



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

VALID FROM 04/11/2001

### PART I

#### NAME OF THE POLICE IN NORTHERN IRELAND

##### **1 Name of the police in Northern Ireland.**

- (1) The body of constables known as the Royal Ulster Constabulary shall continue in being as the Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary).
- (2) The body of constables referred to in subsection (1) shall be styled for operational purposes the “Police Service of Northern Ireland”.
- (3) The body of constables known as the Royal Ulster Constabulary Reserve shall continue in being as the Police Service of Northern Ireland Reserve (incorporating the Royal Ulster Constabulary Reserve).
- (4) The body of constables referred to in subsection (3) shall be styled for operational purposes “The Police Service of Northern Ireland Reserve”.

### PART II

#### THE NORTHERN IRELAND POLICING BOARD

##### **2 The Northern Ireland Policing Board.**

- (1) There shall be a body corporate to be known as the Northern Ireland Policing Board (in this Act referred to as “the Board”).
- (2) Schedule 1 shall have effect in relation to the Board.

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- (3) The Police Authority for Northern Ireland is hereby dissolved.
- (4) Schedule 2 (which contains provisions for the transfer of the functions, assets, liabilities and staff of the Police Authority for Northern Ireland to the Board and other supplementary provisions) shall have effect.

#### Commencement Information

- II** S. 2 wholly in force at 4.11.2001; s. 2(2) in force for specified purposes at Royal Assent see S. 79(1)(2); s. 2 wholly in force (4.11.2001) by S.R. 2001/396, art. 2, Sch.

VALID FROM 04/11/2001

### 3 General functions of the Board.

- (1) The Board shall secure the maintenance of the police in Northern Ireland.
- (2) The Board shall secure that—
  - (a) the police,
  - (b) the police support staff, and
  - (c) traffic wardens appointed by the Board under section 71, are efficient and effective.
- (3) In carrying out its functions under subsections (1) and (2) the Board shall—
  - (a) in accordance with the following provisions of this Act, hold the Chief Constable to account for the exercise of his functions and those of the police, the police support staff and traffic wardens;
  - (b) monitor the performance of the police in—
    - (i) carrying out the general duty under section 32(1);
    - (ii) complying with the <sup>MI</sup>Human Rights Act 1998;
    - (iii) carrying out the policing plan;
  - (c) keep itself informed as to—
    - (i) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;
    - (ii) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;
    - (iii) trends and patterns in crimes committed in Northern Ireland;
    - (iv) trends and patterns in recruitment to the police and the police support staff;
    - (v) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;
  - (d) assess—
    - (i) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;

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- (ii) the level of public satisfaction with the performance of the police and of district policing partnerships;
  - (iii) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III in obtaining the views of the public about matters concerning policing and the co-operation of the public with the police in preventing crime;
  - (iv) the effectiveness of the code of ethics issued under section 52;
  - (e) make arrangements for obtaining the co-operation of the public with the police in the prevention of crime.
- (4) In carrying out its functions, the Board shall have regard to—
- (a) the principle that the policing of Northern Ireland is to be conducted in an impartial manner;
  - (b) the policing plan;
  - (c) any code of practice issued by the Secretary of State under section 27; and
  - (d) the need—
    - (i) to co-ordinate its activities with those of other statutory authorities; and
    - (ii) to co-operate with such authorities.

#### Commencement Information

**I2** S. 3 wholly in force at 15.4.2002; s. 3 not in force at Royal Assent see s. 79(1)(2); s. 3 apart from s. 3(3)(d)(iii) in force (4.11.2001) by S.R. 2001/396, art. 2, Sch.; s. 3(3)(d)(iii) in force (15.4.2002) by S.R. 2002/146, art. 2, Sch.

#### Marginal Citations

**M1** 1998 c. 42.

VALID FROM 04/11/2001

#### 4 Police support staff.

- (1) The Board may, subject to the following provisions of this section, employ persons to assist the police.
- (2) Senior employees shall be appointed by the Board—
  - (a) with the approval of the Secretary of State and after consultation with the Chief Constable; and
  - (b) on such terms and conditions as the Board may, with the approval of the Secretary of State, determine.
- (3) Other employees shall be appointed by the Board with the approval of the Secretary of State as to terms and conditions.
- (4) The Board may make arrangements for administrative, secretarial or other assistance to be provided for the police by persons employed in the civil service.

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- (5) The following functions of the Board shall be exercised, on behalf of and in the name of the Board, by the Chief Constable—
- (a) the power to direct and control senior employees of the Board and all other powers and duties of the Board as employer of such employees, other than the power to appoint and dismiss;
  - (b) the power to appoint and dismiss other employees, the power to direct and control such employees and all other powers and duties of the Board as employer of such employees;
  - (c) the power to direct and control persons providing assistance to the police in pursuance of arrangements under subsection (4).
- (6) Persons who—
- (a) are employed by the Board under this section, or
  - (b) are engaged in pursuance of arrangements under subsection (4) in providing assistance to the police,
- are referred to in this Act as the “police support staff”.
- (7) In this section and section 5 “senior employee” means an employee of such class or description as may be specified for the purposes of this section by the Board with the approval of the Secretary of State.

VALID FROM 04/11/2001

## **5 Power to transfer certain staff to employment of Board.**

- (1) The Secretary of State may by regulations provide for the transfer to the employment of the Board of any person to whom this section applies.
- (2) Subject to subsection (3), this section applies to any person who immediately before such date as may be prescribed in regulations under subsection (1) (“the prescribed date”) is—
- (a) employed in the civil service; and
  - (b) engaged, in pursuance of arrangements under section 4(4), in providing assistance to the police.
- (3) This section does not apply to a person if—
- (a) his employment in the civil service terminates on the day immediately before the prescribed date; or
  - (b) he is withdrawn from work with the Board with effect from the prescribed date.
- (4) Subsections (5)(b) and (6) of section 4 shall apply in relation to persons transferred to the employment of the Board under this section as they apply in relation to persons employed by the Board under that section who are not senior employees.
- (5) Before making any regulations under this section the Secretary of State shall consult—
- (a) the Board;
  - (b) the Chief Constable; and

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- (c) such organisations as appear to the Secretary of State to represent the interests of persons affected by the regulations.

VALID FROM 29/10/2001

## **6 Provision and maintenance of buildings and equipment.**

- (1) The Board may provide and maintain buildings and equipment for police purposes.
- (2) The Board may enter into arrangements with any other person for the maintenance, on such terms as the Board may determine, of equipment used by that person; and maintenance of equipment carried out in pursuance of any such arrangements shall be treated for the purposes of this Act as maintenance of equipment for police purposes.
- (3) The powers of the Board under this section shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.
- (4) Nothing in this section confers power to acquire or hold land.
- (5) The power conferred by this section to provide equipment is subject to any regulations under section 40 of the 1998 Act.
- (6) The power conferred by this section to provide buildings or equipment includes power to enter into a contract with another person for the provision or making available of buildings or equipment together with any services relating to such buildings or equipment.

VALID FROM 29/10/2001

## **7 Acquisition and disposal of land by Board.**

- (1) The Board may acquire, hold and dispose of land for police purposes.
- (2) The power of the Board to acquire land includes power to acquire it compulsorily in accordance with subsections (3) and (4).
- (3) Where the Board proposes to acquire any land compulsorily it may apply to the Secretary of State for an order (“a vesting order”) vesting that land in the Board and the Secretary of State may make such an order.
- (4) Schedule 6 to the Local <sup>M2</sup>Government Act (Northern Ireland) 1972 shall apply for the purposes of the acquisition of land by means of a vesting order made under this section as it applies to the acquisition of land by means of a vesting order made under that Act subject to the following modifications—
  - (a) for any reference to the council there shall be substituted a reference to the Board;
  - (b) for any reference to the Ministry concerned there shall be substituted a reference to the Secretary of State;
  - (c) for any reference to that Act there shall be substituted a reference to this Act;
  - (d) in paragraph 6(2) for the words from “the fund” to the end there shall be substituted the words “ funds put at the disposal of the Chief Constable under

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section 10(5) of the Police (Northern Ireland) Act 2000 (in this Schedule referred to as “the compensation fund”), and shall be discharged by payments out of the compensation fund ”; and

- (e) in paragraph 12(2) for “the clerk of the council” there shall be substituted “such person as may be designated for the purposes of this Schedule by the Policing Board ”.

#### Marginal Citations

M2 1972 c. 9 (N.I.).

VALID FROM 04/11/2001

### 8 Provision of advice and assistance to international organisations, etc.

- (1) Subject to the provisions of this section, the Board may provide advice and assistance to—
- (a) an international organisation or institution; or
  - (b) any other person or body engaged outside the United Kingdom in the carrying on of activities similar to any carried on by the Board or the Chief Constable.
- (2) The power conferred on the Board by subsection (1) includes a power to make arrangements under which a police officer is engaged for a period of temporary service with a body or person within paragraph (a) or (b) of that subsection.
- (3) The power conferred by subsection (1) shall not be exercised except with the consent of the Secretary of State which may be given subject to such conditions as appear to him to be appropriate.
- (4) Nothing in this section authorises the Board to provide any financial assistance by making a grant or loan or giving a guarantee or indemnity.
- (5) The Board may make charges for advice or assistance provided by it under this section.
- (6) This section is without prejudice to section 10 of the <sup>M3</sup>Overseas Development and Co-operation Act 1980.

#### Marginal Citations

M3 1980 c. 63.

VALID FROM 04/11/2001

### 9 Grants to, and borrowing by, the Board.

- (1) The Secretary of State shall for each financial year make to the Board a grant for police purposes.

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- (2) A grant under this section—
  - (a) shall be of such amount;
  - (b) shall be paid at such time, or in instalments of such amounts and at such times; and
  - (c) shall be made on such conditions,  
as the Secretary of State may determine.
- (3) A time determined under subsection (2)(b) may fall within or after the financial year concerned.
- (4) Subject to subsections (5), (6) and (8), the Board may borrow, by way of temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require for the purpose of defraying expenses pending the receipt of moneys receivable by the Board.
- (5) The total amount owing of money borrowed under subsection (4) shall not at any time exceed such sum as the Secretary of State may specify to the Board in writing.
- (6) Any sum borrowed under subsection (4) shall be repaid before the end of the financial year in which it is borrowed.
- (7) Subject to subsection (8), the Board may, with the consent of the Secretary of State, borrow or raise money on such terms and subject to such conditions as the Secretary of State may approve upon the security of any property or assets of the Board for all or any of the following purposes—
  - (a) meeting expenses incurred in connection with any permanent work the cost of which is properly chargeable to capital;
  - (b) redeeming any loan previously borrowed or raised under this section; or
  - (c) any other purpose for which capital moneys may properly be applied.
- (8) The Board may not borrow or raise money under this section for any purposes other than police purposes.

VALID FROM 04/11/2001

## **10 Funding for police purposes – ancillary provisions.**

- (1) The Board shall—
  - (a) prepare and submit to the Secretary of State, at such times and in such form as the Secretary of State may direct, estimates of the receipts and payments of the Board for police purposes during such period as may be specified in the direction; and
  - (b) submit to the Secretary of State such other information relating to those estimates as he may require.
- (2) A draft of the estimates of receipts and payments for police purposes shall be submitted by the Chief Constable to the Board.
- (3) The estimates submitted by the Board under subsection (1) shall be either—
  - (a) in the form of the draft submitted under subsection (2); or



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- (b) in that form with such amendments as the Board may, after consultation with the Chief Constable, determine.
- (4) The Board shall comply with such directions as the Secretary of State may give as to the application of moneys received by the Board otherwise than by way of grant under section 9(1) or paragraph 15 of Schedule 1; and to the extent that any statutory provision or any such direction does not require moneys so received to be applied in a particular manner or for a particular purpose, the Board shall apply those moneys for police purposes.
- (5) The Board shall in each financial year put at the disposal of the Chief Constable—
  - (a) an amount equal to the amount of the grant for police purposes received in that year by the Board under section 9(1); and
  - (b) any amount received by the Board in that year which is required to be applied for police purposes—
    - (i) by subsection (4) or directions under that subsection; or
    - (ii) by any other statutory provision.

VALID FROM 04/11/2001

## **11 Charges for special services.**

The Chief Constable may, at the request of any person, provide special police services subject to the payment to the Board of such charges, or charges on such scales, as may be determined by the Board.

VALID FROM 04/11/2001

## **12 Accounts and audit.**

- (1) The Board shall in relation to all amounts put at the Chief Constable's disposal under section 10(5)—
  - (a) keep proper accounts and proper records in relation to the accounts; and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The functions of the Board under subsection (1) shall be exercised, on behalf of and in the name of the Board, by the Chief Constable.
- (3) The statement of accounts shall contain such information and shall be in such form as the Secretary of State may determine.
- (4) The Chief Constable shall submit the statement of accounts to the Board within such period after the end of the financial year to which they relate as the Secretary of State may determine.
- (5) The Board shall send copies of the statement of accounts to the Secretary of State and the Comptroller and Auditor General within such further period as the Secretary of State may determine.
- (6) The Comptroller and Auditor General shall—



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- (a) examine, certify and report on each statement of accounts received by him under this section; and
- (b) lay copies of the statement of accounts and of his report before each House of Parliament.

VALID FROM 04/11/2001

### 13 Rewards for diligence.

The Board may, on the recommendation of the Chief Constable, pay rewards for exceptional diligence or other specially meritorious conduct to—

- (a) police officers;
- (b) members of the police support staff; and
- (c) traffic wardens.

## PART III

### DISTRICT AND COMMUNITY POLICING ARRANGEMENTS

VALID FROM 15/04/2002

#### *District policing partnerships*

### 14 Establishment of district policing partnerships.

- (1) Each district council shall establish for its district a body to be known as the district policing partnership.
- (2) Schedule 3 shall have effect in relation to a district policing partnership.
- (3) In this Part “district council” and “district” (except in the expression “police district”) have the same meanings as in the <sup>M4</sup>Local Government Act (Northern Ireland) 1972.
- (4) In this Part “the district”, in relation to a district policing partnership, means the district of the council by which it is established.
- (5) In this Part—
  - “district commander” means a police officer designated under section 20(3); and
  - “local policing plan” has the meaning given in section 22(1).

#### Marginal Citations

M4 1972 c. 9.

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## **15 Default of council.**

- (1) If the Secretary of State is satisfied that a district council has failed to comply with—
  - (a) section 14(1), or
  - (b) any provision of Schedule 3,
 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 a district 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 that council to such extent as appears to him necessary or expedient to secure that a district policing partnership is duly established for the district of the council.
- (3) An order under subsection (2) may provide for Schedule 3 to have effect in relation to the exercise by the Board of any functions of the district 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 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.

## **16 General functions of district policing partnerships.**

- (1) The functions of a district policing partnership shall be—
  - (a) to provide views to the district commander for any police district which is, or is included in, the district and to the Board on any matter concerning the policing of the district;
  - (b) to monitor the performance of the police in carrying out—
    - (i) the policing plan in relation to the district; and
    - (ii) the local policing plan applying to the district or any part of the district;
  - (c) to make arrangements for obtaining—
    - (i) the views of the public about matters concerning the policing of the 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 district; and
  - (e) such other functions as are conferred on it by any other statutory provision.
- (2) In exercising its functions, a district policing partnership shall have regard to a code of practice under section 19.

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### **17 Annual report by district policing partnership to council.**

- (1) A district policing partnership shall, not later than 3 months after the end of each financial year, submit to the district council a general report on the exercise of its functions during that year.
- (2) When a district policing partnership submits its report under subsection (1), it shall at the same time send a copy of the report to the Board.
- (3) A report under this section shall include details of the arrangements made under section 16(1)(c).
- (4) Before submitting any report under this section, a district policing partnership shall consult the district commander of any police district which is, or is included in, the district.
- (5) The district council shall arrange for a report submitted under this section to be published in such manner as appears to the council to be appropriate.

### **18 Reports by district policing partnership to Board.**

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

### **19 Code of practice for district policing partnerships.**

- (1) The Board shall issue, and may from time to time revise, a code of practice containing guidance as to the exercise by district policing partnerships of their functions.
- (2) The Board shall obtain the agreement of the Secretary of State before issuing a code of practice, or revised code of practice, under this section.
- (3) Before issuing or revising a code of practice under this section the Board shall consult—
  - (a) district councils; and
  - (b) the Chief Constable.
- (4) The code of practice under this section may in particular include provisions concerning—
  - (a) the procedures for meetings of a district policing partnership;
  - (b) the holding of public meetings by a district policing partnership;
  - (c) the arrangements for giving notice of meetings, and in particular for the giving of such notice to district commanders and to the public;

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- (d) the arrangements for the submission by or to a district policing partnership of reports and other documents;
  - (e) the arrangements for enabling questions on the discharge by police officers of their functions in the district to be put by members of the district policing partnership for answer by the district commander of any police district which is, or is included in, the district or a police officer nominated by him for the purpose;
  - (f) the arrangements for the monitoring of the performance of the police in carrying out—
    - (i) the policing plan in relation to the district; and
    - (ii) the local policing plan applying to the district or any part of the district;
  - (g) the arrangements to be made by a district policing partnership as a result of section 16(1)(c);
  - (h) the arrangements for dealings with the Board.
- (5) The Board shall arrange for any code of practice issued or revised under this section to be published in such manner as appears to it to be appropriate.

VALID FROM 30/03/2001

*Police districts*

**20 Police districts.**

- (1) Each district, other than Belfast, shall be a police district.
- (2) In the district of Belfast there shall be such number of police districts (not exceeding 4), as may be determined by the Chief Constable; and each such police district shall consist of such area as may be so determined.
- (3) For each police district the Chief Constable shall designate as district commander a police officer of the required rank.
- (4) In any statutory provision—
  - (a) for any reference to a police sub-division there shall be substituted a reference to a police district established under this section;
  - (b) for any reference to a sub-divisional commander there shall be substituted a reference to a district commander designated under this section.
- (5) “Required rank” means a rank not less than that of chief inspector.

VALID FROM 15/04/2002

**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).

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- (2) The function of each sub-group shall be 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.
- (3) Each sub-group shall consist of at least six members of the partnership.
- (4) The members of a sub-group shall be appointed by the partnership.
- (5) The members of a sub-group shall appoint a member to act as chairman of the sub-group.
- (6) If they are unable to agree on whom to appoint as chairman, the partnership shall appoint the chairman.
- (7) The code issued under section 19 may contain guidance as to the exercise by sub-groups of their functions.

VALID FROM 15/04/2002

## **22 The local policing plan.**

- (1) Each district commander shall issue, and may from time to time revise, a plan ("the local policing plan") setting out the proposed arrangements for the policing of the police district.
- (2) The local policing plan may relate to matters to which the policing plan also relates, or to other matters, but in any event shall be so framed as to be consistent with the policing plan.
- (3) Before issuing or revising a local policing plan, the district commander shall consult the district policing partnership whose district is, or includes, the police district and take account of any views expressed.
- (4) The district commander shall arrange for the local policing plan issued or revised under this section to be published in such manner as appears to him to be appropriate.

VALID FROM 15/04/2002

### *Other community policing arrangements*

## **23 Other community policing arrangements.**

- (1) A district policing partnership may, with the approval of the Board, make arrangements to facilitate consultation by the police with any local community within the district.
- (2) Where it appears to the Board that a district policing partnership has not made satisfactory arrangements under subsection (1) in relation to any local community,

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the Board may, after consultation with the district policing partnership, make arrangements to facilitate consultation by the police with that community.

- (3) Arrangements made under subsection (1) or (2) may include the establishment of bodies.
- (4) The Board may defray the reasonable expenses of any body established by virtue of subsection (3).
- (5) Before making any arrangements under this section a district policing partnership or the Board shall consult the Chief Constable as to the arrangements that would be appropriate.

VALID FROM 04/11/2001

## PART IV

### POLICING OBJECTIVES, PLANS AND CODES OF PRACTICE

#### **24 The Secretary of State's long term policing objectives.**

- (1) The Secretary of State may determine, and from time to time revise, long term objectives for the policing of Northern Ireland.
- (2) Before determining or revising any objectives under this section, the Secretary of State shall consult—
  - (a) the Board;
  - (b) the Chief Constable; and
  - (c) such other persons as he thinks appropriate.
- (3) The Secretary of State shall lay before each House of Parliament a statement of any objectives determined or revised under this section.

#### **25 The Board's policing objectives.**

- (1) The Board shall determine, and may from time to time revise, objectives for the policing of Northern Ireland.
- (2) Objectives under this section may relate to matters to which objectives under section 24 also relate, or to other matters, but in any event shall be so framed as to be consistent with the objectives under that section.
- (3) Before determining or revising objectives under this section, the Board shall—
  - (a) consult the Chief Constable and the district policing partnerships; and
  - (b) consider—
    - (i) any reports received by the Board under section 17 or 18; and
    - (ii) any views of the public obtained under arrangements made under Part III.

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## **26 The Board’s policing plan.**

- (1) The Board shall, before the beginning of each financial year, issue a plan (“the policing plan”) setting out proposed arrangements for the policing of Northern Ireland.
- (2) The policing plan shall—
  - (a) contain an assessment of the requirements for educating and training police officers and members of the police support staff and give particulars of the way in which those requirements are to be met; and
  - (b) include such other statements and give particulars of such other matters as may be prescribed by regulations made by the Secretary of State.
- (3) Before making regulations under subsection (2)(b), the Secretary of State shall consult the Board and the Chief Constable.
- (4) A draft of the policing plan shall be submitted by the Chief Constable to the Board for it to consider.
- (5) The Board may adopt a policing plan either—
  - (a) in the form of the draft submitted under subsection (4); or
  - (b) with such amendments as the Board may, after consultation with the Chief Constable, determine.
- (6) Before issuing a policing plan adopted under subsection (5), the Board shall consult the Secretary of State.
- (7) The Board shall arrange for the policing plan issued under this section to be published in such manner as appears to the Board to be appropriate.

## **27 Codes of practice on exercise of functions.**

- (1) The Secretary of State may issue, and from time to time revise, codes of practice relating to the discharge—
  - (a) by the Board of any of its functions;
  - (b) by the Chief Constable of any functions which he exercises—
    - (i) on behalf of and in the name of the Board;
    - (ii) in relation to funds put at his disposal under section 10(5); or
    - (iii) under section 26 or Part V.
- (2) Before issuing or revising a code of practice under this section, the Secretary of State shall consult—
  - (a) the Board;
  - (b) the Chief Constable; and
  - (c) such other persons or bodies as the Secretary of State considers appropriate.
- (3) The Secretary of State shall publish any code of practice issued or revised under this section in such manner as he thinks appropriate.



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VALID FROM 28/02/2003

## PART V

### ECONOMY, EFFICIENCY AND EFFECTIVENESS

#### **28 Arrangements relating to economy, efficiency and effectiveness.**

- (1) The Board shall make arrangements to secure continuous improvement in the way in which its functions, and those of the Chief Constable, are exercised, having regard to a combination of economy, efficiency and effectiveness.
- (2) The arrangements shall require the Board to conduct, at intervals specified in the arrangements, reviews of the way in which its functions are exercised.
- (3) The Board shall, in making arrangements which relate to the functions of the Chief Constable, involve him in the making of those arrangements.
- (4) The Board shall prepare and publish a plan (its “performance plan”) for each financial year containing details of how the arrangements made under subsection (1) in that year are to be implemented.
- (5) The performance plan shall—
  - (a) identify factors (“performance indicators”) by reference to which performance in exercising functions can be measured;
  - (b) set standards (“performance standards”) to be met in the exercise of particular functions in relation to performance indicators; and
  - (c) include a summary of the Board’s assessment of—
    - (i) its and the Chief Constable’s performance in the previous financial year measured by reference to performance indicators;
    - (ii) the extent to which any performance standard which applied at any time during that year was met.
- (6) Before publishing its performance plan, the Board must consult the Secretary of State and the Chief Constable.
- (7) In this Part—
 

“performance indicators” and “performance standards” have the meaning given in subsection (5); and

“performance plan” means a plan published by the Board under subsection (4).

#### **29 Audit of performance plans.**

- (1) A performance plan shall be audited by the Comptroller and Auditor General.
- (2) An audit of a performance plan is an examination for the purpose of establishing whether the plan was prepared and published in accordance with the requirements of section 28.

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- (3) Section 8 of the <sup>M5</sup>National Audit Act 1983 (right of Comptroller and Auditor General to obtain documents and information) applies in relation to an examination under this section as it applies to an examination under section 6 or 7 of that Act.
- (4) In relation to a performance plan, the Comptroller and Auditor General shall issue a report—
  - (a) certifying that he has audited the plan;
  - (b) stating whether he believes that it was prepared and published in accordance with the requirements of section 28;
  - (c) stating whether he believes that the performance indicators and performance standards are reasonable and, if appropriate, recommending changes to those performance indicators or performance standards;
  - (d) if appropriate, recommending how it should be amended so as to accord with the requirements of section 28;
  - (e) recommending whether the Secretary of State should give a direction under section 31(2)(a) or (b).
- (5) The Comptroller and Auditor General shall send a copy of every report under this section to—
  - (a) the Board;
  - (b) the Chief Constable; and
  - (c) the Secretary of State.
- (6) The Comptroller and Auditor General shall publish any report under this section on the audit of a performance plan.
- (7) Subsections (8) to (11) apply if the Board receives a report which contains a recommendation made under paragraph (c), (d) or (e) of subsection (4).
- (8) Within the period of one month beginning on the day on which it receives the report, the Board shall prepare a statement.
- (9) The Board shall consult the Chief Constable about the report and the statement it is required to prepare under subsection (8).
- (10) The Board shall, without delay, submit the statement it has prepared to the Secretary of State and the Comptroller and Auditor General.
- (11) The statement shall—
  - (a) specify the action, if any, which the Board, or the Chief Constable, intend to take as a result of the report;
  - (b) contain a summary of the result of the consultation required by subsection (9).

#### Marginal Citations

M5 1983 c. 44.

### 30 Examinations.

- (1) The Comptroller and Auditor General may carry out an examination of the Board's compliance with the requirements of section 28.

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- (2) If the Secretary of State directs the Comptroller and Auditor General to carry out an examination of the Board's compliance with the requirements of section 28 in relation to specified functions, the Comptroller and Auditor General shall comply with the direction.
- (3) Before giving a direction under subsection (2), the Secretary of State shall consult the Comptroller and Auditor General.
- (4) Section 8 of the National Audit Act 1983 (right of Comptroller and Auditor General to obtain documents and information) applies in relation to an examination under this section as it applies to an examination under section 6 or 7 of that Act.
- (5) Where the Comptroller and Auditor General has carried out an examination under this section he shall issue a report.
- (6) A report—
  - (a) shall mention any matter in respect of which the Comptroller and Auditor General believes as a result of the examination that the Board is failing to comply with the requirements of section 28;
  - (b) may, if it mentions a matter under paragraph (a), recommend that the Secretary of State give a direction under section 31(2)(a) or (b).
- (7) The Comptroller and Auditor General shall send a copy of every report under this section to—
  - (a) the Board;
  - (b) the Chief Constable; and
  - (c) the Secretary of State.
- (8) The Comptroller and Auditor General shall lay copies of every report under this section before each House of Parliament.
- (9) In section 41 of the 1998 Act (inspectors of constabulary) for subsection (4) there shall be substituted—
 

“(4) The inspectors shall—

  - (a) if the Secretary of State so directs, carry out an inspection of the Board's compliance with the requirements of section 28 of the Police (Northern Ireland) Act 2000;
  - (b) carry out such other duties for the purpose of furthering the efficiency and effectiveness of the police, the police support staff and traffic wardens as the Secretary of State may from time to time direct;
  - (c) make such reports as the Secretary of State may from time to time direct.”
- (10) In section 42(1) of the 1998 Act (publication of certain reports of inspectors) after “under section 41(2) or (3)” there shall be inserted “ and any report of an inspection under section 41(4)(a) ”.

### **31 Enforcement of duties under section 28.**

- (1) Subsection (2) applies if the Secretary of State has received a report under section 29(4) or 30(5) of this Act, or section 41(4) of the 1998 Act, and he is satisfied that—

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- (a) the Board is failing to comply with the requirements of section 28; or
  - (b) it is appropriate to change performance indicators or performance standards contained in a performance plan.
- (2) Subject to subsection (3), the Secretary of State may direct the Board—
- (a) to take any action which he considers necessary or expedient to secure compliance with the requirement of section 28; or
  - (b) to make such changes to the performance indicators or performance standards mentioned in subsection (1)(b) as he considers appropriate.
- (3) Before giving a direction under subsection (2)(a) or (b) following a recommendation contained in a report by virtue of paragraph (c), (d) or (e) of subsection (4) of section 29, the Secretary of State shall have regard to any statement submitted to him under subsection (10) of that section before the expiry of the period mentioned in subsection (8) of that section.

## PART VI

### THE POLICE

VALID FROM 04/11/2001

#### *General functions*

#### **32 General functions of the police.**

- (1) It shall be the general duty of police officers—
- (a) to protect life and property;
  - (b) to preserve order;
  - (c) to prevent the commission of offences;
  - (d) where an offence has been committed, to take measures to bring the offender to justice.
- (2) A police officer shall have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom waters.
- (3) In subsection (2)—
- (a) the reference to the powers and privileges of a constable is a reference to all the powers and privileges for the time being exercisable by a constable whether at common law or under any statutory provision,
  - (b) “United Kingdom waters” means the sea and other waters within the seaward limits of the territorial sea,
- and that subsection, so far as it relates to the powers under any statutory provision, makes them exercisable throughout the adjacent United Kingdom waters whether or not the statutory provision applies to those waters apart from that subsection.
- (4) In carrying out their functions, police officers shall be guided by the code of ethics under section 52.

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- (5) Police officers shall, so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

### **33 General functions of Chief Constable.**

- (1) The police shall be under the direction and control of the Chief Constable.
- (2) In discharging his functions, the Chief Constable shall have regard to—
- (a) the policing plan; and
  - (b) any code of practice under section 27.

### **34 Exercise of functions of Chief Constable in cases of absence, incapacity, etc.**

- (1) There shall be a deputy Chief Constable who may exercise all the functions of the Chief Constable—
- (a) during any absence, incapacity or suspension from duty of the Chief Constable; or
  - (b) during any vacancy in the office of Chief Constable.
- (2) The deputy Chief Constable shall not have power to act by virtue of subsection (1) for a continuous period exceeding 3 months except with the consent of the Secretary of State.
- (3) Subsection (1) is in addition to, and not in substitution for, any other statutory provision which makes provision for the exercise by any other person of functions of the Chief Constable.

### **35 Appointment and removal of senior officers.**

- (1) The Board shall, subject to the approval of the Secretary of State, appoint the Chief Constable.
- (2) The Board shall, subject to the approval of the Secretary of State and after consultation with the Chief Constable, appoint the other senior officers.
- (3) The Board—
- (a) may, with the approval of the Secretary of State, call upon any senior officer to retire in the interests of efficiency or effectiveness; and
  - (b) shall, if required by the Secretary of State, call upon the Chief Constable so to retire.
- (4) Before granting his approval under subsection (3)(a) or making any requirement under subsection (3)(b), the Secretary of State shall—
- (a) give the officer concerned an opportunity to make, either personally or otherwise, representations to him; and
  - (b) where any such representations are made—
    - (i) appoint a person or persons to hold an inquiry and to report to him; and
    - (ii) consider any report so made.
- (5) A copy of any report made under subsection (4) shall be made available to the officer concerned.

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- (6) The person appointed under subsection (4)(b) (or where two or more persons are so appointed, at least one of those persons) shall be a person who is not a police officer or a person employed in the civil service.
- (7) The costs incurred in respect of an inquiry under this section shall be defrayed by the Secretary of State.
- (8) A senior officer who is called upon to retire under this section shall retire—
  - (a) in the case of the Chief Constable, on such date as the Secretary of State may specify; and
  - (b) in the case of any other senior officer, on such date as the Board may specify, or (in either case) on such earlier date as may be agreed between the officer and the Board.
- (9) This section has effect subject to any regulations made under section 25 of the 1998 Act.

### **36 Appointment and promotion of other police officers in the Police Service of Northern Ireland.**

- (1) This section applies to the Police Service of Northern Ireland.
- (2) Subject to subsection (3), appointments and promotions to any rank other than that of a senior officer shall be made, in accordance with regulations under section 25 of the 1998 Act, by the Chief Constable.
- (3) A person shall not be appointed to the rank of constable unless he has—
  - (a) completed such period of service as a trainee (a “police trainee”) as may be prescribed by regulations under section 41(3); and
  - (b) complied with such other conditions relating to training as may be so prescribed.

### **37 Appointments to the Police Service of Northern Ireland Reserve.**

- (1) This section applies to the Police Service of Northern Ireland Reserve.
- (2) Subject to subsection (3), the Chief Constable shall, in accordance with regulations under section 26 of the 1998 Act, appoint its members.
- (3) A person shall not be appointed as a reserve constable unless he has—
  - (a) completed such period of service as a trainee (a “police reserve trainee”) as may be prescribed by regulations under section 41(3); and
  - (b) complied with such other conditions relating to training as may be so prescribed.

### **38 Attestation of constables.**

- (1) Every police officer shall, on appointment, be attested as a constable by making before a justice of the peace a declaration in the following form—

“I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according

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equal respect to all individuals and their traditions and beliefs; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.”

- (2) The Chief Constable shall take such steps as he considers necessary—
- (a) to bring the terms of the declaration to the attention of all police officers appointed before the coming into force of this section; and
  - (b) to ensure that they understand it and understand the need to carry out their duties in accordance with it.
- (3) “Traditions and beliefs” does not include a tradition or belief so far as it is incompatible with the rule of law.

VALID FROM 30/03/2001

### *Trainees and cadets*

#### **39 Appointment of police trainees.**

The Chief Constable shall, in accordance with regulations under section 41(3), appoint police trainees.

#### **40 Appointment of police reserve trainees.**

The Chief Constable shall, in accordance with regulations under section 41(3), appoint police reserve trainees.

#### **41 Status etc. of trainees.**

- (1) The following provisions of the Police Acts (and no others) shall apply to a police trainee and a police reserve trainee as they apply to a police officer—
- (a) in the 1998 Act—
    - (i) section 29 (liability of Chief Constable for wrongful acts);
    - (ii) section 32 (representation by Police Association);
    - (iii) section 35 (membership of trade unions);
    - (iv) section 67 (impersonation);
    - (v) section 68 (causing disaffection);
  - (b) in this Act—
    - (i) section 33(1) (direction and control by Chief Constable);
    - (ii) section 51 (notifiable memberships).
- (2) Any statutory provision (including one amended by Schedule 5) which for any purpose treats a police officer as being in the employment of the Chief Constable or the Policing Board shall apply in relation to a police trainee and a police reserve trainee as it applies in relation to a police officer.
- (3) The Secretary of State may make regulations as to the government, administration and conditions of service of police trainees and police reserve trainees.
- (4) Regulations under subsection (3) may—



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- (a) provide for the application to police trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 25 of the 1998 Act;
  - (b) provide for the application to police reserve trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 26 of the 1998 Act.
- (5) In relation to any matter as to which provision may be made by regulations under subsection (3), the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Board, the Chief Constable or other persons; or
  - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.
- (6) The Secretary of State shall consult both the Board and the Police Association before making any regulations under subsection (3).

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

- C1** S. 41 restricted by S.I. 1976/1042 (N.I. 15), **art. 84(2)** (as inserted (4.11.2001) by 2000 c. 32, s. 74(a), **Sch. 5 para. 1(4)**); S.R. 2001/396, art. 2, **Sch.**)  
S. 41 modified (*temp.*) (30.7.2001) by S.I. 2001/2513, **art. 2**

VALID FROM 04/11/2001

**42 Police cadets.**

- (1) The Board may, with the approval of the Chief Constable, appoint persons as police cadets to undergo training with a view to becoming police officers.
- (2) Police cadets shall be appointed on such terms and conditions as the Secretary of State may determine.
- (3) Police cadets shall be subject to the direction and control of, and subject to dismissal by, the Chief Constable.

*Recruitment arrangements*

**43 Contracting-out of certain recruitment functions of Chief Constable.**

- (1) The Chief Constable may, in accordance with regulations made by the Secretary of State, appoint a person to exercise prescribed functions of the Chief Constable in connection with the recruitment of persons other than—
  - (a) senior officers; and
  - (b) members of the police support staff appointed under section 4(2).
- (2) Before making any regulations under subsection (1), the Secretary of State shall consult—
  - (a) the Board;

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- (b) the Chief Constable;
  - (c) the Equality Commission for Northern Ireland; and
  - (d) the Police Association.
- (3) Regulations under subsection (1)—
- (a) shall provide for the appointment of a person under that subsection to be made on such terms and conditions (including conditions as to payment) as may be determined in accordance with the regulations;
  - (b) may impose on any person appointed under that subsection such duties as appear to the Secretary of State to be necessary or expedient in connection with the exercise by that person of any prescribed functions of the Chief Constable.
- (4) Anything done or omitted to be done by or in relation to a person appointed under subsection (1) (or an employee of his) in, or in connection with, the exercise or purported exercise of any prescribed functions of the Chief Constable shall be treated for all purposes as done or omitted to be done by or in relation to the Chief Constable.
- (5) Subsection (4) does not apply—
- (a) for the purposes of so much of any contract made between the Chief Constable and the person appointed under subsection (1) as relates to the exercise of any prescribed functions of the Chief Constable; or
  - (b) for the purpose of any criminal proceedings brought in respect of anything done or omitted to be done by the person appointed under subsection (1) (or an employee of his).
- (6) In this section “prescribed” means prescribed by regulations under subsection (1).
- (7) Nothing in this section affects any other power which the Chief Constable has to enter into arrangements concerning the discharge of functions of his which are not prescribed under subsection (1).

#### **44 Recruitment arrangements: trainees and support staff.**

- (1) The Secretary of State shall by regulations prescribe the arrangements to be made, by the Chief Constable or a person appointed under section 43(1), for the recruitment of persons for appointment—
- (a) as police trainees;
  - (b) as police reserve trainees; and
  - (c) under section 4(3) to posts in the police support staff.
- (2) Before making any regulations under subsection (1) the Secretary of State shall consult—
- (a) the Board;
  - (b) the Chief Constable;
  - (c) the Equality Commission for Northern Ireland; and
  - (d) the Police Association.
- (3) The regulations shall include provision for—
- (a) the advertising of vacancies;
  - (b) the information to be provided by applicants;
  - (c) the tests to be undertaken by applicants;

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- (d) the vetting of applicants;
  - (e) the review, in prescribed circumstances, of decisions taken under the regulations;
  - (f) prescribed functions under the regulations to be exercised by persons who are, or include, persons who are not, and have not at any time been—
    - (i) police officers;
    - (ii) members of the police support staff; or
    - (iii) members of the Board.
- (4) In making regulations under this section, the Secretary of State shall have regard, in particular, to the need to secure that information is not disclosed contrary to the public interest.
- (5) In relation to the recruitment of persons for appointment as police trainees, the regulations shall include provision for the selection of qualified applicants to form a pool of applicants for the purposes of section 46(1).
- (6) In relation to the recruitment of persons for appointment under section 4(3) to relevant posts in the police support staff, the regulations shall include provision for the selection of qualified applicants to form a pool of applicants for the purposes of section 46(5).
- (7) For the purposes of subsection (6) and section 46(5) a post in the police support staff is a relevant post if at the time the vacancy for that post is advertised it appears to the Chief Constable that it is one of at least 6 vacancies for posts in the police support staff which are—
- (a) at the same level; and
  - (b) to be filled at or about the same time.
- (8) In this section “prescribed” means prescribed by regulations under subsection (1).

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

- C2** S. 44(5)-(7) shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C3** S. 44(5)-(7) continued (30.3.2004) (temp. until 28.3.2007) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2004 \(S.R. 2004/114\)](#), **art. 2**
- C4** S. 44(5)-(7) continued (29.3.2007) (temp. from 28.3.2007 until 28.3.2010) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2007 \(S.R. 2007/214\)](#), **arts. 1, 2**

VALID FROM 04/11/2001

#### 45 Recruitment arrangements: other ranks.

- (1) In exercising its functions in relation to the appointment of senior officers, the Board shall take such steps as it considers necessary to encourage applications for appointment from suitably qualified external candidates.
- (2) In exercising his functions in relation to the appointment of police officers (other than senior officers), the Chief Constable shall take such steps as he considers necessary to encourage applications for appointment from suitably qualified external candidates.

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(3) In complying with subsections (1) and (2), the Board and the Chief Constable shall have regard to the progress which has been made towards securing that membership of the police is representative of the community in Northern Ireland.

(4) “Suitably qualified external candidates” means candidates who—

- (a) are not currently serving in the police; and
- (b) satisfy the qualifications for appointment which—
  - (i) are prescribed in regulations made under section 25 or 26 of the 1998 Act; or
  - (ii) are otherwise determined for the rank in question.

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

- C5** S. 45 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.

#### *Temporary provisions concerning composition of the police*

VALID FROM 30/03/2001

#### **46 Discrimination in appointments.**

- (1) In making appointments under section 39 on any occasion, the Chief Constable shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(5) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and
  - (b) one half shall be persons who are not so treated.
- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (1) in its application to the making of appointments under section 39 on any occasion specified in the order.
- (3) The Secretary of State shall not make an order under subsection (2) in relation to the making of appointments under section 39 on any occasion unless he is satisfied that—
- (a) were those appointments to be made in compliance with subsection (1) (as originally enacted) the number of police trainees which the Chief Constable requires to be appointed on that occasion could not be appointed; or
  - (b) one or more orders under subsection (2) have been made in the previous three years and he considers that it is appropriate to make the order for the purpose of redressing, or partially redressing, the imbalance occurring during that period.
- (4) No order may be made under subsection (2) as a result of subsection (3)(b) which has the effect, as respects an occasion specified in the order, of requiring more than three-quarters of the persons appointed on that occasion to be—
- (a) the persons who are treated as Roman Catholic; or
  - (b) the persons who are not so treated.

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- (5) In making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall appoint from the pool of qualified applicants formed for that purpose by virtue of section 44(6) an even number of persons of whom—
  - (a) one half shall be persons who are treated as Roman Catholic; and
  - (b) one half shall be persons who are not so treated.
- (6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend subsection (5) in its application to the making of appointments under section 4 on any occasion specified in the order.
- (7) The Secretary of State shall not make an order under subsection (6) in relation to the making of appointments under section 4 on any occasion unless he is satisfied that were those appointments to be made in compliance with subsection (5) (as originally enacted) the number of police support staff which the Chief Constable requires to be appointed on that occasion could not be appointed.
- (8) In subsections (1), (4) and (5) “treated as Roman Catholic” means treated by the Chief Constable in accordance with the Monitoring Regulations as belonging to the Roman Catholic community in Northern Ireland.
- (9) In subsection (8) “the Monitoring Regulations” means the <sup>M6</sup>Fair Employment (Monitoring) Regulations (Northern Ireland) 1999 or any regulations replacing those regulations and for the time being in operation.
- (10) In Part VIII of the Fair <sup>M7</sup>Employment and Treatment (Northern Ireland) Order 1998 (exceptions) after Article 71 there shall be inserted—

**“71A The police and the police support staff**

- (1) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
  - (2) Nothing in Part III or V shall render unlawful anything done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).
  - (3) The application of any requirement or condition to any person applying for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve on a part-time basis where the requirement or condition is one that the person applying is resident in a particular area is not by virtue of Article 3(2) unlawful under any provision of Part III or V.”
- (11) In Part VI of the <sup>M8</sup>Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

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#### “40A The Police Service of Northern Ireland and the police support staff

- (1) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(1) of the Police (Northern Ireland) Act 2000 (selection of persons for appointment as police trainees).
- (2) Nothing in Parts II to IV shall render unlawful any act done by the Chief Constable in order to comply with the requirements of section 46(5) of the Police (Northern Ireland) Act 2000 (selection of persons for certain posts in police support staff).”

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

- C6** S. 46 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.

#### Marginal Citations

- M6** SR 1999 No. 148.  
**M7** 1998 NI 21.  
**M8** 1997 NI 6.

VALID FROM 30/03/2001

#### 47 Expiry, renewal and repeal of temporary provisions.

- (1) In this section “the temporary provisions” means—
  - (a) Article 40A of the Race Relations (Northern Ireland) Order 1997;
  - (b) Article 71A of the Fair Employment and Treatment (Northern Ireland) Order 1998;
  - (c) section 44(5) to (7);
  - (d) section 45; and
  - (e) section 46.
- (2) The temporary provisions shall, subject to subsection (3), expire on the third anniversary of the commencement date.
- (3) The Secretary of State may by order provide that all or any of the temporary provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding three years from the coming into operation of the order.
- (4) In deciding whether and, if so, how to exercise his powers under subsection (3), the Secretary of State shall—
  - (a) have regard to the progress that has been made towards securing that membership of the police and the police support staff is representative of the community in Northern Ireland; and
  - (b) consult the Board and take into account any recommendations made to him by the Board.

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(5) In this section “the commencement date” means the day appointed under section 79 for the coming into force of this section.

VALID FROM 04/11/2001

#### **48 Action plans.**

- (1) The Board shall make, and from time to time revise, a plan (its “action plan”) for monitoring the number of women in—
  - (a) the police,
  - (b) the police support staff, and
  - (c) the Board’s staff,
 and, if they are under-represented, for increasing that number.
- (2) The Chief Constable shall, if requested to do so by the Board, prepare and submit to the Board a draft plan for monitoring the number of women in the police and, if they are under-represented, for increasing that number.
- (3) The Board may adopt the draft submitted to it under subsection (2) as part of its action plan, either—
  - (a) as submitted; or
  - (b) with such amendments as the Board may determine, after consultation with the Chief Constable.
- (4) Before making or revising its action plan, the Board shall consult—
  - (a) the Equality Commission for Northern Ireland;
  - (b) the Chief Constable; and
  - (c) the Secretary of State.
- (5) The Board may publish its action plan in such manner as it thinks appropriate.

#### **49 Severance arrangements.**

- (1) Regulations under section 25(2)(k) of the 1998 Act (pensions and gratuities in respect of service) may make special provision in respect of persons (“eligible persons”) who—
  - (a) cease to be police officers serving in the Police Service of Northern Ireland at any time within a period prescribed by the regulations; and
  - (b) comply with such conditions as may be so prescribed.
- (2) The period prescribed under subsection (1)(a) may be a period commencing before the coming into force of this section.
- (3) The special provision which may be made by such regulations includes provision modifying the <sup>M9</sup>Royal Ulster Constabulary Pensions Regulations 1988 in their application to eligible persons so as to—
  - (a) increase the amount of any pension or gratuity which would otherwise be payable to such persons under those Regulations;



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- (b) remove or relax any condition which would otherwise apply as to the entitlement of such persons to any pension or gratuity under those Regulations;
  - (c) alter the time at or from which any pension or gratuity would otherwise be payable to such persons under those Regulations;
  - (d) provide for the making of payments to such persons which would otherwise not be made under those Regulations.
- (4) Section 62(3) of the <sup>M10</sup>Police Act 1996 (no regulations relating to pensions to be made under section 25 of the 1998 Act, except after consultation with the Police Negotiating Board for the United Kingdom) shall not apply in relation to regulations made by virtue of this section.
- (5) In section 26(2)(g) of the 1998 Act (application to reserve constables of provision with respect to pensions made under section 25 of that Act)—
- (a) after “pensions” insert “ or gratuities ”;
  - (b) the reference to provision made under section 25 of the 1998 Act includes reference to provision made by virtue of this section.

#### Marginal Citations

**M9** SR 1988/374.

**M10** 1996 c. 16.

VALID FROM 30/03/2001

#### General

#### 50 Service by members of the Police Service of Northern Ireland Reserve with other police services.

In section 27 of the 1998 Act (engagement on other police service) at the end there shall be added—

- “(9) The preceding provisions of this section apply to a police officer serving in the Police Service of Northern Ireland Reserve as they apply to a police officer serving in the Police Service of Northern Ireland, but with the substitution—
- (a) for references to the Police Service of Northern Ireland of references to the Police Service of Northern Ireland Reserve;
  - (b) for the references in subsection (3) to section 25 of references to section 26; and
  - (c) for the reference in subsection (5) to section 25(3) of a reference to section 26(3).”

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VALID FROM 04/11/2001

## **51 Notifiable memberships.**

- (1) For the purposes of this section, a police officer has a notifiable membership if membership of the organisation in question might reasonably be regarded as affecting the officer's ability to discharge his duties effectively and impartially.
- (2) The Chief Constable may give guidance to police officers in connection with notifiable memberships.
- (3) Before issuing any guidance under subsection (2), the Chief Constable shall consult—
  - (a) the Board;
  - (b) the Secretary of State; and
  - (c) the Northern Ireland Human Rights Commission.
- (4) The Chief Constable shall publish any guidance issued under subsection (2).
- (5) The Chief Constable shall require each police officer to inform him—
  - (a) of any notifiable membership which that police officer believes he has; or
  - (b) if he believes he has no notifiable memberships, of that belief.
- (6) In imposing a requirement on a police officer under subsection (5) the Chief Constable shall—
  - (a) draw the attention of that officer to the provisions of this section; and
  - (b) give a general explanation of the purposes for which the information required may lawfully be used.
- (7) The Chief Constable—
  - (a) shall, subject to paragraphs (b) and (c), retain information received under this section for so long as the person to whom it relates remains a police officer;
  - (b) shall amend that information where the police officer to whom it relates informs the Chief Constable that there has been a change in his notifiable memberships; and
  - (c) shall destroy the information within one year from the date on which the person to whom it relates ceases to be a police officer.
- (8) No information received by the Chief Constable under this section is to be disclosed unless the person making the disclosure is a person to whom this subsection applies and the disclosure is made—
  - (a) to the Ombudsman or an officer of the Ombudsman or to any other person in connection with the exercise of any function of the Ombudsman;
  - (b) as permitted by section 63 of the 1998 Act;
  - (c) to the Board in connection with the exercise of any of its functions;
  - (d) for the purposes of any criminal, civil or disciplinary proceedings;
  - (e) in the form of a summary or other general statement which does not identify any person to whom the information relates;
  - (f) to, or with the consent of, the person to whom the information relates; or
  - (g) to another person to whom this subsection applies.

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- (9) Subsection (8) applies to—
- (a) the Chief Constable;
  - (b) a police officer engaged in carrying out on behalf of the Chief Constable his functions under this section;
  - (c) the Board, each of its members and the members of its staff; and
  - (d) a member of the police support staff engaged in carrying out on behalf of the Chief Constable his functions under this section.
- (10) Any person who discloses information in contravention of subsection (8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) It is a defence for a person charged with an offence under subsection (10) to show that, before the disclosure was made, he obtained the information otherwise than in his capacity as a person to whom subsection (8) applies.
- (12) But subsection (11) does not provide a defence if it is shown that the person concerned used his position as a person to whom subsection (8) applies in order to obtain the information.
- (13) The annual report of the Chief Constable under section 58 shall contain statistical information on the notifiable memberships of police officers of which he has been informed under this section.
- (14) For the purposes of this section a person is a member of an organisation if he belongs to it by virtue of his admission to any sort of membership provided for by its constitution.

VALID FROM 04/11/2001

## **52 Code of ethics.**

- (1) The Board shall issue, and may from time to time revise, a code of ethics for the purpose of—
- (a) laying down standards of conduct and practice for police officers;
  - (b) making police officers aware of the rights and obligations arising out of the Convention rights (within the meaning of the Human Rights Act 1998).
- (2) In preparing the code, the Chief Constable and the Board shall have regard to the terms of the declaration set out in section 38(1).
- (3) A draft of the code shall be submitted by the Chief Constable to the Board for it to consider.
- (4) The Board may adopt the draft code—
- (a) as submitted by the Chief Constable; or
  - (b) with such amendments as the Board may determine, after consultation with the Chief Constable.
- (5) Before issuing or revising the code the Board shall consult—
- (a) the Police Association;
  - (b) the Secretary of State;

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- (c) the Ombudsman;
  - (d) the Northern Ireland Human Rights Commission;
  - (e) the Equality Commission for Northern Ireland; and
  - (f) any other person or body appearing to the Board to have an interest in the matter.
- (6) After consulting under subsection (5), the Board may make such further amendments to the draft code as it may determine, after consultation with the Chief Constable.
- (7) The Board shall publish any code of ethics issued or revised under this section in such manner as it thinks appropriate.
- (8) The Chief Constable shall take such steps as he considers necessary to ensure—
- (a) that all police officers have read and understood the code as currently in force; and
  - (b) that a record is made and kept of the steps taken in relation to each officer.
- (9) In order to enable it to carry out its function under section 3(3)(d)(iv), the Board shall keep under review the steps taken by the Chief Constable under subsection (8).
- (10) The Secretary of State shall, so far as practicable, ensure that the provisions of the code currently in force under this section are reflected in the regulations relating to conduct or discipline made under section 25 or 26 of the 1998 Act.

VALID FROM 04/11/2001

### **53 Guidance as to use of equipment for maintaining or restoring public order.**

- (1) The Secretary of State may issue, and from time to time revise, guidance on the use by police officers of equipment designed for use in maintaining or restoring public order.
- (2) Before issuing or revising any guidance under this section, the Secretary of State shall consult—
- (a) the Board;
  - (b) the Chief Constable;
  - (c) the Ombudsman; and
  - (d) the Police Association.
- (3) The Secretary of State shall publish any guidance issued or revised under this section in such manner as he thinks appropriate.

VALID FROM 04/11/2001

### **54 Regulations as to emblems and flags.**

- (1) The Secretary of State may make regulations—
- (a) prescribing the design of an emblem for the police; and

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- (b) regulating the use of that or any other emblem—
  - (i) on equipment or property used for the purposes of the police; or
  - (ii) otherwise in connection with the police.
- (2) The Secretary of State may make regulations—
  - (a) prescribing the design of a flag for the police; and
  - (b) regulating the flying or carrying of that or any other flag—
    - (i) on land or buildings used for the purposes of the police; or
    - (ii) otherwise in connection with the police.
- (3) Before making any regulations under this section the Secretary of State shall consult—
  - (a) the Board;
  - (b) the Chief Constable;
  - (c) the Police Association; and
  - (d) any other person or body appearing to him to have an interest in the matter.

VALID FROM 04/11/2001

#### **55 Identification of police officers.**

- (1) The Chief Constable shall make arrangements for each police officer to be assigned a serial number.
- (2) The Chief Constable shall ensure that, as far as practicable, the number assigned under this section to a police officer is so displayed on his uniform as to be clearly visible at all times when he is on duty and in uniform.

VALID FROM 04/11/2001

#### **56 Co-operation with Garda Síochána.**

The Board and the Chief Constable shall implement any arrangements made in pursuance of an agreement between the Government of the United Kingdom and the Government of Ireland dealing with co-operation on policing matters between the police and the Garda Síochána.

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VALID FROM 04/11/2001

## PART VII

### REPORTS AND INQUIRIES

#### 57 Annual and other reports by the Board.

- (1) The Board shall, not later than 6 months after the end of each financial year, issue a report relating to the policing of Northern Ireland for the year.
- (2) A report issued under subsection (1) for any year shall include an assessment of—
  - (a) the performance of the police in—
    - (i) carrying out the general duty under section 32(1);
    - (ii) complying with the <sup>MII</sup>Human Rights Act 1998;
    - (iii) carrying out the policing plan;
  - (b) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;
  - (c) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;
  - (d) trends and patterns in crimes committed in Northern Ireland;
  - (e) trends and patterns in recruitment to the police and the police support staff;
  - (f) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;
  - (g) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;
  - (h) the level of public satisfaction with the performance of the police;
  - (i) the level of public satisfaction with the performance of district policing partnerships;
  - (j) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III 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.
- (3) The Board shall—
  - (a) arrange for every report issued under subsection (1) to be published in such manner as appears to it to be appropriate; and
  - (b) send a copy of the report to the Secretary of State.
- (4) The Board shall, whenever required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the discharge of the Board's functions, or otherwise with the policing of Northern Ireland, as may be specified in the requirement.
- (5) A report under subsection (4) shall be made—
  - (a) in such form as may be specified in the requirement under that subsection; and

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(b) within the period of one month from the date on which that requirement is made or within such longer period as may be agreed between the Board and the Secretary of State.

(6) The Secretary of State may arrange, or require the Board to arrange, for a report under subsection (4) to be published in such manner as appears to him to be appropriate.

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

**C7** S. 57 modified (4.11.2001) by [S.R. 2001/396, art. 3](#)

#### Commencement Information

**I3** S. 57 wholly in force at 15.4.2002; s. 57 not in force at Royal Assent see s. 97(1)(2); s. 57 apart from s. 57(2)(i)(j) wholly in force at 4.11.2001 by [S.R. 2001/396, art. 2, Sch.](#); s. 57(2)(i)(j) in force at 15.4.2002 by [S.R. 2002/146, art. 2, Sch.](#)

#### Marginal Citations

**M11** [1998 c. 42.](#)

### 58 Annual report by Chief Constable to Board.

- (1) The Chief Constable shall, not later than 3 months after the end of each financial year, submit to the Board a general report on the policing of Northern Ireland during that year.
- (2) The Chief Constable shall arrange for a report submitted under this section to be published in such manner as appears to him to be appropriate.
- (3) The Chief Constable shall, at the same time as he submits a report to the Board under this section, submit the same report to the Secretary of State.
- (4) The Secretary of State shall lay before each House of Parliament every report submitted to him under subsection (3).

### 59 General duty of Chief Constable to report to Board.

- (1) The Chief Constable shall, whenever so required by the Board, submit to the Board a report on any such matter connected with the policing of Northern Ireland as may be specified in the requirement.
- (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 one month from the date on which that requirement is made or within such longer period as may be agreed between the Chief Constable and the Board.
- (3) If it appears to the Chief Constable that a report in compliance with a requirement under subsection (1) would contain information which ought not to be disclosed—
  - (a) in the interests of national security,
  - (b) because it relates to an individual and is of a sensitive personal nature,
  - (c) because it would, or would be likely to, prejudice proceedings which have been commenced in a court of law, or



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(d) because it would, or would be likely to, prejudice the prevention or detection of crime or the apprehension or prosecution of offenders,

he may refer the requirement to submit the report to the Secretary of State.

(4) The Secretary of State may within the period of 30 days from the date of referral of the requirement to submit the report by the Chief Constable, or within such longer period as may be agreed between the Board and the Secretary of State, modify or set aside the requirement, as necessary, in order to exempt the Chief Constable from the obligation to report information which, in his opinion, ought not to be disclosed on any of the grounds mentioned in subsection (3).

(5) The Board may arrange, or require the Chief Constable to arrange, for a report under this section to be published in such manner as appears to the Board to be appropriate.

## **60 Inquiry by Board following report by Chief Constable.**

(1) Where the Board—

(a) has considered a report on any matter submitted by the Chief Constable under section 59, and

(b) considers that an inquiry ought to be held under this section into that matter or any related matter disclosed in the report by reason of the gravity of the matter or exceptional circumstances,

the Board may, after consultation with the Chief Constable, cause such an inquiry to be held.

(2) The Board shall immediately—

(a) inform the Chief Constable, the Ombudsman and the Secretary of State of any decision to cause an inquiry to be held under this section and of any matter into which inquiry is to be made; and

(b) send a copy of the relevant report under section 59 to the Secretary of State.

(3) If it appears to the Chief Constable that such an inquiry should not be held—

(a) in the interests of national security,

(b) because any matter into which inquiry is to be made relates to an individual and is of a sensitive personal nature,

(c) because it would, or would be likely to, prejudice proceedings which have been commenced in a court of law, or

(d) because it would, or would be likely to, prejudice the prevention or detection of crime or the apprehension or prosecution of offenders,

he may refer the decision of the Board to cause an inquiry to be held to the Secretary of State.

(4) The Secretary of State may within the period of 30 days from the date of referral of the decision of the Board by the Chief Constable, or within such longer period as may be agreed between the Board and the Secretary of State, overrule the decision of the Board.

(5) The Secretary of State may overrule the Board only if, in his opinion, the inquiry should not be held on a ground mentioned in subsection (3).

(6) The Board may request a person mentioned in subsection (8) to conduct an inquiry under this section.

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- (7) The person mentioned in subsection (8) may comply with the request under subsection (6) and shall do so if so directed by the Secretary of State.
- (8) The persons are—
- (a) the Comptroller and Auditor General;
  - (b) the Ombudsman;
  - (c) an inspector of constabulary for Northern Ireland.
- (9) The Board may, with the agreement of the Secretary of State, appoint any other person to conduct an inquiry under this section.
- (10) An inquiry under this section shall be held in public except where the person conducting it decides that it is necessary in the public interest not to do so.
- (11) An inquiry under this section may not deal with a pre-commencement matter.
- (12) But subsection (11) does not prevent a person conducting an inquiry under this section from considering information relating to a pre-commencement matter if, and only to the extent that, consideration of that information is necessary for him to be able to discharge his functions in relation to the subject matter of the inquiry.
- (13) “Pre-commencement matter” means any act or omission which occurred, or is alleged to have occurred, before the coming into force of this section.
- (14) Paragraphs 2 to 5 of Schedule 8 to the <sup>M12</sup>Health and Personal Social Services (Northern Ireland) Order 1972 (inquiries and investigations) shall apply to an inquiry under this section with the substitution for references to the Ministry of references to the person conducting the inquiry.
- (15) The Board shall pay—
- (a) any expenses incurred by the person conducting an inquiry under this section; and
  - (b) any expenses incurred by any parties appearing at such an inquiry.
- (16) The Board shall send a copy of the report of any inquiry under this section to—
- (a) the Chief Constable;
  - (b) the Ombudsman; and
  - (c) the Secretary of State.
- (17) Where the report of the person conducting an inquiry under this section is not published, a summary of his findings and conclusions shall be made known by the Board so far as appears to it consistent with the public interest.

#### **Marginal Citations**

**M12** 1972 NI 14.

### **61 Reports by Chief Constable to Secretary of State.**

- (1) The Chief Constable shall, whenever so required by the Secretary of State, submit to the Secretary of State a report on such matters connected with the policing of Northern Ireland as may be specified in the requirement.

*Status:* Point in time view as at 22/12/2000. This version of this Act contains provisions that are not valid for this point in time.

*Changes to legislation:* Police (Northern Ireland) Act 2000 is up to date with all changes known to be in force on or before 19 October 2023. 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)

- (2) A report under subsection (1) shall be made—
  - (a) in such form as may be specified in the requirement under that subsection; and
  - (b) within the period of one month from the date on which that requirement is made, or within such longer period as may be agreed between the Chief Constable and the Secretary of State.
- (3) The Secretary of State may arrange, or require the Chief Constable to arrange, for a report under subsection (1) to be published in such manner as appears to the Secretary of State to be appropriate.

## PART VIII

### THE POLICE OMBUDSMAN

#### 62 Mediation.

- (1) After section 58 of the 1998 Act there shall be inserted—

**“58A Steps to be taken after investigation – mediation.**

- (1) If the Ombudsman—
    - (a) determines that a report made under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force, and
    - (b) considers that the complaint is not a serious one,he may determine that the complaint is suitable for resolution through mediation.
  - (2) If he does so, he must inform the complainant and the member of the police force concerned.
  - (3) If the complainant and the member of the police force concerned agree to attempt to resolve the complaint through mediation, the Ombudsman shall act as mediator.
  - (4) Anything communicated to the Ombudsman while acting as mediator is not admissible in evidence in any subsequent criminal, civil or disciplinary proceedings.
  - (5) But that does not make inadmissible anything communicated to the Ombudsman if it consists of or includes an admission relating to a matter which does not fall to be resolved through mediation.
  - (6) If a complaint is resolved through mediation under this section, no further proceedings under this Act shall be taken against the member of the police force concerned in respect of the subject matter of the complaint.”
- (2) For subsection (1) of section 59 of the 1998 Act (disciplinary proceedings) there shall be substituted—

“(1) Subsection (1B) applies if—

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- (a) the Director decides not to initiate criminal proceedings in relation to the subject matter of a report under section 56(6) or 57(8) sent to him under section 58(2); or
  - (b) criminal proceedings initiated by the Director in relation to the subject matter of such a report have been concluded.
- (1A) Subsection (1B) also applies if the Ombudsman determines that a report under section 56(6) or 57(8) does not indicate that a criminal offence may have been committed by a member of the police force and—
- (a) he determines that the complaint is not suitable for resolution through mediation under section 58A; or
  - (b) he determines that the complaint is suitable for resolution through mediation under that section but—
    - (i) the complainant or the member of the police force concerned does not agree to attempt to resolve it in that way; or
    - (ii) attempts to resolve the complaint in that way have been unsuccessful.
- (1B) The Ombudsman shall consider the question of disciplinary proceedings.”
- (3) After subsection (2) of that section, there shall be inserted—
- “(2A) In a case mentioned in subsection (1A)(b), the Ombudsman shall, in considering the recommendation to be made in his memorandum, take into account the conduct of the member of the police force concerned in relation to the proposed resolution of the complaint through mediation.”
- (4) In section 64(2) of the 1998 Act (regulations)—
- (a) in paragraph (b), after “resolution” insert “ or mediation ”;
  - (b) in paragraph (c), after “informally” insert “ or through mediation ”; and
  - (c) in sub-paragraph (i) of paragraph (d), after “informally” insert “ or through mediation ”.

VALID FROM 04/11/2001

### **63 Reports by Ombudsman to Chief Constable and Board.**

- (1) After section 61 of the 1998 Act there shall be inserted—

#### **“61A Reports to Chief Constable and Board.**

- (1) The Ombudsman may make to the Chief Constable and the Board a report on any matters concerning the practices and policies of the police which—
    - (a) come to the Ombudsman’s attention under this Part; and
    - (b) should, in the opinion of the Ombudsman, be drawn to the attention of the Chief Constable and the Board.
  - (2) The Ombudsman may carry out research into any matter which may be the subject of a report under subsection (1).”
- (2) In section 63 of the 1998 Act (restriction on disclosure of information), after subsection (2) there shall be inserted—

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“(2A) Subsection (1) does not prevent the Ombudsman, to such extent as he thinks it necessary to do so in the public interest, from disclosing in a report under section 61A—

- (a) the identity of an individual, or
- (b) information from which the identity of an individual may be established.”

VALID FROM 04/11/2001

#### 64 Supply of information by Ombudsman to Board.

After section 61A of the 1998 Act there shall be inserted—

##### “61AA Supply of information by Ombudsman to Board.

- (1) The Ombudsman shall compile, and supply the Board with, such statistical information as is required to enable the Board to carry out its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.
- (2) The Ombudsman shall consult the Board as to—
  - (a) the information to be supplied under subsection (1); and
  - (b) the form in which such information is to be supplied.
- (3) The Ombudsman shall supply the Board with any other general information which the Ombudsman considers should be brought to the attention of the Board in connection with its functions under section 3(3)(c)(i) of the Police (Northern Ireland) Act 2000.”

#### 65 Limits on complaints and references to Ombudsman.

In section 64 of the 1998 Act (regulations) after subsection (2) there shall be inserted—

“(2A) The Secretary of State may by regulations provide that, subject to such exceptions as may be prescribed—

- (a) this Part shall not apply to a complaint about the conduct of a police officer which took place more than the prescribed period before the date on which the complaint is made or referred to the Ombudsman under section 52(1);
- (b) the Ombudsman shall not investigate any matter referred to him under section 55(1), (2) or (4) if the actions, behaviour or conduct to which the matter relates took place more than the prescribed period before the date on which the reference is made;
- (c) the Ombudsman shall not at any time commence a formal investigation under section 55(6) of any matter if the actions or behaviour to which the matter relates took place more than the prescribed period before that time;
- (d) to the extent that the subject matter of a complaint falls within the jurisdiction of —

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(i) the tribunal constituted under section 65(1) of the <sup>M13</sup>Regulation of Investigatory Powers Act 2000, or  
 (ii) a person appointed under Part IV of that Act,  
 the Ombudsman shall not investigate it.”

#### Marginal Citations

M13 2000 c. 23.

VALID FROM 04/11/2001

#### 66 Access by Ombudsman to information and documents.

The Chief Constable and the Board shall supply the Ombudsman with such information and documents as the Ombudsman may require for the purposes of, or in connection with, the exercise of any of his functions.

### PART IX

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

#### 67 The Commissioner.

- (1) The Secretary of State may appoint a Commissioner to discharge the general function mentioned in subsection (3).
- (2) A person for the time being holding the office of Commissioner under subsection (1) is referred to in this Act as “the Commissioner”.
- (3) The Commissioner’s general function is to oversee the implementation of changes in the policing of Northern Ireland (including, in particular, those resulting from this Act) described in his terms of reference.
- (4) Schedule 4, which makes further provision about the Commissioner, shall have effect.
- (5) The office of Commissioner shall cease to exist on 31st May 2003, unless before that date an order is made under subsection (6).
- (6) The Secretary of State may by order provide that the office of Commissioner (whether or not it then exists as a result of a previous order under this subsection) shall continue to exist for a period not exceeding three years from the date on which the order comes into operation.

#### 68 Reports by the Commissioner.

- (1) The Commissioner shall make periodic reports to the Secretary of State on the implementation of the changes described in his terms of reference.

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- (2) There shall be at least three periodic reports in each year.
- (3) The Commissioner may at any time make a report to the Secretary of State on matters arising in the course of his performance of his general function.
- (4) The Secretary of State—
  - (a) shall lay each report made to him under this section before each House of Parliament; and
  - (b) arrange for the report to be published in such manner as appears to him to be appropriate.

VALID FROM 04/11/2001

#### **69 General duty of Secretary of State.**

- (1) The Secretary of State shall exercise his functions under the Police Acts in such manner and to such extent as appears to him to be best calculated to promote the efficiency and effectiveness of—
  - (a) the police;
  - (b) the police support staff; and
  - (c) traffic wardens.
- (2) In carrying out those functions, the Secretary of State shall have regard to the principle that the policing of Northern Ireland is to be conducted in an impartial manner.

VALID FROM 30/03/2001

#### **70 The Royal Ulster Constabulary GC Foundation.**

- (1) The Secretary of State may by regulations establish a foundation to be known as “The Royal Ulster Constabulary GC Foundation” for the purpose of marking the sacrifices and honouring the achievements of the Royal Ulster Constabulary.
- (2) Regulations under this section—
  - (a) shall provide for the status and constitution of the foundation;
  - (b) shall provide for the foundation to have power to support the professional development of police officers and innovations in policing;
  - (c) shall enable the foundation to undertake joint initiatives with the Royal Ulster Constabulary Widows Association, the Royal Ulster Constabulary Disabled Police Officers Association or any other organisation or person within the Royal Ulster Constabulary family, as may be appropriate in matters of common interest;
  - (d) may provide for the foundation to have such other functions as are prescribed by the regulations;
  - (e) may provide for the procedures of the foundation; and
  - (f) make such other provision concerning the foundation as the Secretary of State thinks necessary or expedient for the proper functioning of the foundation.



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(3) The Secretary of State may make payments to, or for the purposes of, the foundation.

VALID FROM 04/11/2001

**71 Traffic wardens.**

- (1) The Board shall appoint traffic wardens on such terms and conditions as the Secretary of State may determine.
- (2) Traffic wardens shall be under the direction and control of the Chief Constable.
- (3) Where a complaint is made by a member of the public against a traffic warden, the complaint shall be referred to the Chief Constable who shall (unless the complaint alleges an offence with which the traffic warden has then been charged) forthwith record the complaint and cause it to be investigated.

VALID FROM 15/04/2002

**72 Video recording of interviews.**

- (1) The <sup>M14</sup>Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.
- (2) After Article 60 there shall be inserted the following Article—

**“60A Video recording of interviews**

It shall be the duty of the Secretary of State—

- (a) to issue a code of practice in connection with the video-recording with sound of interviews of persons suspected of the commission of criminal offences which are held by police officers at police stations;
- (b) to make an order (subject to Article 89) requiring the video-recording with sound of interviews of persons suspected of the commission of criminal offences, or of such descriptions of criminal offences as may be specified in the order, which are so held, in accordance with the code as it has effect for the time being.”
- (3) In Article 66(2) (codes of practice – supplementary) after “Article 60” there shall be inserted “ , 60A ”.
- (4) In Article 89 (orders and regulations) after “Articles 60” there shall be inserted “ , 60A ”.

**Marginal Citations**

M14 1989 NI 12.

**Status:** Point in time view as at 22/12/2000. This version of this Act contains provisions that are not valid for this point in time.

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VALID FROM 04/11/2001

### 73 Places of detention: lay visitors.

- (1) The Board shall make, and keep under review, arrangements for designated places of detention to be visited by persons appointed under the arrangements (“lay visitors”).
- (2) The arrangements shall require a report on each visit to be made to the Board and the Chief Constable by the lay visitor concerned.
- (3) The report shall deal with—
  - (a) the conditions under which persons are held in the designated place of detention concerned and with their welfare and treatment;
  - (b) the adequacy of facilities at that place of detention;
  - (c) such other matters as may be specified in an order made by the Secretary of State.
- (4) The arrangements may confer on lay visitors such powers as the Board considers necessary to enable the report required as a result of subsection (2) to be made and may, in particular, confer on them a power to—
  - (a) require access to be given to each designated place of detention;
  - (b) examine records relating to the holding of persons there;
  - (c) interview persons who are being held there;
  - (d) inspect the facilities there including, in particular, washing and toilet facilities and the facilities for the provision of food.
- (5) A power conferred as a result of subsection (4)(b) or (c) may be exercised only with the consent of the person concerned.
- (6) Any power conferred by the arrangements may be subject to such limitations as may be specified in the arrangements.
- (7) The arrangements shall provide that a person may not be appointed as a lay visitor if—
  - (a) he is a member of the Board; or
  - (b) he is, or has been, a police officer.
- (8) The Board may issue, and from time to time revise, guidance to lay visitors about the discharge of their functions under this section.
- (9) “Designated place of detention” means a police station for the time being designated under Article 36 of the Police and Criminal Evidence (Northern Ireland) Order 1989, except so much of the station as is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the <sup>M15</sup>Terrorism Act 2000.
- (10) The Secretary of State may by order specify as designated places of detention for the purposes of this section—
  - (a) a part of any police station if that part is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the Terrorism Act 2000,
  - (b) any other place which is designated under any enactment as a place in which persons may be detained.

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#### Marginal Citations

**M15** 2000 c. 11.

VALID FROM 04/11/2001

#### 74 Application to police of anti-discrimination legislation.

Schedule 5, which amends in their application to the police and other bodies of constables—

- (a) the <sup>M16</sup>Sex Discrimination (Northern Ireland) Order 1976,
  - (b) the <sup>M17</sup>Race Relations (Northern Ireland) Order 1997, and
  - (c) the <sup>M18</sup>Fair Employment and Treatment (Northern Ireland) Order 1998,
- shall have effect.

#### Marginal Citations

**M16** 1976 NI 15.

**M17** 1997 NI 6.

**M18** 1998 NI 21.

### *Supplementary*

#### 75 Expenses of Secretary of State.

There shall be defrayed out of money provided by Parliament—

- (a) any expenditure of the Secretary of State under this Act; and
- (b) any increase attributable to this Act in the sums so payable under any other statutory provision.

#### 76 Orders and regulations.

- (1) Any power of the Secretary of State to make orders or regulations under this Act shall be exercisable by statutory rule for the purposes of the <sup>M19</sup>Statutory Rules (Northern Ireland) Order 1979.
- (2) Orders or regulations under this Act—
  - (a) may make different provision for different purposes, cases and circumstances;
  - (b) may contain such consequential, supplementary and transitional provisions as appear to the Secretary of State to be appropriate.
- (3) Subsections (1) and (2) do not apply to vesting orders made under section 7.
- (4) A draft of a statutory rule to be made under section 47(3) or 54 shall be laid before Parliament in like manner as a draft of a statutory instrument and section 6 of the <sup>M20</sup>Statutory Instruments Act 1946 shall apply accordingly.

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- (5) A statutory rule made under this Act (other than one made under a provision mentioned in subsection (4) or containing an order under section 79) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

#### Marginal Citations

**M19** 1979 NI 12.

**M20** 1946 c. 36.

## 77 Interpretation.

(1) In this Act—

“the 1998 Act” means the <sup>M21</sup>Police (Northern Ireland) Act 1998;

“the Board” means the Northern Ireland Policing Board;

“building” includes any structure;

“the Chief Constable” means the Chief Constable of the Police Service of Northern Ireland;

“civil service” means the civil service of Northern Ireland or the civil service of the United Kingdom;

“equipment” includes vehicles, apparatus, furniture, fittings, accoutrements and clothing;

“financial year” means the period of 12 months ending with 31st March;

“functions” includes powers and duties;

“the Ombudsman” means the Police Ombudsman for Northern Ireland;

“the police” means—

(a) the Police Service of Northern Ireland; and

(b) the Police Service of Northern Ireland Reserve;

“Police Association” means the Police Association for Northern Ireland;

“the Police Acts” means this Act and the 1998 Act;

“police officer” means a person who is—

(a) a member of the Police Service of Northern Ireland; or

(b) a member of the Police Service of Northern Ireland Reserve;

“police purposes” means the purposes of the police, the police support staff, police trainees, police reserve trainees, police cadets and traffic wardens;

“Police Service of Northern Ireland” means the body of constables mentioned in section 1(1);

“Police Service of Northern Ireland Reserve” means the body of constables mentioned in section 1(3);

“police reserve trainee” has the meaning given by section 37(3);

“police trainee” has the meaning given by section 36(3);

“police support staff” has the meaning given by section 4(6);

“the policing plan” has the meaning given by section 26(1);

“provide” and “maintain” have the same meaning as, by virtue of section 147 of the <sup>M22</sup>Local Government Act (Northern Ireland) 1972, they have for the purposes of that Act;

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“senior officer”, in relation to the Police Service of Northern Ireland, means an officer above the rank of superintendent;

“statutory authority” means—

- (a) a body constituted under a statutory provision; or
- (b) a person holding office under a statutory provision;

“statutory provision” has the meaning given by section 1(f) of the <sup>M23</sup>Interpretation Act (Northern Ireland) 1954.

- (2) Subsections (2) to (4) of section 39 of the Interpretation Act (Northern Ireland) 1954 apply for the purpose of calculating a period of time laid down by or under this Act.

#### Marginal Citations

- M21** 1998 c. 32.
- M22** 1972 c. 9 (N.I.).
- M23** 1954 c. 33 (N.I.).

## 78 Amendments, transitional and transitory provisions and repeals.

- (1) The statutory provisions mentioned in Schedule 6 shall be amended as provided in that Schedule.
- (2) In relation to any time after the coming into force of this subsection, any reference in any statutory provision or other document—
  - (a) to the Chief Constable of the Royal Ulster Constabulary shall be construed as a reference to the Chief Constable of the Police Service of Northern Ireland;
  - (b) to a person holding any other particular rank, or a rank of a particular description, in the Royal Ulster Constabulary shall be construed as a reference to a person holding that rank, or a rank of that description, in the Police Service of Northern Ireland;
  - (c) to a member of the Royal Ulster Constabulary shall be construed as a reference to a member of the Police Service of Northern Ireland;
  - (d) to a member of the Royal Ulster Constabulary Reserve shall be construed as a reference to a member of the Police Service of Northern Ireland Reserve;
  - (e) to the Royal Ulster Constabulary Reserve shall be construed as a reference to the Police Service of Northern Ireland Reserve;
  - (f) to the Royal Ulster Constabulary in any other context shall be construed as a reference to the Police Service of Northern Ireland.
- (3) Schedule 7 (which contains transitional and transitory provisions) shall have effect.
- (4) The statutory provisions mentioned in Schedule 8 are repealed to the extent specified in the third column of that Schedule.

#### Commencement Information

- I4** S. 78 wholly in force at 15.4.2002; s. 78(1)(3) in force for specified purposes at Royal Assent, see s. 79(2)(f)(g); s. 78 in force for specified purposes at 30.3.2001 by [S.R. 2001/132](#), art. 2, Sch.; s. 78 in force for specified purposes at 22.12.2000 by S.R. 2000/412, art. 2, Sch.; s. 78 in force for specified

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purposes at 4.11.2001 by [S.R. 2001/396](#), art. 2, Sch.; s. 78 in force in so far as not already in force at 15.4.2002 by [S.R. 2002/146](#), art. 2, Sch.

## 79 Commencement.

- (1) Except as provided by subsection (2), the preceding provisions of this Act shall come into force on such day as the Secretary of State may by order appoint.
- (2) The following provisions come into force on the day on which this Act is passed—
  - (a) section 49;
  - (b) sections 67 and 68;
  - (c) sections 75, 76 and 77;
  - (d) Part III of Schedule 1 and section 2(2) so far as relating thereto;
  - (e) Schedule 4;
  - (f) paragraphs 3(4) and 4(3) of Schedule 6 and section 78(1) so far as relating thereto;
  - (g) paragraph 1 of Schedule 7 and section 78(3) so far as relating thereto.
- (3) An order under this section may appoint different days for different purposes and for different provisions.
- (4) An order under this section may contain such transitional provisions or savings (including provisions modifying this Act or any other statutory provision) as appear to the Secretary of State to be necessary or expedient in connection with any provision brought into force by the order.

### Subordinate Legislation Made

**P1** [S. 79](#): power partly exercised; 30.3.2001 appointed by [S.R. 2001/132](#), art. 2, [Sch.](#); 4.11.2001 appointed by [S.R. 2001/396](#), art. 2, [Sch.](#); 15.4.2002 appointed by [S.R. 2002/146](#), art. 2, Sch.

## 80 Extent.

- (1) Except as provided by subsections (2) and (3), this Act extends to Northern Ireland only.
- (2) Section 78(2) extends also to England and Wales and Scotland.
- (3) The amendments and repeals in Schedules 6 and 8 have the same extent as the statutory provisions to which they relate.

## 81 Short title.

This Act may be cited as the Police (Northern Ireland) Act 2000.

**Status:**

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**Changes to legislation:**

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