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SCHEDULES

VALID FROM 04/09/2007

SCHEDULE 1

Section 19

BELFAST

1 The Police (Northern Ireland) Act 2000 (c. 32) is amended as set out in paragraphs 2 to 13.

2 After section 15 insert—

“15A Default of council: Belfast sub-groups

(1) If the Secretary of State is satisfied that the district council for Belfast has failed to comply with—

- (a) section 21(1), or
- (b) any provision of Schedule 3A,

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 the 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 the council to such extent as appears to him necessary or expedient to secure that a sub-group of the council’s district policing partnership is established for each police district established under section 20(2).

(3) An order under subsection (2) may provide for Schedule 3A to have effect in relation to the exercise by the Board of any functions of the 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 sub-group of the council’s 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.

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(6) A sub-group established in pursuance of an order under subsection (2) shall be treated as having been established under section 21.”

3 In section 17 (annual report by district policing partnership to council) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

4 In section 18 (reports by district policing partnership to Board) after subsection (1) insert—

“(1A) Subsection (1) does not apply to the district policing partnership for Belfast.”

5 For section 21 substitute—

“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).

(2) The functions of each sub-group shall be—

- (a) 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;
- (b) to monitor the performance of the police in carrying out—
 - (i) the policing plan in relation to the police district; and
 - (ii) the local policing plan applying to the police district;
- (c) to make arrangements for obtaining—
 - (i) the views of the public about matters concerning the policing of the police 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 police district.

(3) The code issued under section 19 may contain guidance as to the exercise by sub-groups of their functions.

(4) In exercising its functions a sub-group shall have regard to any such guidance contained in the code.

(5) If the district policing partnership is satisfied that a sub-group is carrying out any of the sub-group’s functions in relation to a police district, the partnership is not required to carry out any corresponding function it has in relation to the part of the district comprising the police district.

(6) Schedule 3A shall have effect in relation to the sub-groups.”

6 After section 21 insert—

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“21A Annual report by sub-groups to Belfast district policing partnership

- (1) A sub-group established under section 21 shall, not later than 2 months after the end of each financial year, submit to the district policing partnership for Belfast a general report on the exercise of its functions during that year.
- (2) A report under subsection (1) shall include details of the arrangements made under section 21(2)(c).
- (3) Before submitting any report under subsection (1), a sub-group shall consult the district commander of its police district.”

7

After section 21A (inserted by paragraph 6 above) insert—

“21B Annual report by Belfast district policing partnership to council

- (1) The district policing partnership for Belfast shall, not later than 4 months after the end of each financial year, submit to the district council for Belfast a general report on the exercise during that year of—
 - (a) its functions;
 - (b) the functions of the sub-groups established under section 21.
- (2) When the district policing partnership submits its report under subsection (1) it shall at the same time—
 - (a) send to the council copies of the sub-group reports for the year;
 - (b) send copies of its report and the sub-group reports for the year to the Board.
- (3) If the district policing partnership has made arrangements under section 16(1)(c) the report under subsection (1) shall include details of the arrangements.
- (4) Before submitting any report under subsection (1), the district policing partnership shall consult the district commander of each police district in the district of Belfast.
- (5) The district council shall arrange for a report submitted under subsection (1) to be published in such manner as appears to the council to be appropriate.
- (6) The district council may arrange for a sub-group report to be published with the report submitted under subsection (1) if—
 - (a) the council considers publication of the sub-group report to be appropriate, or
 - (b) the district policing partnership has requested the publication of the sub-group report.
- (7) A “sub-group report” is a report submitted to the district policing partnership under section 21A.”

8

After section 21B (inserted by paragraph 7 above) insert—

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“21C Other reports by sub-groups to Belfast district policing partnership

- (1) A sub-group established under section 21 shall, whenever so required by the district policing partnership for Belfast, submit to the partnership a report on any matter which is specified in the requirement and is connected with the exercise of its functions.
- (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 2 months from the date on which that requirement is made, or within such longer period as may be agreed between the sub-group and the partnership.
- (3) The partnership may arrange for a report submitted under this section to be published in such manner as appears to the partnership to be appropriate.
- (4) Subsection (3) does not apply if the partnership has imposed the requirement under subsection (1) to enable it to comply with a requirement imposed on it under section 21D(1).”

9

After section 21C (inserted by paragraph 8 above) insert—

“21D Reports by Belfast district policing partnership to Board

- (1) The district policing partnership for Belfast shall, whenever so required by the Board, submit to the Board a report on any matter which is specified in the requirement and is connected with the exercise of—
 - (a) its functions, or
 - (b) the functions of a sub-group established under section 21.
- (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 required period or such longer period as may be agreed between the district policing partnership and the Board.
- (3) The required period is—
 - (a) 4 months from the date on which the requirement under subsection (1) is made, if the requirement relates wholly or in part to the functions of a sub-group;
 - (b) 3 months from the date on which the requirement under subsection (1) is made, in any other case.
- (4) When the district policing partnership submits its report under subsection (1) it shall at the same time send to the Board copies of any related sub-group report.
- (5) The Board may arrange for the publication, in such manner as appears to the Board to be appropriate, of—
 - (a) a report submitted under subsection (1);
 - (b) a related sub-group report.

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- (6) A “sub-group report” is a report submitted to the district policing partnership under section 21C.
- (7) A sub-group report is related to a report submitted in pursuance of a requirement under subsection (1) if the district policing partnership imposed the requirement to submit the sub-group report to enable it to comply with the requirement under subsection (1).”
- 10 In section 22 (the local policing plan) after subsection (3) insert—
- “(3A) Before issuing or revising a local policing plan for a police district established under section 20(2), the district commander shall also consult the sub-group established for the district under section 21 and take account of any views expressed.”
- 11 (1) Schedule 1 (the Northern Ireland Policing Board) is amended as follows.
- (2) In paragraph 3(7) (disqualification from membership of Board during suspension of devolved government), after paragraph (b)(iii) insert—
- “; or
- (iv) a member of a sub-group established under section 21.”
- (3) In paragraph 10(1)(b) (disqualification from membership of Board during devolved government), after “district policing partnership;” insert—
- “or
- (iv) a member of a sub-group established under section 21;”.
- 12 In Schedule 3 (district policing partnerships) after paragraph 16 insert—
- “Belfast district policing partnership*
- 17 (1) The preceding paragraphs of this Schedule have effect in relation to the district policing partnership for Belfast with the following modifications.
- (2) In paragraph 2 after sub-paragraph (5) insert—
- “(6) The members of the DPP who are appointed by the council in accordance with paragraph 3 shall include the persons who hold the office of chairman of each of the sub-groups of the DPP established under section 21.”
- (3) In paragraph 5 after sub-paragraph (3) insert—
- “(3A) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Board of—
- (a) whether the person is also willing to be a candidate for appointment as an independent member of a sub-group established under section 21;
- (b) the sub-group or sub-groups concerned, if he is so willing.””
- 13 After Schedule 3 insert—

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“SCHEDULE
3A

BELFAST SUB-GROUPS

Interpretation

- 1 (1) In this Schedule—
- “the council” means the district council for Belfast;
 - a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989, with the substitution of the words “if appointed” for the words “if elected”;
 - “independent member”, in relation to a sub-group, means a member appointed under paragraph 2(4);
 - “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962;
 - “the partnership” means the district policing partnership for Belfast;
 - “political member”, in relation to a sub-group, means a member appointed under paragraph 2(3);
 - “sub-group” means a sub-group established under section 21.
- (2) For the purposes of this Schedule an independent member of the council shall be treated as a party.

Size and composition

- 2 (1) A sub-group shall consist of 11 members.
- (2) The members of a sub-group need not be members of the partnership.
- (3) Six of the members of a sub-group shall be appointed by the council from among members of the council in accordance with paragraph 3.
- (4) Five of the members of a sub-group shall be appointed in accordance with paragraph 4.

Political members

- 3 (1) The council shall exercise its power to appoint political members of a sub-group so as to ensure that, so far as practicable, the political members of all the sub-groups, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of his appointment.
- (3) A political member shall hold office until the date of the local general election next following his appointment.

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- (4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place he is appointed.
- (5) A political member shall cease to hold office if—
 - (a) he resigns by notice in writing to the council;
 - (b) he becomes disqualified for membership of a sub-group; or
 - (c) he ceases to be a member of the council.
- (6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

Independent members

- 4 (1) Appointments of independent members shall be made by the Board from among persons nominated by the council in accordance with paragraph 5.
- (2) In appointing independent members of a sub-group the Board shall so far as practicable secure that the members of the sub-group (taken together) are representative of the community in the sub-group's police district.
- (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of his appointment.
- (4) An independent member shall hold office until the date of the local general election next following his appointment.
- (5) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place he is appointed.
- (6) An independent member shall cease to hold office if—
 - (a) he resigns by notice in writing to the council; or
 - (b) he becomes disqualified for membership of a sub-group.
- (7) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

The council's nominations

- 5 (1) Where appointments are to be made of independent members of a sub-group, the council shall nominate persons willing to be candidates for appointment.
- (2) Unless otherwise agreed with the Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.
- (3) The council shall notify the Board of—
 - (a) the name of each person nominated by it under sub-paragraph (1); and
 - (b) such other information regarding those persons as it considers appropriate.

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- (4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Board of—
- (a) whether the person is also willing to be a candidate for appointment as an independent member of any other sub-group;
 - (b) the sub-group or sub-groups concerned, if he is so willing;
 - (c) whether the person is also willing to be a candidate for appointment as an independent member of the partnership.
- (5) A person shall not be nominated under sub-paragraph (1) if—
- (a) he is disqualified for membership of a sub-group, or
 - (b) he has not made a declaration against terrorism.
- (6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.
- (7) If the Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

Code of practice on appointment of independent members

- 6 (1) In exercising functions under paragraphs 4 and 5, the council and the Board shall have regard to any code of practice under this paragraph.
- (2) The Secretary of State may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Board of their functions under paragraphs 4 and 5.
- (3) Before issuing or revising a code of practice under this paragraph, the Secretary of State shall consult—
- (a) the Board;
 - (b) the council; and
 - (c) the Equality Commission for Northern Ireland.
- (4) The Secretary of State shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to him to be appropriate.

Removal of members from office

- 7 (1) The Board, or the council with the approval of the Board, may remove a person from office as a political or independent member of a sub-group if satisfied that—
- (a) in the case of an independent member, he failed to make the necessary disclosure in relation to a conviction of his for a criminal offence in Northern Ireland or elsewhere;
 - (b) in the case of an independent member, he has acted in breach of the terms of a declaration against terrorism;
 - (c) he has been convicted of a criminal offence in Northern Ireland or elsewhere committed after the date of his appointment;

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- (d) he has become bankrupt or made a composition or arrangement with his creditors;
 - (e) he has failed to comply with the terms of his appointment; or
 - (f) he is otherwise unable or unfit to discharge his functions as a member of the sub-group.
- (2) “The necessary disclosure”, in relation to a conviction of an independent member, means full disclosure of it—
- (a) before his nomination, to the council;
 - (b) before his appointment, to the Board.
- (3) Section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies to determine whether an independent member has acted in breach of the terms of a declaration against terrorism as it applies to determine whether a person who has made a declaration required for the purpose of section 3, 4 or 5 of that Act has acted in breach of the terms of the declaration.
- (4) As applied by sub-paragraph (3), section 6 of the Elected Authorities (Northern Ireland) Act 1989 applies with the following modifications—
- (a) in subsection (1), for the words from “after” to “the Assembly” substitute “ when he is an independent member of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 ”;
 - (b) omit subsection (4);
 - (c) in subsection (5), in the definition of “public meeting” after paragraph (c) insert—
 - “(d) any meeting of a sub-group established under section 21 of the Police (Northern Ireland) Act 2000 or a committee of such a sub-group (whether or not a meeting which the public is permitted to attend), and
 - (e) any meeting of a district policing partnership or a committee of a district policing partnership (whether or not a meeting which the public is permitted to attend),”.

Disqualification

- 8 (1) A person is disqualified for membership of a sub-group if he is—
- (a) a police officer;
 - (b) a member of the police support staff;
 - (c) a member of the Board; or
 - (d) an employee of the council.
- (2) A person removed from office under paragraph 7(1) is disqualified for membership of a sub-group until the date of the next local general election following his removal.
- (3) A person is disqualified for being an independent member of a sub-group if—

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- (a) he has been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment or detention, and
 - (b) the relevant period has not ended.
- (4) The relevant period is the period of five years beginning with the person's discharge in respect of the offence.
- (5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not his release is subject to conditions)
- (a) his release on licence;
 - (b) his release in pursuance of a grant of remission.
- (6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if he is required to return to prison or detention for a further period in respect of the offence.
- (7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.
- (8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.
- (9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Chairman and vice-chairman

- 9 (1) There shall be a chairman and vice-chairman of a sub-group appointed by the council from among the political members.
- (2) In making appointments under sub-paragraph (1), the council shall ensure that, so far as practicable—
- (a) the office of chairman and vice-chairman are at all times held by members of different political parties;
 - (b) a person is appointed to the office of chairman or vice-chairman for a term of 12 months at a time or, where that period is shorter than 12 months, for a period ending with the date of the local general election next following his appointment;
 - (c) the office of chairman is held in turn by each of the four largest parties represented on the council immediately after the last local general election;
 - (d) the office of chairman is not held by a person who is a member of the same political party as a person who holds the office of chairman of another sub-group.
- (3) Subject to the following provisions of this paragraph, a person shall hold and vacate office as chairman or vice-chairman in accordance with the terms of his appointment.

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(4) A person may at any time resign as chairman or vice-chairman by notice in writing to the council.

(5) If the chairman or vice-chairman ceases to be a member of the sub-group, he shall also cease to hold office as chairman or vice-chairman.

Allowances

10 The council may pay to the chairman, vice-chairman and other members of a sub-group such allowances as the council, with the approval of the Board, may determine.

Indemnities

11 The council may indemnify a member of a sub-group in respect of liability incurred by him in connection with the business of the sub-group.

Insurance against accidents

12 (1) The council may insure against risks of a member of a sub-group meeting with a personal accident, whether fatal or not, while he is engaged on the business of the sub-group.

(2) Sub-paragraph (3) applies if the council receives a sum under any such insurance in respect of an accident to a member of the sub-group.

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

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

Finance

13 The Board shall for each financial year make to the council a grant equal to three-quarters of the expenses reasonably incurred by the council in that year in connection with the establishment of, or the exercise of functions by, sub-groups.

Procedure

14 (1) The quorum for a meeting of a sub-group shall be 5.

(2) Every question at a meeting of a sub-group shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of the votes, the chairman of the meeting shall have a second or casting vote.

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

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- (4) Subject to sub-paragraphs (1) to (3) and to section 19 and to any directions given by the partnership, a sub-group may regulate its own procedure.

Validity of proceedings

- 15 The validity of any proceedings of a sub-group or a committee thereof shall not be affected by—
- (a) any defect in the appointment of the chairman or vice-chairman or any other member; or
 - (b) any vacancy in the office of chairman or vice-chairman or among the other members.

Disclosure of pecuniary interests, family connections, etc.

- 16 Sections 28 to 33, 42, 46, 47 and 146 of the Local Government Act (Northern Ireland) 1972 (and section 148 of that Act so far as applying for the interpretation of those sections) apply to a sub-group and its members as if—
- (a) in those sections—
 - (i) any reference to a council were a reference to the sub-group;
 - (ii) any reference to a councillor were a reference to a member of the sub-group;
 - (iii) any reference to the clerk of the council were a reference to the person acting as secretary of the sub-group;
 - (b) in section 28(4) of that Act for the words from “by any local elector” to the end there were substituted the words “ by any person ”;
 - (c) in section 29 of that Act any reference to the Minister were a reference to the Secretary of State.

Committees

- 17 (1) A sub-group may constitute a committee of its members.
- (2) A sub-group shall constitute a committee of its members if directed to do so by the partnership.
 - (3) A committee of a sub-group shall consist of 5 or more members of the sub-group.
 - (4) The members of a committee of a sub-group shall be appointed by the sub-group.
 - (5) A sub-group may delegate any of its functions to a committee constituted by it.
 - (6) The powers of a committee of a sub-group shall be exercised in accordance with and subject to directions given by the sub-group.
 - (7) The proceedings of a committee of a sub-group shall be regulated in accordance with and subject to directions given by the sub-group.

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- (8) The approval of the partnership is required to—
- (a) the constitution of a committee under sub-paragraph (1);
 - (b) the members of a committee of a sub-group to be appointed under sub-paragraph (4);
 - (c) the functions to be delegated to a committee under sub-paragraph (5);
 - (d) the exercise by a committee of any functions delegated to it under sub-paragraph (5);
 - (e) the directions to be given to a committee under sub-paragraphs (6) and (7).”
- 14 In Schedule 2 to the Commissioner for Complaints (Northern Ireland) Order 1996 (N.I. 7) after the entry for the Staff Commission for Education and Library Boards insert—
- “A sub-group established under section 21 of the Police (Northern Ireland) Act 2000.”
- 15 In Part 7 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) at the appropriate place in alphabetical order insert— “ A sub-group established under section 21 of the Police (Northern Ireland) Act 2000. ”
- 16 (1) Sub-paragraphs (4) and (5) have effect in relation to the transitional period.
- (2) The transitional period is the period—
- (a) beginning on the date on which this Schedule comes into force;
 - (b) ending on the date of the next local general election after that date.
- (3) “Local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962.
- (4) In paragraph 17 of Schedule 3 to the Police (Northern Ireland) Act 2000 (inserted by paragraph 12 above) after sub-paragraph (2) insert—
- “(2A) In paragraph 3, after sub-paragraph (4) insert—
- “(4A) The council may, with the approval of the Board, terminate the appointment of a political member if it appears to the council to be necessary or expedient to do so in order to enable it to comply with paragraph 2(6).”
- (2B) In paragraph 3(5), after paragraph (a) insert—
- “(aa) his appointment is terminated under sub-paragraph (4A);”.
- (2C) In paragraph 3(6), after “expires” insert “ , whose appointment is terminated under sub-paragraph (4A) ”.”
- (5) In Schedule 3A to the Police (Northern Ireland) Act 2000 (inserted by paragraph 13 above), in paragraph 4(1) after “among” insert “ (a) ” and after “paragraph 5” insert—
- “; and
- (b) persons who hold office as independent members of the partnership”.

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SCHEDULE 2

Sections 30 and 31

POWERS EXERCISABLE BY DESIGNATED PERSONS

PART 1

INVESTIGATING OFFICERS

Entry and search for purposes of arrest

- 1 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under section 42 of the Terrorism Act 2000 (c. 11) (warrants for entry and search for purposes of arrest);
 - (b) the persons authorised by a warrant issued under section 42 of that Act to enter and search premises include the designated person;
 - (c) Article 17 of the 1989 Order (safeguards) has effect in relation to the issue of a warrant under section 42 of that Act to the designated person as it has effect in relation to the issue of a warrant under that section to a constable;
 - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under section 42 of that Act (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person.

Entry and search for evidence etc.

- 2 Where a designation applies this paragraph to a person—
- (a) he may apply as if he were a constable for a warrant under Article 10 of the 1989 Order (warrants for entry and search for evidence etc.);
 - (b) the persons authorised by a warrant issued under Article 10 of that Order to enter and search premises include the designated person;
 - (c) the designated person has the power of a constable under Article 10(2) of that Order to seize and retain things for which a search has been authorised under paragraph (1) of that Article;
 - (d) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under Article 10 of that Order to the designated person as it has effect in relation to the issue of a warrant under that Article to a constable;
 - (e) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under Article 10 of that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
 - (f) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything under Article 10(2) of that Order by a constable;
 - (g) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (c) as it applies to the power of seizure conferred on a constable by Article 10(2) of that Order;

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- (h) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable included references to the designated person;
- (i) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (c) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 10(2) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;
 - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

Access to excluded and special procedure material

- 3 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Article 11(1) of the 1989 Order (special provisions for access) to obtain access to excluded material and special procedure material, in accordance with Schedule 1 to that Order and the following provisions of this paragraph;
 - (b) Schedule 1 to that Order has effect as if the references in paragraphs 1, 4, 5, 9 and 10 of that Schedule to a constable were references to the designated person;
 - (c) Article 17 of that Order (safeguards) has effect in relation to the issue of a warrant under paragraph 9 of Schedule 1 to that Order to the designated person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
 - (d) Article 18 of that Order (execution of warrants) has effect in relation to a warrant issued under paragraph 9 of Schedule 1 to that Order (whether to the designated person or to any other person) as if references in that Article to a constable included references to the designated person;
 - (e) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as it has effect in relation to the seizure of anything under that paragraph by a constable;
 - (f) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by paragraph 10 of Schedule 1 to that Order as it applies to the power of seizure conferred on a constable by that paragraph;
 - (g) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order as if the references to a constable included references to the designated person;
 - (h) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in

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exercise of the power conferred on him by paragraph 10 of Schedule 1 to that Order or taken away by him following the imposition of a requirement by virtue of sub-paragraph (f), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Order—

- (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 10 of Schedule 1 to that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule;
- (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

Entry and search after arrest

4

Where a designation applies this paragraph to a person—

- (a) he has the powers of a constable under Article 20 of the 1989 Order (entry and search after arrest) to enter and search premises and to seize and retain anything for which a constable may search under that Article;
- (b) paragraphs (5) and (6) of that Article (power to carry out search before arrested person taken to police station and duty to inform senior officer) have effect in relation to any exercise by the designated person of those powers as if the references in those paragraphs to a constable were references to the designated person;
- (c) Article 21(6) of that Order (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 20(2) of that Order by a constable;
- (d) Article 22 of that Order (extension of powers of seizure to computerised information) applies to the power of seizure conferred on the designated person by virtue of sub-paragraph (a) as it applies to the power of seizure conferred on a constable by Article 20(2) of that Order;
- (e) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;
- (f) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 20(2) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 22 of that Order;
 - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

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General power of seizure

- 5 Where a designation applies this paragraph to a person—
- (a) when lawfully on any premises, he has the same powers as a constable under Article 21 of the 1989 Order (general powers of seizure) to seize things;
 - (b) he has the powers of a constable to impose a requirement by virtue of paragraph (4) of that Article in relation to information accessible from premises;
 - (c) paragraph (6) of that Article (protection for legally privileged material from seizure) has effect in relation to the seizure of anything by the designated person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything under Article 21 of that Order by a constable;
 - (d) Article 23(1) and (2) of that Order (provision of record of seizure) has effect in relation to the seizure of anything by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable included references to the designated person;
 - (e) Articles 23(3) to (8) and 24 of that Order (access, copying and retention) have effect in relation to anything seized by the designated person in exercise of the power conferred on him by virtue of sub-paragraph (a) or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by Article 21(2) or (3) of that Order or taken away by a constable following the imposition of a requirement by virtue of Article 21(4) of that Order;
 - (ii) as if the second reference to a constable in paragraph (3) of Article 23 of that Order and the references to a constable in paragraphs (4) and (5) of that Article included references to a person to whom this paragraph applies.

Access and copying in the case of things seized by constables

- 6 Where a designation applies this paragraph to a person, Article 23 of the 1989 Order (access and copying) has effect in relation to anything seized by a constable as if the second reference to a constable in paragraph (3) of Article 23 and the references to a constable in paragraphs (4) and (5) of that Article (supervision of access and photographing of seized items) included references to the designated person.

Arrest at a police station for another offence

- 7 (1) Where a designation applies this paragraph to a person, he has the power to make an arrest at a police station in any case where an arrest—
- (a) is required to be made under Article 33 of the 1989 Order (arrest for a further offence of a person already at a police station), or
 - (b) would be so required if the reference in that Article to a constable included a reference to a person to whom this paragraph applies.
- (2) Article 5 of the Criminal Evidence (Northern Ireland) Order 1988 (S.I. 1988/ 1987 (N.I. 20)) (consequences of failure by arrested person to account for objects etc.) applies (without prejudice to the effect of any designation applying paragraph 9) in

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the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

Power to transfer persons into custody of investigating officers

- 8 (1) Where a designation applies this paragraph to a person, the custody officer for a designated police station may—
- (a) transfer a person falling within sub-paragraph (2) to the designated person, or
 - (b) permit the transfer of a person falling within sub-paragraph (2) to the designated person.
- (2) A person falls within this sub-paragraph if—
- (a) he is in police detention for an offence;
 - (b) the offence is being investigated by the designated person.
- (3) If a person is transferred under sub-paragraph (1) into the custody of the designated person, the designated person—
- (a) must be treated for all purposes as having the person in his lawful custody;
 - (b) is under a duty to prevent the person's escape;
 - (c) is entitled to use reasonable force to keep the person in his custody.
- (4) If a person is transferred under sub-paragraph (1) into the custody of the designated person, paragraphs (2) and (3) of Article 40 of the 1989 Order have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the designated person;
 - (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the designated person.

Power to require arrested person to account for certain matters

- 9 Where a designation applies this paragraph to a person—
- (a) he has the powers of a constable under Articles 5(1)(c) and 6(1)(c) of the Criminal Evidence (Northern Ireland) Order 1988 to request a person who has been arrested by a constable or by a person to whom paragraph 7 applies to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
 - (b) the references to a constable in Articles 5(1)(b) and (c) and (4) and 6(1)(b) and (c) and (3) of that Order accordingly include references to the person to whom this paragraph is applied.

Extended powers of seizure

- 10 (1) Where a designation applies this paragraph to a person—
- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable by a constable by reference to a relevant power are exercisable by the designated person by reference to the relevant power to the same extent as they would be by a constable;
 - (b) section 56 of that Act (retention of property seized by a constable) has effect as if the property referred to in subsection (1) of that section included

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property seized by the designated person at any time when he was lawfully on any premises.

- (2) A relevant power is a power of a constable that is conferred on the designated person by virtue of the provisions of this Part of this Schedule.

PART 2

DETENTION OFFICERS

Attendance at police station for fingerprinting

- 11 Where a designation applies this paragraph to a person, he has the power of a constable under Article 29(1) of the 1989 Order (fingerprinting of offenders) to require a person to attend a police station in order to have his fingerprints taken.

Non-intimate searches of detained persons

- 12 (1) Where a designation applies this paragraph to a person, he has the powers of a constable under Article 55 of the 1989 Order (non-intimate searches of detained persons)—
- (a) to carry out a search under that Article of any person at a police station or of any other person otherwise in police detention;
 - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.
- (2) Paragraphs (9) and (12) of Article 55 of that Order (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

Searches and examinations to ascertain identity

- 13 Where a designation applies this paragraph to a person, he has the powers of a constable under Article 55A of the 1989 Order (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at a police station;
 - (b) to take a photograph at a police station of an identifying mark.

Fingerprinting

- 14 Where a designation applies this paragraph to a person—
- (a) he has the power of a constable under Article 61 of the 1989 Order (fingerprinting) to take fingerprints at a police station without the appropriate consent;
 - (b) the requirement by virtue of paragraph (7A)(a) of that Article that a person must be informed by an officer that his fingerprints may be the subject of a speculative search may be discharged, in the case of a person at a police station, by his being so informed by the designated person.
- 15 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 10(2) of Schedule 8 to the Terrorism Act 2000 (c. 11)

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(fingerprinting persons detained under the terrorism provisions) to take fingerprints from a person detained under the terrorism provisions.

Warnings about intimate samples

- 16 Where a designation applies this paragraph to a person, the requirement by virtue of Article 62(7A)(a) of the 1989 Order (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search may be discharged, in the case of a person in a police station, by his being so informed by the designated person.

Non-intimate samples

- 17 Where a designation applies this paragraph to a person—
- (a) he has the power of a constable under Article 63 of the 1989 Order (non-intimate samples), in the case of a person in a police station, to take a non-intimate sample without the appropriate consent;
 - (b) the requirement by virtue of paragraph (6) of that Article (information about authorisation) that a person must be informed by an officer of the matters mentioned in that paragraph may be discharged, in the case of an authorisation in relation to a person in a police station, by his being so informed by the designated person;
 - (c) the requirement by virtue of paragraph (8B)(a) of that Article that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search may be discharged, in the case of a person in a police station, by his being so informed by the designated person.
- 18 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 10(3) of Schedule 8 to the Terrorism Act 2000 (c. 11) (non-intimate samples from persons detained under the terrorism provisions) to take a non-intimate sample from a person detained under the terrorism provisions.

Attendance at police station for the taking of a sample

- 19 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph (4) of Article 63A of the 1989 Order (supplementary provisions relating to fingerprints and samples) to require a person to attend a police station in order to have a sample taken.

Photographing detained persons

- 20 Where a designation applies this paragraph to a person, he has the power of a constable under Article 64A of the 1989 Order (photographing of suspects etc.) to take a photograph of a person detained at a police station.
- 21 Where a designation applies this paragraph to a person, he has the power of a constable under paragraph 2 of Schedule 8 to the Terrorism Act 2000 (identification of persons detained under the terrorism provisions) to photograph a person detained under the terrorism provisions.

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PART 3

ESCORT OFFICERS

Power to take an arrested person to a police station

- 22 (1) Where a designation applies this paragraph to a person—
- (a) the persons who, in the case of a person arrested by a constable, are authorised for the purposes of [F1 paragraph (1A) of Article 32] of the 1989 Order (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station include the designated person;
 - (b) that Article has effect in relation to the exercise by the designated person of the power conferred by virtue of paragraph (a) as if the references to a constable in paragraphs (3), (4)(a) and (13) (but not the references in paragraphs (5) to (12)) included references to the designated person;
 - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
 - (i) must be treated for all purposes as having the other person in his lawful custody;
 - (ii) is under a duty to prevent the other person's escape;
 - (iii) is entitled to use reasonable force to keep the other person in his charge.
- (2) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (non-intimate searches) as a constable has in the case of a person in police detention—
 - (i) to carry out a search of the other person;
 - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
 - (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

Textual Amendments

- F1** Words in Sch. 2 para. 22(1)(a) substituted (1.1.2005) by [The Criminal Justice \(Northern Ireland\) Order 2004 \(S.I. 2004/1500\)](#), art. 1(3), [Sch. 1 para. 6](#); S.R. 2004/391, art. 3

Escort of persons in police detention

- 23 (1) Where a designation applies this paragraph to a person, he may be authorised by the custody officer for any designated police station to escort a person in police detention—
- (a) from that police station to another police station;

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- (b) from that police station to any other place that is specified by the custody officer;
 - (c) from that police station to any other place that is specified by the custody officer and then either back to that police station or on to another police station.
- (2) A person who is escorting another in accordance with an authorisation under sub-paragraph (1)—
- (a) must be treated for all purposes as having the other person in his lawful custody;
 - (b) is under a duty to prevent the other person’s escape;
 - (c) is entitled to use reasonable force to keep the other person in his charge.
- (3) Without prejudice to any designation applying paragraph 12 to a person, where a person has another in his lawful custody by virtue of sub-paragraph (2) of this paragraph—
- (a) he has the same powers under paragraphs (7) and (8) of Article 55 of the 1989 Order (non-intimate searches) as a constable has in the case of a person in police detention—
 - (i) to carry out a search of the other person;
 - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
 - (b) paragraphs (9) and (12) of that Article (restrictions on power to seize clothes and personal effects and searches to be carried out by a member of the same sex) apply to the exercise by the designated person of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.
- (4) Article 40(2) of that Order (responsibilities of custody officer where person transferred to escort) has effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the designated person were a police officer.

PART 4

INTERPRETATION

- 24 (1) In this Schedule—
- “designated person” means a person designated under section 30 or 31;
 - “designation” means a designation under section 30 or 31;
 - “the 1989 Order” means the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (2) Expressions used in this Schedule and in the 1989 Order have the same meanings in this Schedule as they have in that Order.

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SCHEDULE 3

Section 32

POLICE POWERS: AMENDMENTS

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 1 In Article 2 of the 1989 Order (general interpretation) after paragraph (4) insert—
- “(4A) Where a person is in another’s lawful custody by virtue of paragraph 8, 22(1) or 23(2) of Schedule 2 to the Police (Northern Ireland) Act 2003, he shall be treated as being in police detention for the purposes of this Order.”
- 2 In Article 20(5) of the 1989 Order (power of constable to conduct search of arrested person’s premises before taking him to a police station) for “taking the person” substitute “the person is taken”.
- 3 In Article 55A(6) of the 1989 Order (persons entitled to carry out search or examination or to take photographs) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.
- 4 In Article 61 of the 1989 Order (fingerprinting) after paragraph (8) insert—
- “(8A) The fingerprints of a person detained at a police station may be taken without the appropriate consent by a constable.”
- 5 In Article 63 of the 1989 Order (non-intimate samples) after paragraph (9) insert—
- “(9A) The power to take a non-intimate sample from a person without the appropriate consent is exercisable by a constable.”
- 6 In Article 64A(3) of the 1989 Order (persons entitled to photograph detainees) for sub-paragraphs (a) and (b) and the words after sub-paragraph (b) substitute “constables”.
- 7 (1) Article 66 of the 1989 Order (codes of practice: supplementary) is amended as follows.
- (2) After paragraph (8) insert—
- “(8A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this Article applies in—
- (a) the exercise of the powers conferred on him by the designation;
- (b) the performance of the duties imposed on him by the designation.”
- (3) In paragraph (9) after sub-paragraph (b) insert—
- “; or
- (c) of a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with paragraph (8A),”.

Terrorism Act 2000 (c. 11)

- 8 (1) Section 101 of the Terrorism Act 2000 (c. 11) (codes of practice: supplementary) is amended as follows.
- (2) After subsection (5) insert—

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“(5A) A person on whom powers are conferred or duties are imposed by a designation under section 30 or 31 of the Police (Northern Ireland) Act 2003 shall have regard to any relevant provision of a code of practice to which this section applies in—

- (a) the exercise of the powers conferred on him by the designation;
- (b) the performance of the duties imposed on him by the designation.”

(3) After subsection (7) insert—

“(7A) A failure by a person designated under section 30 or 31 of the Police (Northern Ireland) Act 2003 to comply with subsection (5A) shall not of itself make him liable to criminal or civil proceedings.”

SCHEDULE 4

Section 45

REPEALS AND REVOCATIONS

<i>Short title and chapter or title</i>	<i>Extent of repeal or revocation</i>
Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))	In Article 243(1), the words “Part VA,”.
Police (Northern Ireland) Act 1998 (c. 32)	Section 61A.
Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17))	Article 16.
Police (Northern Ireland) Act 2000 (c. 32)	In section 25(2), the words from “but” to the end. Section 28(5)(c) and the word “and” immediately preceding it. Section 32(4) and (5). Section 63(1). In Schedule 1: (a) in paragraph 3(7)(b), the word “or” immediately preceding subparagraph (iii), (b) in paragraph 10(1)(b), the word “or” immediately preceding subparagraph (iii), and (c) paragraph 19(3).
1	The repeals in section 28(5) of the Police (Northern Ireland) Act 2000 have effect in accordance with section 8(6) above.
2	The revocations in the Employment Rights (Northern Ireland) Order 1996 and the Public Interest Disclosure (Northern Ireland) Order 1998 have effect in accordance with section 26(4) above.

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