

## SCHEDULES

### SCHEDULE 3

#### Amendments relating to policing

#### *Police (Northern Ireland) Act 2000*

**40.** Amend the Police (Northern Ireland) Act 2000(1) as follows.

.....  
**Commencement Information**

**I1** Sch. 3 para. 40 in force at 12.4.2010, see [art. 1\(2\)](#)

**41.** In section 3(4)(c) (Policing Board to have regard to code of practice) for “Secretary of State” substitute “Department of Justice”.

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**Commencement Information**

**I2** Sch. 3 para. 41 in force at 12.4.2010, see [art. 1\(2\)](#)

**42.** In section 4(2) (police support staff)—

(a) in subsections (2)(a) and (b), (3), (3B) and (7) for “Secretary of State” substitute “Department of Justice”;

(b) in subsection (3B)(d) for “him” substitute “the Department of Justice”.

.....  
**Commencement Information**

**I3** Sch. 3 para. 42 in force at 12.4.2010, see [art. 1\(2\)](#)

**43.** In section 5 (power to transfer certain staff to employment of Policing Board) in subsections (1) and (5) for “Secretary of State” (wherever occurring) substitute “Department of Justice”.

.....  
**Commencement Information**

**I4** Sch. 3 para. 43 in force at 12.4.2010, see [art. 1\(2\)](#)

**44.** In section 7 (acquisition and disposal of land by Policing Board)—

(a) in subsection (3) for “Secretary of State” (in both places) substitute “Department of Justice”; and

(b) in subsection (4)(b) for “Secretary of State” substitute “Department of Justice”.

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(1) 2000 c. 32.

(2) Section 4 was amended by [S.I. 2007/912 \(N.I. 6\)](#).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

**Commencement Information**

**15** Sch. 3 para. 44 in force at 12.4.2010, see [art. 1\(2\)](#)

**45.** In section 8(3) (consent to Policing Board providing advice and assistance to international organisations)—

- (a) for “Secretary of State” substitute “Department of Justice”;
- (b) for “him” substitute “the Department of Justice”.

**Commencement Information**

**16** Sch. 3 para. 45 in force at 12.4.2010, see [art. 1\(2\)](#)

**46.** In section 9(3) (grants to, and borrowing by, the Policing Board)—

- (a) in subsections (1), (2) and (5), and
- (b) in subsection (7) (in both places),

for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**17** Sch. 3 para. 46 in force at 12.4.2010, see [art. 1\(2\)](#)

**47.** In section 10(4) (funding for police purposes – ancillary provisions)—

- (a) in subsections (1), (1A) and (4) for “Secretary of State” (wherever occurring) substitute “Department of Justice”; and
- (b) in subsection (1A) for “he” substitute “the Department of Justice”.

**Commencement Information**

**18** Sch. 3 para. 47 in force at 12.4.2010, see [art. 1\(2\)](#)

**48.—(1)** In section 12(5) (accounts and audit)—

- (a) in subsections (3) and (4) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (5)—
  - (i) for “Secretary of State” (in both places) substitute “Department of Justice”;
  - (ii) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
- (c) in subsection (6)—
  - (i) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”; and
  - (ii) for “each House of Parliament” substitute “the Northern Ireland Assembly”; and
- (d) after subsection (6) insert—

(3) Section 9 was amended by section 6 of the Police (Northern Ireland) Act 2003 (c. 6).  
(4) Section 10 was amended by section 6 of the Police (Northern Ireland) Act 2003 (c. 6).  
(5) Section 12 was amended by section 7 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

“(7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954<sup>(6)</sup> applies for the purposes of subsection (6)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.”

(2) Sub-paragraph (1) above does not apply in relation to a financial year ending before the coming into force of this Order.

**Commencement Information**

**19** Sch. 3 para. 48 in force at 12.4.2010, see [art. 1\(2\)](#)

**49.**—(1) Amend section 15 (default of council) as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “Department of Justice”; and
- (b) for “he” substitute “the Department of Justice”.

(3) In subsection (2)—

- (a) for “Secretary of State” substitute “Department of Justice”; and
- (b) for “him” substitute “the Department of Justice”.

**Commencement Information**

**110** Sch. 3 para. 49 in force at 12.4.2010, see [art. 1\(2\)](#)

**50.**—(1) Amend section 15A(7) (default of council: Belfast sub-groups) as follows.

(2) In subsection (1)—

- (a) for “Secretary of State” substitute “Department of Justice”; and
- (b) for “he” substitute “the Department of Justice”.

(3) In subsection (2)—

- (a) for “Secretary of State” substitute “Department of Justice”; and
- (b) for “him” substitute “the Department of Justice”.

**Commencement Information**

**111** Sch. 3 para. 50 in force at 12.4.2010, see [art. 1\(2\)](#)

**51.** In section 19(2) (agreement of Secretary of State to Board issuing code of practice for district policing partnerships) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**112** Sch. 3 para. 51 in force at 12.4.2010, see [art. 1\(2\)](#)

**52.**—(1) In section 24<sup>(8)</sup> (Secretary of State’s long term policing objectives)—

<sup>(6)</sup> 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

<sup>(7)</sup> Section 15A was inserted by Schedule 1 to the Police (Northern Ireland) Act 2003 (c. 6).

<sup>(8)</sup> Section 24 was amended by section 1 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (a) in subsections (1), (2), (2A) (in both places) and (3) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (3) for “each House of Parliament” substitute “the Northern Ireland Assembly”; and
- (c) after subsection (3) insert—

“(4) Section 41(3) of the Interpretation Act (Northern Ireland) 1954<sup>(9)</sup> applies for the purposes of subsection (3) in relation to the laying of a statement as it applies in relation to the laying of a statutory document under an enactment.”

- (2) In the heading to section 24 for “Secretary of State’s” substitute “Department of Justice’s”.

**Commencement Information**

**I13** Sch. 3 para. 52 in force at 12.4.2010, see [art. 1\(2\)](#)

- 53.** In section 26 (Policing Board’s policing plan) in subsections (2)(b), (3) and (6) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I14** Sch. 3 para. 53 in force at 12.4.2010, see [art. 1\(2\)](#)

- 54.** In section 27<sup>(10)</sup> (codes of practice on exercise of functions by Policing Board and Chief Constable)—

- (a) in subsections (1), (2) and (2A) (in both places) for “Secretary of State” substitute “Department of Justice”; and
- (b) in subsection (3)—
  - (i) for “Secretary of State” substitute “Department of Justice”; and
  - (ii) for “he” substitute “the Department of Justice”.

**Commencement Information**

**I15** Sch. 3 para. 54 in force at 12.4.2010, see [art. 1\(2\)](#)

- 55.** In section 28(6)<sup>(11)</sup> (consultation on performance plan and performance summary) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I16** Sch. 3 para. 55 in force at 12.4.2010, see [art. 1\(2\)](#)

- 56.—**(1) In section 29<sup>(12)</sup> (audit of performance plans and performance summaries)—

- (a) in subsection (1) after “General” insert “for Northern Ireland”;
- (b) for subsection (3) substitute—

<sup>(9)</sup> 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

<sup>(10)</sup> Section 27 was amended by sections 2 and 6 of the Police (Northern Ireland) Act 2003 (c. 6).

<sup>(11)</sup> Section 28(6) was amended by section 8 of the Police (Northern Ireland) Act 2003 (c. 6).

<sup>(12)</sup> Section 29 was amended by section 9 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- “(3) Article 3 of the Audit and Accountability (Northern Ireland) Order 2003<sup>(13)</sup> (right of Comptroller and Auditor General for Northern Ireland to obtain documents and information) applies in relation to an examination under this section as it applies in relation to an examination under Article 8 or 9 of the Audit (Northern Ireland) Order 1987<sup>(14)</sup>.”;
- (c) in subsection (4)—
- (i) after “General” insert “for Northern Ireland”; and
  - (ii) for “Secretary of State” substitute “Department of Justice”;
- (d) in subsection (4A)—
- (i) after “General” insert “for Northern Ireland”; and
  - (ii) for “Secretary of State” substitute “Department of Justice”;
- (e) in subsection (5)—
- (i) after “General” insert “for Northern Ireland”; and
  - (ii) for “Secretary of State” substitute “Department of Justice”;
- (f) in subsection (6) after “General” insert “for Northern Ireland”; and
- (g) in subsection (10)—
- (i) for “Secretary of State” substitute “Department of Justice”; and
  - (ii) after “General” insert “for Northern Ireland”.

(2) Sub-paragraph (1) above does not apply in relation to a performance plan or a performance summary for a financial year ending before the coming into force of this Order.

#### Commencement Information

**I17** Sch. 3 para. 56 in force at 12.4.2010, see [art. 1\(2\)](#)

**57.**—(1) Amend section 30 (examinations of the Policing Board’s compliance with section 28) as follows.

- (2) In subsection (1) after “General” insert “for Northern Ireland”.
- (3) In subsection (2)—
- (a) for “Secretary of State” substitute “Department of Justice”; and
  - (b) after “General” (in each place) insert “for Northern Ireland”.
- (4) In subsection (3)—
- (a) for “Secretary of State” substitute “Department of Justice”; and
  - (b) after “General” insert “for Northern Ireland”.
- (5) For subsection (4) substitute—

“(4) Article 3 of the Audit and Accountability (Northern Ireland) Order 2003 (right of Comptroller and Auditor General for Northern Ireland to obtain documents and information) applies in relation to an examination under this section as it applies in relation to an examination under Article 8 or 9 of the Audit (Northern Ireland) Order 1987.”

- (6) In subsection (5) after “General” insert “for Northern Ireland”.
- (7) In subsection (6)—

<sup>(13)</sup> S.I. 2003/418 (N.I. 5).

<sup>(14)</sup> S.I. 1987/460 (N.I. 5).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (a) in paragraph (a) after “General” insert “for Northern Ireland”; and
  - (b) in paragraph (b) for “Secretary of State” substitute “Department of Justice”.
- (8) In subsection (7)—
- (a) after “General” insert “for Northern Ireland”; and
  - (b) for “Secretary of State” substitute “Department of Justice”.
- (9) In subsection (8)—
- (a) after “General” insert “for Northern Ireland”;
  - (b) for “each House of Parliament” substitute “the Northern Ireland Assembly”.
- (10) After subsection (8) insert—
- “(8A) Section 41(3) of the Interpretation Act (Northern Ireland) 1954<sup>(15)</sup> applies for the purposes of subsection (8) in relation to the laying of a copy of a report as it applies in relation to the laying of a statutory document under an enactment.”

**Commencement Information**

**I18** Sch. 3 para. 57 in force at 12.4.2010, see [art. 1\(2\)](#)

- 58.**—(1) In section 31<sup>(16)</sup> (enforcement of duties under section 28)—
- (a) in subsection (1)—
    - (i) for “Secretary of State” substitute “Department of Justice”; and
    - (ii) for “he” substitute “it”;
  - (b) in subsection (2)—
    - (i) for “Secretary of State” substitute “Department of Justice”; and
    - (ii) for “he” (in both places) substitute “the Department of Justice”;
  - (c) in subsection (3) for “Secretary of State” substitute “Department of Justice”; and
  - (d) in subsection (4) for “Secretary of State” substitute “Department of Justice”.
- (2) Sub-paragraph (1) above does not apply in the case of a report under section 29(4) or (4A) relating to a performance plan or a performance summary mentioned in paragraph 56(2) above.

**Commencement Information**

**I19** Sch. 3 para. 58 in force at 12.4.2010, see [art. 1\(2\)](#)

- 59.**—(1) Amend section 33A<sup>(17)</sup> (provision of information to Policing Board) as follows.
- (2) For subsections (3) and (4) substitute—
- “(3) Subsection (4) applies if the Chief Constable supplies the Board with information which, in his opinion, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
  - (4) The Chief Constable—

<sup>(15)</sup> 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

<sup>(16)</sup> Section 31 was amended by section 9 of the Police (Northern Ireland) Act 2003 (c. 6).

<sup>(17)</sup> Section 33A was inserted by section 22 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (a) must inform the Secretary of State that the information has been supplied to the Board, and
  - (b) must inform the Secretary of State and the Board that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (5) Subsection (6) applies if the Chief Constable supplies the Board with information which, in his opinion, 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)(b) or (c).
- (6) The Chief Constable—
- (a) must inform the Minister of Justice that the information has been supplied to the Board, and
  - (b) must inform the Minister of Justice and the Board that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (5).”

**Commencement Information**

**I20** Sch. 3 para. 59 in force at 12.4.2010, see [art. 1\(2\)](#)

**60.** In section 34(2) (deputy Chief Constable) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I21** Sch. 3 para. 60 in force at 12.4.2010, see [art. 1\(2\)](#)

- 61.** In section 35 (appointment and removal of senior officers)—
- (a) in subsection (1) for “Secretary of State” substitute “Minister of Justice”;
  - (b) in subsection (2) for “Secretary of State” substitute “Minister of Justice”;
  - (c) in subsection (3)(a) and (b) for “Secretary of State” substitute “Minister of Justice”;
  - (d) in subsection (4) for “Secretary of State” substitute “Minister of Justice”;
  - (e) in subsection (7) for “Secretary of State” substitute “Department of Justice”; and
  - (f) in subsection (8)(a) for “Secretary of State” substitute “Minister of Justice”.

**Commencement Information**

**I22** Sch. 3 para. 61 in force at 12.4.2010, see [art. 1\(2\)](#)

- 62.** In section 36A(18) (fixed-term appointments)—
- (a) in subsection (4)—
    - (i) for “Secretary of State” substitute “Department of Justice”;

(18) Section 36A was inserted by section 24 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (ii) for “he” substitute “it”; and
- (b) in subsection (5) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I23** Sch. 3 para. 62 in force at 12.4.2010, see [art. 1\(2\)](#)

- 63.** In section 41(19) (status etc. of trainees)—
- (a) in subsection (3) for “Secretary of State” substitute “Department of Justice”;
  - (b) in subsection (5)(a) for “Secretary of State” substitute “Department of Justice”; and
  - (c) in subsection (6) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I24** Sch. 3 para. 63 in force at 12.4.2010, see [art. 1\(2\)](#)

- 64.** In section 42(2) (police cadets) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I25** Sch. 3 para. 64 in force at 12.4.2010, see [art. 1\(2\)](#)

- 65.** In section 43 (contracting-out of certain recruitment functions of Chief Constable)—
- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
  - (b) in subsection (2) for “Secretary of State” substitute “Department of Justice”; and
  - (c) in subsection (3)(b) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I26** Sch. 3 para. 65 in force at 12.4.2010, see [art. 1\(2\)](#)

- 66.** In section 44(20) (recruitment arrangements: trainees and support staff)—
- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
  - (b) in subsection (2) for “Secretary of State” substitute “Department of Justice”; and
  - (c) in subsection (4) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I27** Sch. 3 para. 66 in force at 12.4.2010, see [art. 1\(2\)](#)

- 67.** In section 48(4)(c) (action plans) for “Secretary of State” substitute “Department of Justice”.

(19) Amendments have been made to section 41 but none are relevant.

(20) Amendments have been made to section 44 but none are relevant.



**Commencement Information**

**I28** Sch. 3 para. 67 in force at 12.4.2010, see [art. 1\(2\)](#)

**68.** In section 51(3)(b) (notifiable memberships) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I29** Sch. 3 para. 68 in force at 12.4.2010, see [art. 1\(2\)](#)

**69.** In section 52(21) (code of ethics)—

- (a) in subsection (5)(b) for “Secretary of State” substitute “Department of Justice”; and
- (b) in subsection (10) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I30** Sch. 3 para. 69 in force at 12.4.2010, see [art. 1\(2\)](#)

**70.** In section 53 (guidance as to use of equipment for maintaining or restoring public order)—

- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (2) for “Secretary of State” substitute “Department of Justice”; and
- (c) in subsection (3)—
  - (i) for “Secretary of State” substitute “Department of Justice”, and
  - (ii) for “he” substitute “it”.

**Commencement Information**

**I31** Sch. 3 para. 70 in force at 12.4.2010, see [art. 1\(2\)](#)

**71.** In section 54 (regulations as to emblems and flags)—

- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (2) for “Secretary of State” substitute “Department of Justice”;
- (c) in subsection (3) for “Secretary of State” substitute “Department of Justice”; and
- (d) in subsection (3)(d) for “him” substitute “the Department of Justice”.

**Commencement Information**

**I32** Sch. 3 para. 71 in force at 12.4.2010, see [art. 1\(2\)](#)

**72.** In section 57(22) (annual and other reports by the Policing Board)—

- (a) in subsection (3)(b) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (4) for “Secretary of State” (in each place) substitute “Department of Justice”;

(21) Amendments have been made to section 52 but none are relevant.

(22) Amendments have been made to section 57 but none are relevant.

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (c) in subsection (5)(b) for “Secretary of State” substitute “Department of Justice”; and
- (d) in subsection (6)—
  - (i) for “Secretary of State” substitute “Department of Justice”; and
  - (ii) for “him” substitute “the Department of Justice”.

**Commencement Information**

**I33** Sch. 3 para. 72 in force at 12.4.2010, see [art. 1\(2\)](#)

- 73.** In section 58 (annual report by Chief Constable to Policing Board)—
- (a) in subsection (3) for “Secretary of State” substitute “Department of Justice”;
  - (b) in subsection (4)—
    - (i) for “Secretary of State” substitute “Department of Justice”;
    - (ii) for “each House of Parliament” substitute “the Northern Ireland Assembly”; and
    - (iii) for “him” substitute “the Department of Justice”; and
  - (c) after subsection (4) insert—

“(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954<sup>(23)</sup> applies for the purposes of subsection (4) in relation to the laying of a report as it applies in relation to the laying of a statutory document under an enactment.”

**Commencement Information**

**I34** Sch. 3 para. 73 in force at 12.4.2010, see [art. 1\(2\)](#)

- 74.—(1)** Amend section 59<sup>(24)</sup> (general duty of Chief Constable to report to Policing Board) as follows.
- (2) In subsection (3) for “any of the grounds mentioned in section 76A(1)” substitute “the ground mentioned in section 76A(1)(a)”.
  - (3) After subsection (3) insert—

“(3A) The Chief Constable may refer to the Minister of Justice a requirement to submit a report under subsection (1) if it appears to the Chief Constable that a report in compliance with the requirement would contain information which ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c).”
  - (4) For subsection (4) substitute—

“(4) Where a requirement to submit a report is referred to the Secretary of State under subsection (3) or to the Minister of Justice under subsection (3A), the Secretary of State or (as the case may be) the Minister of Justice may—

    - (a) within the period of 30 days from the date of the referral, or
    - (b) within such longer period as may be agreed between the Board and (as the case may be) the Secretary of State or the Minister of Justice,

modify or set aside the requirement, as necessary, for either or both of the purposes mentioned in subsection (4A).”

<sup>(23)</sup> 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

<sup>(24)</sup> Section 59 was amended by sections 10 and 27 of the Police (Northern Ireland) Act 2003.

(5) In subsection (4A)(a) for “information which, in the opinion of the Secretary of State, ought not to be disclosed on any of the grounds mentioned in section 76A(1)” substitute—

“, as the case may be—

- (i) information which, in the opinion of the Secretary of State, ought not to be disclosed on the ground mentioned in section 76A(1)(a); or
- (ii) information which, in the opinion of the Minister of Justice, ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c);”.

(6) In subsection (4B)(b) after “subsection (3)” insert “or to the Minister of Justice under subsection (3A)”.

(7) For subsections (4H) and (4I) substitute—

“(4H) Subsection (4I) applies if—

- (a) the Chief Constable supplies to a committee under subsection (4D) information which, in the opinion of the Chief Constable, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a), or
- (b) the Chief Constable includes information in a report to the Board and is of the opinion that the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(4I) The Chief Constable must—

- (a) inform the Secretary of State that the information has been included in a report to the Board or supplied to the committee; and
- (b) inform the Secretary of State and the recipient of the information that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(4J) Subsection (4K) applies if—

- (a) the Chief Constable supplies to a committee under subsection (4D) information which, in the opinion of the Chief Constable, is—
  - (i) information the disclosure of which would be likely to put an individual in danger, or
  - (ii) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c), or
- (b) the Chief Constable includes information in a report to the Board and is of the opinion that the information is—
  - (i) information the disclosure of which would be likely to put an individual in danger, or
  - (ii) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c).

(4K) The Chief Constable must—

- (a) inform the Minister of Justice that the information has been included in a report to the Board or supplied to the committee; and
- (b) inform the Minister of Justice and the recipient of the information that, in his opinion, the information is information of a kind mentioned in sub-paragraph (i) or (ii) of paragraph (a) or (b) of subsection (4J).”

### Commencement Information

**I35** Sch. 3 para. 74 in force at 12.4.2010, see [art. 1\(2\)](#)

**75.**—(1) Amend section 60(25) (inquiry by Policing Board following report by Chief Constable) as follows.

(2) In subsection (2)—

- (a) in paragraph (a) for “Secretary of State” substitute “Minister of Justice”;
- (b) in paragraph (b) for “Secretary of State” substitute “Minister of Justice”.

(3) After subsection (2) insert—

“(2A) Where it appears to the Board that an inquiry under this section may relate wholly or in part to—

- (a) a matter in respect of which a function is conferred or imposed on the Secretary of State by or under a statutory provision, or
- (b) an excepted matter or reserved matter (within the meaning given by section 4 of the Northern Ireland Act 1998),

the Board shall immediately inform the Secretary of State of the decision to cause the inquiry to be held and of any matter into which inquiry is to be made, and shall send a copy of the relevant report under section 59 to the Secretary of State.”

(4) In subsections (3) and (5) for “any of the grounds mentioned in section 76A(2)” substitute “the ground mentioned in section 76A(2)(a)”.

(5) After subsection (5) insert—

“(5A) The Chief Constable may refer to the Minister of Justice the decision of the Board to cause an inquiry to be held under this section if it appears to the Chief Constable that such an inquiry ought not to be held on any of the grounds mentioned in section 76A(2)(b) or (c).

(5B) The Minister of Justice may within the period of 30 days from the date of referral of the decision of the Board by the Chief Constable, or within such longer period as may be agreed between the Board and the Minister of Justice, overrule the decision of the Board.

(5C) The Minister of Justice may overrule the Board only if, in the opinion of the Minister of Justice, the inquiry ought not to be held on any of the grounds mentioned in section 76A(2)(b) or (c).”

(6) In subsection (7) for “Secretary of State” substitute “Minister of Justice”.

(7) In subsection (8)(a) after “General” insert “for Northern Ireland”.

(8) In subsection (9) for “Secretary of State” substitute “Minister of Justice”.

(9) For subsections (10A) and (10B) substitute—

“(10A) Subsection (10B) applies if the Chief Constable supplies to a person conducting an inquiry under this section any information which, in the opinion of the Chief Constable, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(10B) The Chief Constable must—

- (a) inform the Secretary of State and the Board that the information has been supplied to the person conducting the inquiry; and

(25) Section 60 was amended by section 11 of the Police (Northern Ireland) Act 2003. Other amendments to section 60 are not relevant.

- (b) inform the Secretary of State, the Board and the person conducting the inquiry that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (10C) Subsection (10D) applies if the Chief Constable supplies to a person conducting an inquiry under this section any information which, in the opinion of the Chief Constable, 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)(b) or (c).
- (10D) The Chief Constable must—
  - (a) inform the Minister of Justice and the Board that the information has been supplied to the person conducting the inquiry; and
  - (b) inform the Minister of Justice, the Board and the person conducting the inquiry that, in his opinion, the information is information of a kind mentioned in paragraph (a) or (b) of subsection (10C).”
- (10) In subsection (16) for paragraph (c) and the “and” before it substitute—
  - “(c) the Minister of Justice; and
  - (d) the Secretary of State, but only if the decision to cause the inquiry to be held was notified to the Secretary of State under subsection (2A) or if subsection (10A) applied in relation to the inquiry.”

**Commencement Information**

**I36** Sch. 3 para. 75 in force at 12.4.2010, see [art. 1\(2\)](#)

- 76.**—(1) Amend section 61 (reports by Chief Constable to Secretary of State) as follows.
- (2) In subsections (1), (2) and (3) for “Secretary of State” (wherever occurring) substitute “appropriate authority”.
  - (3) After subsection (1) insert—
    - “(1A) In this section “the appropriate authority” means, in relation to any matter—
      - (a) the Secretary of State, if the matter relates (in whole or in part other than incidentally) to an excepted matter or reserved matter or to a function conferred or imposed on the Secretary of State by or under a statutory provision;
      - (b) otherwise, the Minister of Justice;and in paragraph (a) “excepted matter” and “reserved matter” have the meanings given by section 4 of the Northern Ireland Act 1998(26).”
  - (4) After subsection (3) insert—
    - “(4) If it appears to the Chief Constable that a report that the Chief Constable is required to submit under subsection (1) to the Minister of Justice may contain information which, in the opinion of the Chief Constable, ought not to be disclosed on the ground mentioned in section 76A(1)(a), the Chief Constable may refer the report to the Secretary of State.
  - (5) If it appears to the Secretary of State that—
    - (a) the Chief Constable is required to submit a report under subsection (1) to the Minister of Justice, and

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (b) the report may contain (or once completed may contain) information which ought not to be disclosed on the ground mentioned in section 76A(1)(a),

the Secretary of State may require the Chief Constable to refer the report to the Secretary of State (or, if the report is not completed when the requirement is imposed, to refer the report once completed).

- (6) The Secretary of State must, within—

- (a) the period of 30 days from the date on which a report is referred to the Secretary of State under subsection (4) or (5), or
- (b) such longer period as may be agreed between the Secretary of State and the Minister of Justice,

notify the Chief Constable whether, in the opinion of the Secretary of State, the report contains any information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(7) Where the Chief Constable has referred a report to the Secretary of State under subsection (4) or the Secretary of State has required that a report be referred to the Secretary of State under subsection (5), the Chief Constable must not disclose the report to anyone apart from the Secretary of State, except—

- (a) in accordance with subsection (8), or
- (b) after being notified by the Secretary of State that, in the opinion of the Secretary of State, the report does not contain any information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).

(8) Where the Secretary of State notifies the Chief Constable under subsection (6) that, in the opinion of the Secretary of State, a report contains information which ought not to be disclosed on the ground mentioned in section 76A(1)(a)—

- (a) the Secretary of State may direct the Chief Constable to exclude from the report any information which, in the opinion of the Secretary of State, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a);
- (b) the Chief Constable must exclude that information from the report;
- (c) the Secretary of State must inform the Minister of Justice that the Secretary of State has given a direction under paragraph (a); and
- (d) the Secretary of State must lay before Parliament a statement that the Secretary of State has given a direction under paragraph (a).

(9) When the Chief Constable submits a report to the Minister of Justice from which information has been excluded under subsection (8), the Chief Constable must at the same time provide the report to the Secretary of State.

(10) In determining for the purposes of subsection (2)(b) when the period of one month, or the agreed longer period, expires in a case where a report has been referred to the Secretary of State under subsection (4) or (5), the period beginning with the day on which the report is referred to the Secretary of State and ending with the day on which the Secretary of State's notification is given under subsection (6) is to be disregarded.

- (11) Subsection (12) applies if—

- (a) a requirement to submit a report has been made under subsection (1) by the Minister of Justice;
- (b) the Chief Constable has not referred the report to the Secretary of State under subsection (4) and has not been required to refer the report to the Secretary of State under subsection (5); and

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (c) the Chief Constable includes in the report submitted to the Minister of Justice information which, in the opinion of the Chief Constable, is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
- (12) The Chief Constable must—
  - (a) inform the Secretary of State that the information has been included in the report to the Minister of Justice;
  - (b) inform the Secretary of State and the Minister of Justice that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).”
- (5) In the heading to section 61 after “Secretary of State” insert “and Minister of Justice”.

**Commencement Information**

**I37** Sch. 3 para. 76 in force at 12.4.2010, see [art. 1\(2\)](#)

**77.**—(1) Amend section 66(27) (access by Ombudsman to information and documents) as follows.

- (2) For subsections (2) to (4) substitute—
  - “(2) Subsection (3) applies if—
    - (a) the Chief Constable or the Board supplies information to the Ombudsman under subsection (1) for the purposes of or in connection with an investigation under section 60A of the 1998 Act; and
    - (b) the person supplying the information is of the opinion that it is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
  - (3) The person supplying the information must—
    - (a) inform the Secretary of State that the information has been supplied to the Ombudsman; and
    - (b) inform the Secretary of State and the Ombudsman that, in his or its opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a).
  - (4) Subsection (5) applies if—
    - (a) the Chief Constable or the Board supplies information to the Ombudsman under subsection (1) for the purposes of or in connection with an investigation under section 60A of the 1998 Act; and
    - (b) the person supplying the information is of the opinion that it is—
      - (i) information the disclosure of which would be likely to put an individual in danger, or
      - (ii) information which ought not to be disclosed on any of the grounds mentioned in section 76A(1)(b) or (c).
  - (5) The person supplying the information must—
    - (a) inform the Minister of Justice that the information has been supplied to the Ombudsman; and

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(27) Section 66 was amended by section 13 of the Police (Northern Ireland) Act 2003 (c. 6).

*Changes to legislation:* There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

- (b) inform the Minister of Justice and the Ombudsman that, in his or its opinion, the information is information of a kind mentioned in sub-paragraph (i) or (ii) of paragraph (b) of subsection (4).”

**Commencement Information**

**I38** Sch. 3 para. 77 in force at 12.4.2010, see [art. 1\(2\)](#)

**78.**—(1) Amend section 69 (general duty of Secretary of State) as follows.

(2) In subsection (1) for “The Secretary of State shall exercise his functions under the Police Acts” substitute “A Minister with functions under the Police Acts shall exercise those functions”.

(3) In subsection (2) for “Secretary of State” substitute “Minister”.

(4) After subsection (2) insert—

“(3) In this section “Minister” means—

- (a) the Secretary of State,
- (b) the Minister of Justice,
- (c) the Department of Justice,
- (d) the First Minister and deputy First Minister, or
- (e) the Office of the First Minister and deputy First Minister.”

(5) In the heading for section 69 for “Secretary of State” substitute “Ministers”.

**Commencement Information**

**I39** Sch. 3 para. 78 in force at 12.4.2010, see [art. 1\(2\)](#)

**79.** In section 70 (RUC George Cross Foundation)—

- (a) in subsection (1) for “Secretary of State” substitute “Department of Justice”;
- (b) in subsection (2)(f) for “Secretary of State” substitute “Department of Justice”; and
- (c) in subsection (3) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I40** Sch. 3 para. 79 in force at 12.4.2010, see [art. 1\(2\)](#)

**80.** In section 71(1) (traffic wardens) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I41** Sch. 3 para. 80 in force at 12.4.2010, see [art. 1\(2\)](#)

**81.** In section 73 (places of detention: lay visitors)—

- (a) in subsection (3)(c) for “Secretary of State” substitute “Department of Justice”; and
- (b) for subsection (10) substitute—  
“(10) For the purposes of this section—



- (a) the Secretary of State may by order specify as a designated place of detention a part of any police station if that part is for the time being designated for the purposes of paragraph 1 of Schedule 8 to the Terrorism Act 2000(28); and
- (b) the Department of Justice may by order specify as a designated place of detention any other place which is designated under any enactment as a place in which persons may be detained.”

**Commencement Information**

**142** Sch. 3 para. 81 in force at 12.4.2010, see [art. 1\(2\)](#)

**82.**—(1) Amend section 74A(29) (restriction on disclosure of information) as follows.

(2) For subsection (2)(c) substitute—

“(c) in relation to the information, the Chief Constable informs the person as required by section 60(10B)(b) or (10D)(b).”

(3) For subsection (3)(b) substitute—

“(b) in relation to the information, the Chief Constable informs the Board as required by section 33A(4)(b) or (6)(b).”

(4) For subsection (4)(b) substitute—

“(b) in relation to the information, the Chief Constable informs the Board or the committee as required by section 59(4I)(b) or (4K)(b).”

(5) In subsection (6) after paragraph (g) insert—

“(h) to the Minister of Justice or the Department of Justice.”

(6) In subsection (7) after paragraph (g) insert—

“(h) to the Minister of Justice or the Department of Justice.”

(7) After subsection (7) insert—

“(7A) In subsections (7B) to (7D) “protected information” means information in relation to which the Chief Constable has given an opinion under section 33A(4)(b), 59(4I)(b) or 60(10B)(b).

(7B) Subsection (6)(h) does not authorise the disclosure of any protected information.

(7C) In the case of protected information supplied to a special purposes committee, subsection (7)(h) does not authorise the disclosure of the information.

(7D) In the case of protected information supplied to the Board, a person disclosing the information by virtue of subsection (7)(h) must inform the Minister of Justice or the Department of Justice that the information is protected information.”

(8) Section 74A continues to apply in relation to any information in relation to which it applies immediately before the coming into force of this Order.

(9) Such information is “protected information” for the purposes of section 74A(7B) to (7D) (as inserted by sub-paragraph (7) above) if, before the coming into force of this Order, the Chief Constable informed (as the case may be)—

- (a) the person conducting the inquiry under section 60, or
- (b) the Board or a special purposes committee,

(28) 2000 c. 11.

(29) Section 74A was inserted by section 27 of the Police (Northern Ireland) Act 2003 (c. 6).

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

that, in his opinion, the information is information which ought not to be disclosed on the ground mentioned in section 76A(1)(a) of the Police (Northern Ireland) Act 2000(30).

#### Commencement Information

**I43** Sch. 3 para. 82 in force at 12.4.2010, see [art. 1\(2\)](#)

**83.** In section 76(31) (orders and regulations)—

- (a) in subsection (1) after “Secretary of State” insert “, the Minister of Justice or the Department of Justice”;
- (b) in subsection (2)—
  - (i) for “Orders” substitute “An order”, and
  - (ii) in paragraph (b) for “Secretary of State” substitute “person making the order or regulations”;
- (c) in subsection (3) for “and (2)” substitute “, (2) and (6)”;
- (d) in subsection (4) omit “or 54”;
- (e) after subsection (4) insert—

“(4A) No regulations may be made under section 54 unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(4B) Section 41(3) of the Interpretation Act (Northern Ireland) 1954(32) applies for the purposes of subsection (4A) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.”;

- (f) in subsection (5) after “made” (where it occurs first) insert “by the Secretary of State”; and
- (g) after subsection (5) insert—

“(6) An order or regulations made by the Minister of Justice or the Department of Justice under this Act (other than regulations under section 54) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954).”

#### Commencement Information

**I44** Sch. 3 para. 83 in force at 12.4.2010, see [art. 1\(2\)](#)

**84.** In section 76A(1)(33) (disclosure of information and holding of inquiries) after “59” insert “, 60, 61”.

#### Commencement Information

**I45** Sch. 3 para. 84 in force at 12.4.2010, see [art. 1\(2\)](#)

**85.** In section 77(1)(34) (interpretation), at the appropriate place, insert—

“the Minister of Justice” means the Minister in charge of the Department of Justice;”.

(30) 2000 c. 32.

(31) Section 76 was amended by S.I. 2001/2513 (N.I. 3).

(32) 1954 c. 33 (N.I.). Section 41(3) was substituted by S.I. 1999/663.

(33) Section 76A(1) was inserted by section 29 of the Police (Northern Ireland) Act 2003 (c. 6).

(34) Amendments have been made to section 77(1) but none are relevant.

### Commencement Information

**I46** Sch. 3 para. 85 in force at 12.4.2010, see [art. 1\(2\)](#)

- 86.**—(1) Amend Schedule 1(**35**) (the Northern Ireland Policing Board) as follows.
- (2) In paragraphs 6(1)(b), 7(3), (4) and (13), 8(1), (2), (3) and (8), 9(1) and (2) and 12 for “Secretary of State” (wherever occurring) substitute “Minister of Justice”.
- (3) In paragraph 13(1) for “Secretary of State” substitute “Department of Justice”.
- (4) In paragraph 14—
- (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
- (b) in sub-paragraph (4) for “Secretary of State” (in each place) substitute “Department of Justice”.
- (5) In paragraph 15—
- (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
- (b) in sub-paragraph (2) for “Secretary of State may” substitute “Department of Justice may, with the approval of the Department of Finance and Personnel,”.
- (6) In paragraph 16—
- (a) in sub-paragraph (2) for “Secretary of State” substitute “Department of Justice”;
- (b) in sub-paragraph (3)—
- (i) for “Secretary of State and the Comptroller and Auditor General” substitute “Department of Justice and the Comptroller and Auditor General for Northern Ireland”;
- (ii) for “Secretary of State” (where it occurs for the second time) substitute “Department of Justice”;
- (c) in sub-paragraph (4)—
- (i) for “Comptroller and Auditor General” substitute “Comptroller and Auditor General for Northern Ireland”;
- (ii) for “each House of Parliament” substitute “the Northern Ireland Assembly”;
- (d) after sub-paragraph (4) insert—
- “(5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of sub-paragraph (4)(b) in relation to the laying of a copy of a statement or report as it applies in relation to the laying of a statutory document under an enactment.”
- (7) Sub-paragraph (6) above does not apply in relation to a financial year ending before the coming into force of this Order.
- (8) In paragraph 22(2) for “Secretary of State” substitute “Department of Justice”.
- (9) In paragraph 23—
- (a) in sub-paragraph (a)(iii) for “Secretary of State” substitute “Department of Justice”;
- (b) in sub-paragraph (c) for the words from “any” to “Secretary of State” substitute “any reference to the Ministry were a reference to the Department of Justice”.
- (10) In paragraph 24(1A)(b) after “Secretary of State” insert “or the Minister of Justice”.

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(35) Amendments have been made to Schedule 1 but none are relevant.

**Changes to legislation:** There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)

**Commencement Information**

**I47** Sch. 3 para. 86 in force at 12.4.2010, see [art. 1\(2\)](#)

**87.** In paragraph 3(3) of Schedule 2 (transfer of assets and liabilities to the Policing Board) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I48** Sch. 3 para. 87 in force at 12.4.2010, see [art. 1\(2\)](#)

- 88.**—(1) Amend Schedule 3(**36**) (district policing partnerships) as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (2) for “Secretary of State” substitute “Department of Justice”;
  - (b) in sub-paragraph (3) for “Secretary of State” substitute “Department of Justice”;
  - (c) in sub-paragraph (4)—
    - (i) for “Secretary of State” substitute “Department of Justice”;
    - (ii) for “him” substitute “the Department of Justice”.
- (3) In paragraph 14(c) for the words from “any” to “Secretary of State” substitute “any reference to the Ministry were a reference to the Department of Justice”.
- (4) In paragraph 16—
- (a) in sub-paragraph (1) for “Secretary of State” substitute “Department of Justice”;
  - (b) in sub-paragraph (2)(a) and (b) for “Secretary of State” substitute “Department of Justice”;
  - (c) in sub-paragraph (3) for “Secretary of State” substitute “Department of Justice”.

**Commencement Information**

**I49** Sch. 3 para. 88 in force at 12.4.2010, see [art. 1\(2\)](#)

- 89.**—(1) Amend Schedule 3A(**37**) (Belfast sub-groups) as follows.
- (2) In paragraph 6—
- (a) in sub-paragraph (2) for “Secretary of State” substitute “Department of Justice”;
  - (b) in sub-paragraph (3) for “Secretary of State” substitute “Department of Justice”;
  - (c) in sub-paragraph (4)—
    - (i) for “Secretary of State” substitute “Department of Justice”;
    - (ii) for “him” substitute “the Department of Justice”.
- (3) In paragraph 16(c) for the words from “any” to “Secretary of State” substitute “any reference to the Ministry were a reference to the Department of Justice”.

(36) Amendments have been made to Schedule 3 but none are relevant.

(37) Schedule 3A was inserted by Schedule 1 to the Police (Northern Ireland) Act 2003 (c. 6). Amendments have been made to Schedule 3A but none are relevant.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000. (See end of Document for details)*

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**Commencement Information**

**I50** Sch. 3 para. 89 in force at 12.4.2010, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Cross Heading: Police (Northern Ireland) Act 2000.