

Status: Point in time view as at 08/05/2007.

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

SCHEDULES

SCHEDULE 1

THE NORTHERN IRELAND POLICING BOARD

PART III

MEMBERSHIP DURING DEVOLVED GOVERNMENT

Political members

- 7 (1) Where this Part comes into effect in relation to the Board, the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (2) Where at any other time—
- (a) an Assembly is elected under section 31 or 32 of the ^{M1}Northern Ireland Act 1998;
 - (b) a resolution which causes one or more Ministerial offices to become vacant is passed under section 30(2) of that Act; or
 - (c) the period of exclusion imposed by a resolution under section 30(2) of that Act comes to an end,
- all political members shall cease to hold office and the political members shall be nominated by applying sub-paragraphs (3) to (8) within the prescribed period.
- (3) At the request of the Secretary of State, the nominating officer of the political party for which the formula in sub-paragraph (7) gives the highest figure may nominate a person as a member of the Board who—
- (a) is a member of that party and of the Assembly; and
 - (b) is not disqualified for membership of the Board.
- (4) The nominated person may take up office as a member of the Board by making a statement to that effect to the Secretary of State.
- (5) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (3) within the prescribed period; or
 - (b) the nominated person does not take up office as a member of the Board within that period,
- that power shall become exercisable by the nominating officer of the political party for which the formula in sub-paragraph (7) gives the next highest figure.
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that all of the offices as political member are filled.
- (7) The formula is—

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I + M

where—

S = the number of seats in the Assembly which were held by members of the party on the day on which the Assembly first met following its election; and

M = the number of members of the party (if any) who hold office as a political member of the Board.

- (8) Where the figures given by the formula for two or more political parties are equal, each of those figures shall be recalculated with S being equal to the number of first preference votes cast for the party at the last general election of members of the Assembly.
- (9) A political member shall cease to hold office if—
- (a) he resigns by notice in writing to the Board;
 - (b) he becomes disqualified for membership of the Board; or
 - (c) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution.
- (10) Where a person ceases to hold office as a political member otherwise than by virtue of sub-paragraph (2), the nominating officer of the party on whose behalf that person was nominated may nominate a person to hold the office who—
- (a) is a member of that party and of the Assembly; and
 - (b) is not disqualified for membership of the Board.
- (11) If—
- (a) the nominating officer does not exercise the power conferred by sub-paragraph (10) within the prescribed period; or
 - (b) the nominated person does not take up the office within that period,
- the vacancy shall be filled by applying sub-paragraphs (3) to (8) within such further period as may be prescribed.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) of the ^{M2}Northern Ireland Act 1998 that a political party does not enjoy its confidence; and
 - (b) the party's period of exclusion has not come to an end,
- the party shall be disregarded for the purposes of any application of sub-paragraphs (3) to (8).
- (13) In this paragraph—
- “nominating officer”, in relation to a party, means the person registered under Part II of the Political Parties, Elections and Referendums Act 2000 as the party's nominating officer or a member of the Assembly nominated by him for the purpose;
- “prescribed” means prescribed by regulations made by the Secretary of State.

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Modifications etc. (not altering text)

- C1** Sch. 1 para. 7 modified (8.5.2007) by Northern Ireland (St Andrews Agreement) Act 2006 (c. 53), ss. 2(2), 27(1), **Sch. 2 para. 6** (with s. 1(3)) (as amended (retrospectively) by Northern Ireland (St Andrews Agreement) Act 2007 (c. 4), s. 1(1)); S.I. 2007/1397, art. 2
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Marginal Citations

- M1** 1998 c. 47.
M2 1998 c. 47.

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