal.

Regulations

4.—(1) Regulations under this Schedule require the concurrence of—

(a) the Lord Chief Justice; and

(b) the Department, given after consultation with the Attorney General.

(2) The Department shall not grant its concurrence to any regulations under paragraph 2(1) or 2(7) unless regulations have been made under paragraph 3(3) and are in operation.

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Consequential amendments

5 The Department may by order make such amendments to—

(a) the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8); or

(b) Schedule 3 to the Access to Justice (Northern Ireland) Order 2003 (NI 10),

as appear to the Department to be necessary or expedient in consequence of, or for giving full effect to, the provisions of this Schedule.

Interpretation

6 In this Schedule—

"accredited solicitor", in relation to any court or tribunal, means a solicitor who is accredited under paragraph 2 in relation to that court or tribunal;

"the client" has the meaning given in paragraph 3(1)(b);

"the Law Society" means the Incorporated Law Society of Northern Ireland;

"prescribed" means prescribed by regulations made by the Law Society;

"relevant rules" means—

(a) in relation to the Crown Court, Crown Court rules,

(b) in relation to a county court, county court rules or family proceedings rules,

(c) in relation to a magistrates' court, magistrates' courts rules,

(d) in relation to a tribunal, the rules regulating the practice and procedure of the tribunal.

SCHEDULE 6

Section 109.

TRANSITIONAL AND SAVING PROVISIONS

Offender levy

1 A provision in Chapter 1 of Part 1 does not apply in relation to an offence committed before the commencement of that provision.

Vulnerable and intimidated witnesses

2.—(1) The amendments made by sections 7 to 11 apply to proceedings instituted before the commencement of the amendment in question.

(2) But the amendments made by sections 7 to 11 do not affect the continued operation of a special measures direction given before the commencement of the amendment in question.

(3) Sub-paragraph (2) does not prevent an amendment made by sections 7 to 11 from applying after its commencement to—

(a) the variation under Article 8 of the Criminal Evidence (Northern Ireland) Order 1999 (NI 8) of a special measures direction that was given in relation to a witness before the commencement of the amendment, and

(b) the giving of a new special measures direction in relation to a witness (including the giving of a new direction in a case where a special measures direction given in relation to the witness in question has been discharged under Article 8 of that Order after the commencement of the amendment).

(4) In this paragraph "special measures direction" means a direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999.

Banning orders

3 A banning order may not be made under section 41 where the offence mentioned in subsection (1) of that section was committed before the commencement of that section.

Increase in penalties

4.—(1) Section 51(2) does not apply in relation to an offence committed before the commencement of that subsection.

(2) Section 52 does not apply in relation to an offence committed before the commencement of that section.

Conditions of sex offender licence

5 Section 54 applies in relation to offenders released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996 (NI 24) before the commencement of that section, but does not apply in relation to a failure to comply with a condition of a licence which occurs before that commencement.

Commencement Information

I62 Sch. 6 para. 5 wholly in operation at 5.5.2011; Sch. 6 para. 5 in operation at 5.5.2011 see s. 111(1)(e); Sch. 6 para. 5 in operation at 5.7.2011 by S.R. 2011/224, **art. 2(i)**

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Serious and specified offences

6 Section 57 does not apply in relation to an offence committed before the commencement of that section.

Alternatives to prosecution

7 A provision in Chapter 1 or 2 of Part 6 does not apply in relation to an offence committed before the commencement of that provision.

Witness summonses

8 Section 100 applies in relation to any criminal proceedings before a magistrates' court for the purposes of which no summons requiring the attendance of a witness has been issued before the commencement of that section.

Accounts of the Law Commission

9 Section 102 applies in relation to accounts for the financial year in which that section comes into operation and subsequent financial years.

SCHEDULE 7 Section 110.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Vagrancy Act 1824 (c. 83)

1 In section 4(i) of the Vagrancy Act 1824 for "arrestable offence" substitute " indictable offence ".

The Judicature (Northern Ireland) Act 1978 (c. 23)

2 In section 82(1) (rules as to funds in court)—

(a) in paragraphs (c) and (d) for "81(b)(ii)" substitute " 81(1)(b)(ii) "; and

(b) in paragraph (k) for "81(a)(iv)" substitute " 81(1)(a)(iv) ".

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

3.—(1) In Article 29(1)(l) (right to claim trial by jury for certain offences) after "139A(1)" insert " or (2) ".

(2) In Article 29(1) after sub-paragraph (n) insert—

"(o) section 93 of the Justice (Northern Ireland) Act 2010."

The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)

[F9]**4** . . . . . .

Textual Amendments

F9 Sch. 7 para. 4 repealed (1.4.2016) by Public Services Ombudsman Act (Northern Ireland) 2016 (c. 4), s. 64, **Sch. 9**

Commencement Information

I63 Sch. 7 para. 4 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

5 In Article 28(1)(a) (interim disqualification) for "Article 11 of the Treatment of Offenders (Northern Ireland) Order 1989" substitute " Article 3 of the Criminal Justice (Northern Ireland) Order 1996 ".

The Employment Rights (Northern Ireland) Order 1996 (NI 16)

6 In Article 78(2) for sub-paragraph (f) substitute—

"(f) a policing and community safety partnership or a district policing and community partnership,".

Commencement Information

I64 Sch. 7 para. 6 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)

7 In Article 15(5) (consequences of admitting video recording) in sub-paragraph (a)(i) for "otherwise than by testimony in court" substitute " in any recording admissible under Article 16 ".

Commencement Information

I65 Sch. 7 para. 7 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

The Police (Northern Ireland) Act 2000 (c. 32)

8.—(1) In section 22(3) for "district policing partnership" substitute " policing and community safety partnership ".

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(2) In section 22(3A) for "sub-group established for the district under section 21" substitute " district policing and community safety partnership ".

(3) In section 25(3)(a) for "district policing partnerships" substitute " policing committees of policing and community safety partnerships ".

(4) In section 25(3) for paragraph (b) substitute—

"(b) consider—

(i) any reports received by the Board under Part 3 of the Justice Act (Northern Ireland) 2011; and

(ii) any views of the public obtained under arrangements made under that Part.".

(5) In section 57(2)(i) for "district policing partnerships" substitute " policing and community safety partnerships and district policing and community safety partnerships ".

(6) In section 57(2) for paragraph (j) substitute—

"(j) the effectiveness of policing and community safety partnerships and district policing and community safety partnerships in performing their functions and in particular the effectiveness of arrangements made under Part 3 of the Justice Act (Northern Ireland) 2011 in obtaining—

(i) the views of the public about matters concerning policing; and

(ii) the co-operation of the public with the police in preventing crime.".

(7) In Schedule 1, in paragraphs 3(7)(b) and 10(1)(b) for sub-paragraphs (iii) and (iv) substitute—

"(iii) a member of a policing and community safety partnership or a district policing and community safety partnership.".

Commencement Information

I66 Sch. 7 para. 8 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Freedom of Information Act 2000 (c. 36)

9 In Part 7 of Schedule 1 at the appropriate place in alphabetical order insert— " A policing and community safety partnership or a district policing and community safety partnership established under Part 3 of the Justice (Northern Ireland) Act 2011. ".

Commencement Information

I67 Sch. 7 para. 9 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 (NI 3)

10.—(1) In Article 9(1)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b) for "such a partnership" substitute " a policing and community safety partnership or district policing and community safety partnership established by it ".

(2) In paragraph (4) omit the definitions of "community safety partnership" and "relevant community safety partnership".

Commencement Information

I68 Sch. 7 para. 10 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(d)**

The Proceeds of Crime Act 2002 (c. 29)

11 In section 195N(1) (as inserted by section 57(2) of the Policing and Crime Act 2009) for "195N" substitute " 195M ".

The Sexual Offences Act 2003 (c. 42)

12.—(1) In section 116(2)(b) (qualifying offenders for foreign travel orders) after "31" insert " or 92S ".

(2) In section 124 (interpretation) omit subsection (8).

The Anti-social Behaviour (Northern Ireland) Order 2004 (NI 12)

13 In Article 6C(3) (special measures for witnesses: modifications of Part 2 of the Criminal Evidence (Northern Ireland) Order 1999)—

(a) in sub-paragraph (b) for "Article 9(1)(b) and (5) to (7)" substitute " Article 9(4C)(e) ", and

(b) for sub-paragraph (c) substitute—

"(c) Article 10A,".

Commencement Information

I69 Sch. 7 para. 13 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

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The Criminal Justice (Northern Ireland) Order 2008 (NI 1)

14 In Schedule 3 (supervised activity orders) in paragraph 1(a) after "order" (in the second place where it occurs) insert " and the notice has not been withdrawn ".

Commencement Information

I70 Sch. 7 para. 14 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(h)**

The Sexual Offences (Northern Ireland) Order 2008 (NI 2)

15.—(1) In Article 74(1)(a) (sexual penetration of a corpse) for "his penis" substitute " a part of his body or anything else ".

(2) In Article 76 (offences outside the UK)—

(a) in paragraph (2) for "national" in each place where it occurs substitute " resident ";

(b) in paragraph (3)(a) after "national" insert " or a United Kingdom resident ".

SCHEDULE 8 Section 110.

REPEALS

PART 1

VULNERABLE AND INTIMIDATED WITNESSES

Commencement Information

I71 Sch. 8 Pt. 1 in operation at 1.1.2012 by S.R. 2011/370, **art. 3(i)**

Short Title	Extent of repeal
The Criminal Evidence (Northern Ireland) Order 1999 (NI 8)	Article 9(1)(b). In Article 9(4) the "and" at the end of sub-paragraph (b). Article 9(5) to (7). Article 10(1)(b). In Article 15(7)(a) the words from "if there" to "relevant time,". Article 15(8).

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

	In Article 15(9) the words from "and if" to the end.

PART 2

POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Commencement Information

I72 Sch. 8 Pt. 2 in operation at 1.4.2012 by S.R. 2012/142, **art. 2(e)**

Short Title	Extent of repeal
The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)	In Schedule 2, the entries relating to a district policing partnership and a sub-group established under section 21 of the Police (Northern Ireland) Act 2000.
The Employment Rights (Northern Ireland) Order 1996 (NI 16)	Article 78(7A).
The Police (Northern Ireland) Act 2000 (c. 32)	Section 3(3)(d)(ii) and (iii). Sections 14(1) to (4). Sections 15 to 19. Section 21. Section 23. Schedule 3. In Schedule 6, paragraphs 14 and 25(3).
The Freedom of Information Act 2000 (c. 36)	In Part 7 of Schedule 1, the entries relating to a district policing partnership and a sub-group established under section 21 of the Police (Northern Ireland) Act 2000.
The Justice (Northern Ireland) Act 2002 (c. 26)	In section 71(2) the words "and section 72". Section 72.
The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 2002 (NI 3)	Article 9(1)(a). In Article 9(4) the definitions of "community safety partnership" and "relevant community safety partnership".

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The Police (Northern Ireland) Act 2003 (c. 6)	Sections 14 to 19. In section 44(3) the words "15(6), 16(2), 19(2) or". Section 44(4). In section 44(5) the words "15(6), 16(2), 19(2),". Schedule 1.
The District Policing Partnerships (Northern Ireland) Order 2005 (NI 4)	The whole Order.
The Northern Ireland (St. Andrews Agreement) Act 2006 (c. 53)	Section 20. Section 27(6). Schedules 8 and 9.

PROSPECTIVE

PART 3

LEGAL AID, ETC.

Short Title	Extent of repeal
The Legal Aid (Northern Ireland) Order 2005 (NI 19)	In Schedule 1, paragraph 5.
The Access to Justice (Northern Ireland) Order 2003 (NI 10)	In Article 7(1) the words "and Article 41". In Article 12(2) the words "but this paragraph is subject to Article 41". Article 41. In Schedule 2, in paragraph 2(i), the words ", the Asylum and Immigration Tribunal or".

PROSPECTIVE

PART 4

SOLICITORS' RIGHTS OF AUDIENCE

Short Title	Extent of repeal

Changes to legislation: *Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The County Courts (Northern Ireland) Order 1980 (NI 3).	In Article 50(1)(c), the words “, but not a solicitor retained as an advocate by a solicitor so acting”.

PART 5

MISCELLANEOUS

Commencement Information

I73 Sch. 8 Pt. 5 wholly in operation at 5.7.2011; Sch. 8 Pt. 5 in operation at 5.5.2011 for specified purposes see s. 111(1)(i); Sch. 8 Pt. 5 in operation at 5.7.2011 for further specified purposes see s. 111(2)(d); Sch. 8 Pt. 5 in operation for specified purposes at 5.7.2011 by S.R. 2011/224, **art. 2(k)**

Short Title	Extent of repeal
The Vagrancy Act 1824 (c. 83)	In section 4(i) the words “being armed with any dangerous or offensive weapon, or”.
The Offences against the Person Act 1861 (c. 100)	Section 43.
The Judicature (Northern Ireland) Act 1978 (c. 23)	In section 54(1) the word “and” at the end of paragraph (e).
The Criminal Justice Act 1988 (c. 33)	Section 139A(7)(b).
The Justice (Northern Ireland) Act 2002 (c. 26)	In Schedule 9— (a) paragraph 6(3)(b) and the word “and” immediately preceding it; (b) paragraph 6(4) and (4A).
The Sexual Offences Act 2003 (c. 42)	Section 124(8).
The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006 (NI 14)	Article 2(2)(c).
The Criminal Justice (Northern Ireland) Order 2008 (NI 1)	Article 90(4).

Changes to legislation:

Justice Act (Northern Ireland) 2011 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to :

- s. 6(3) words added by 2015 c. 9 (N.I.) s. 19(7)
- s. 109 coming into force by S.R. 2011/224 art. 2 (This amendment not applied to legislation.gov.uk. S. 109, sch. 6 already in operation on the day after Royal assent, see s. 111(1)(e))
- Sch. 6 para. 5 coming into force by S.R. 2011/224 art. 2 (This amendment not applied to legislation.gov.uk. S. 109, sch. 6 already in operation on the day after Royal assent, see s. 111(1)(e))