



Police (Northern Ireland) Act 2000

2000 CHAPTER 32

PART VI

THE POLICE

^{F1}Core policing principles

Textual Amendments

F1 S. 31A and cross-heading inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 20\(1\)](#)

31A Core policing principles

- (1) Police officers shall carry out their functions with the aim—
 - (a) of securing the support of the local community, and
 - (b) of acting in co-operation with the local community.
- (2) In carrying out their functions, police officers shall be guided by the code of ethics under section 52.]

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.

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(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.

^{F2}(4)

^{F2}(5)

Textual Amendments
F2 S. 32(4)(5) repealed (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 20\(4\), Sch. 4](#)

33 General functions of Chief Constable.

(1) The police shall be under the direction and control of the Chief Constable.

[^{F3}(2) The Chief Constable shall have regard to the policing plan in discharging his functions.

(3) The Chief Constable shall have regard to any code of practice under section 27 in discharging his functions.

(4) The duty under subsection (3) applies only so far as consistent with the duty under subsection (2).]

Textual Amendments
F3 S. 33(2)-(4) substituted for s. 33(2) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 21](#)

[^{F4}33A Provision of information to Board

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

(2) Subsection (1) does not require the Chief Constable to supply any information to the Board if it appears to the Chief Constable that the information is—

(a) information the disclosure of which would be likely to put an individual in danger, or

(b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).

(3) Subsection (4) applies if the Chief Constable supplies the Board with information which in his opinion is—

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- (a) information the disclosure of which would be likely to put an individual in danger, or
 - (b) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1).
- (4) The Chief Constable must—
- (a) inform the Secretary of State that the information has been supplied to the Board;
 - (b) inform the Secretary of State and the Board that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (3).]

Textual Amendments

F4 S. 33A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 22](#)

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—

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- (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.
- (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.

[^{F5}(4) Subsection (3) does not apply to a person appointed in pursuance of an authorisation under section 47A(1).]

Textual Amendments

F5 S. 36(4) inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), s. [23\(2\)](#)

[^{F6}36A Fixed-term appointments to the Police Service of Northern Ireland

- (1) The Chief Constable may appoint a person to the Police Service of Northern Ireland for a fixed term not exceeding three years.

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

- (2) Appointments under subsection (1) shall be in accordance with regulations under section 25 of the 1998 Act.
- (3) A person shall not be appointed under subsection (1) to the rank of constable or the rank of a senior officer.
- (4) The Secretary of State may by order make such modifications as he considers necessary or expedient to any provision of the 1998 Act or this Act in its application to persons appointed under subsection (1).
- (5) The Secretary of State shall consult the Board and the Police Association before making an order under subsection (4).]

Textual Amendments

F6 S. 36A inserted (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 24\(1\)](#)

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 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.

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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.

[^{F7}(3A) Regulations under subsection (3) may make provision as to qualifications and suitability for appointment as a police trainee or police reserve trainee; and such regulations may in particular make provision—

- (a) imposing requirements as to nationality, age, skills, competencies and physical and mental fitness;
- (b) as to the grounds on which a person is ineligible for appointment.]

(4) Regulations under subsection (3) may—

- (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—

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- (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).

Textual Amendments

F7 S. 41(3A) inserted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(4)**

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](#)

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;
 - (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;

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- (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;
 - (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

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- (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 ^{F8}... applicants to form a pool of applicants for the purposes of [^{F9}section 46(1A) and (1E)] .
- (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 ^{F10}... applicants to form a pool of applicants for the purposes of [^{F11}section 46(5A) and (5E)] .
- (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).

Textual Amendments

- F8** Word in s. 44(5) omitted (22.4.2007) by virtue of [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **8(5)**
- F9** Words in s. 44(5) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **8(5)**
- F10** Word in s. 44(6) omitted (22.4.2007) by virtue of [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **9(5)**
- F11** Words in s. 44(6) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **9(5)**

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**
- C5** S. 44(5)-(7) continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), arts. 1, **2**

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.

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- (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.
- (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)

- C6** S. 45 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C7** S. 45 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](#)
- C8** S. 45 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](#)
- C9** S. 45 continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), [arts. 1, 2](#)

Temporary provisions concerning composition of the police

46 Discrimination in appointments.

- [^{F12}(1) Subject to subsection (2), in making appointments under section 39 on any occasion, the Chief Constable shall proceed as set out in subsections (1A) to (1F).
- (1A) He shall provisionally appoint from the pool of applicants formed 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.
- (1B) Where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—
- (a) is physically and mentally fitted for appointment; and
 - (b) is not unsuitable for appointment;
- the Chief Constable shall confirm the appointment.
- (1C) Subsections (1D), (1E) and (1F) apply where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—
- (a) is not physically and mentally fitted for appointment; or
 - (b) is unsuitable for appointment.

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- (1D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.
- (1E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) a person to replace the unsuccessful applicant being a person who—
- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
 - (b) is not so treated, where the unsuccessful applicant was not so treated.
- (1F) Subsections (1B) to (1E) apply in relation to a person provisionally appointed under subsection (1E) as they apply in relation to a person provisionally appointed under subsection (1A).
- (1G) In subsections (1B) and (1C) references to a person being “physically and mentally fitted for appointment” and “unsuitable for appointment” have such meanings as may be prescribed by regulations under section 41(3).
- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of the preceding subsections in their 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 [F13]subsections (1) to (1F)] 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.
- [F14(5) Subject to subsection (6), 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 proceed as set out in subsections (5A) to (5F).
- (5A) He shall provisionally appoint from the pool of applicants formed 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.
- (5B) Where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—
- (a) is physically and mentally fitted for appointment; and
 - (b) is not unsuitable for appointment;
- the Chief Constable shall confirm the appointment.

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- (5C) Subsections (5D), (5E) and (5F) apply where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—
- (a) is not physically and mentally fitted for appointment; or
 - (b) is unsuitable for appointment.
- (5D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.
- (5E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) a person to replace the unsuccessful applicant being a person who—
- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
 - (b) is not so treated, where the unsuccessful applicant was not so treated.
- (5F) Subsections (5B) to (5E) apply in relation to a person provisionally appointed under subsection (5E) as they apply in relation to a person provisionally appointed under subsection (5A).
- (6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of subsections (5) to (5F) in their application to the making of appointments under section 4(3) 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 [F15subsections (5) to (5F)] the number of police support staff which the Chief Constable requires to be appointed on that occasion could not be appointed.
- (8) In [F16this section] “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 M1Fair 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 M2Employment 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

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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 ^{M3}Race Relations (Northern Ireland) Order 1997 (exceptions) after Article 40 there shall be inserted—

“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).”

Textual Amendments

- F12** S. 46(1)-(2) substituted for s. 46(1)(2) (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(2)**
- F13** Words in s. 46(3)(a) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(3)(a)**
- F14** S. 46(5)-(6) substituted for s. 46(5)(6) (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **9(3)**
- F15** Words in s. 46(7) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **9(4)**
- F16** Words in s. 46(8) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 6\)\)](#), arts. 1(3), **8(3)(b)**

Modifications etc. (not altering text)

- C10** S. 46 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C11** S. 46 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**
- C12** S. 46 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**
- C13** S. 46 continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), arts. 1, **2**

Marginal Citations

- M1** SR 1999 No. 148.
M2 1998 NI 21.
M3 1997 NI 6.

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;

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

[^{F17}47A Appointments to Police Service of Northern Ireland in special circumstances

- (1) The Board may if requested to do so by the Chief Constable authorise the appointment to the rank of constable in the Police Service of Northern Ireland of a specified number of persons—
- (a) who have a specified policing skill, but
 - (b) who have not complied with the requirements in paragraphs (a) and (b) of section 36(3).
- (2) The Board shall not give an authorisation under subsection (1) in relation to persons who have a particular policing skill unless it is satisfied—
- (a) that the requirements of subsection (3) are met;
 - (b) that any further requirements which are specified by it under subsection (4) and which apply in relation to the giving of the authorisation are met.
- (3) The requirements are—
- (a) that there is a need for more persons who have the policing skill to be appointed to the rank of constable in the Police Service of Northern Ireland;
 - (b) that the need cannot be met by the appointment of persons who have complied with the requirements in paragraphs (a) and (b) of section 36(3).
- (4) The Board may specify further requirements which apply in relation to the giving of an authorisation under subsection (1).
- (5) Any requirements specified under subsection (4) may apply in relation to the giving of all authorisations under subsection (1) or to the giving of a particular authorisation or description of authorisation.
- (6) In this section “specified” means specified by the Board.]

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Textual Amendments

F17 S. 47A inserted (8.4.2003) (temp. until 7.4.2005) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 23\(3\)](#)

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 ^{M4}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;
 - (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;

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- (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 ^{M5}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

M4 SR 1988/374.

M5 1996 c. 16.

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).”

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

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- (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.
- (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.

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- (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.

Modifications etc. (not altering text)

C14 S. 51 applied (with modifications) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\), s. 36](#)

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).
- [^{F18}(2A) In revising the code the Chief Constable and the Board shall also have regard to any guidance for the time being in operation under section 8 of the Justice (Northern Ireland) Act 2004.]
- (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;
 - (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.

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- (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.

Textual Amendments

F18 S. 52(2A) inserted (1.2.2006) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 8(6), 19(1) (with s. 8(8)); S.R. 2005/282, art. 5

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.

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
 - (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

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- (d) any other person or body appearing to him to have an interest in the matter.

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.

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.

Status:

Point in time view as at 29/03/2010.

Changes to legislation:

There are currently no known outstanding effects for the Police (Northern Ireland) Act 2000, Part VI.