
STATUTORY INSTRUMENTS

2007 No. 912 (N.I. 6)

NORTHERN IRELAND

**The Policing (Miscellaneous Provisions)
(Northern Ireland) Order 2007**

Made - - - - 21st March 2007
Coming into operation in accordance with Article 1(2)
and (3)

At the Court at Buckingham Palace, the 21st day of March 2007

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Introductory

Title and commencement

1.—(1) This Order may be cited as the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007.

(2) The following provisions come into operation on such day or days as the [^{F1}Department of Justice] may by order appoint—

(a) Article 6 (with Schedule 4);

(b) Article 12; [^{F2}and]

^{F3}(c)

(d) Schedule 5, except in so far as it relates to paragraphs 2, 6, 7, 10, 13, 15 and 18 of the inserted Schedule 2A to the 2003 Act.

[^{F4}(2A) Article 13 comes into operation on such day as the Secretary of State may by order appoint.]

Status: This version of this Order contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007. (See end of Document for details)

(3) The other provisions of this Order come into operation one month after the day on which it is made.

Annotations:

Amendments (Textual)

- F1** Words in art. 1(2) substituted (18.10.2012) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **15(2)(a)** (with arts. 24-28)
- F2** Word in art. 1(2)(b) inserted (18.10.2012) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **15(2)(b)** (with arts. 24-28)
- F3** Art. 1(2)(c) omitted (18.10.2012) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **15(2)(c)** (with arts. 24-28)
- F4** Art. 1(2A) inserted (18.10.2012) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2012 (S.I. 2012/2595), arts. 1(2), **15(3)** (with arts. 24-28)

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order “the 2003 Act” means the Police (Northern Ireland) Act 2003 (c. 6).

Designation of police support staff

Investigating officers

3. Schedule 1 contains amendments to Part 1 of Schedule 2 to the 2003 Act relating to investigating officers.

Detention officers

4. Schedule 2 contains amendments to Part 2 of Schedule 2 to the 2003 Act relating to detention officers.

Escort officers

5. Schedule 3 contains amendments to Part 3 of Schedule 2 to the 2003 Act relating to escort officers.

PROSPECTIVE

Staff custody officers

6.—(1) ^{F5}In section 30 of the 2003 Act (police powers for designated police support staff) in subsection (1) after paragraph (c) add—

“(d) staff custody officer.”.]

(2) Schedule 4 contains amendments relating to staff custody officers.

Annotations:

Amendments (Textual)

- F5** [Art. 6\(1\)](#) never in operation, repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(2), 116(6)(b), [Sch. 8 Pt. 13](#)

Community support officers

- 7.—(1) The 2003 Act is amended as set out in paragraphs (2) to (8).
(2) After section 30 insert—

“Community support officers

30A.—(1) The Chief Constable may designate a member of the police support staff as a community support officer.

(2) The Chief Constable may designate a person under this section only if he is satisfied that—

- (a) the person is a suitable person to carry out the functions of a community support officer;
- (b) the person is capable of effectively carrying out those functions; and
- (c) the person has received adequate training in the carrying out of those functions.

(3) A person designated under this section has, by virtue of the designation, the powers and duties set out in Schedule 2A (and references in any statutory provision to the powers and duties conferred or imposed on him by his designation shall be construed accordingly).

(4) A person designated under this section is not authorised or required by virtue of his designation to engage in any conduct otherwise than in the course of his employment as a member of the police support staff.

(5) Where any power conferred on a person by his designation under this section is a power which, if exercised by a police officer, includes or is supplemented by a power to use reasonable force, the designated person has the same entitlement to use reasonable force in exercising that power as a police officer would have if the power were exercised by him.

(6) Where any power conferred on a person by his designation under this section includes power to use force to enter any premises, that power is exercisable by the person only—

- (a) in the company of a police officer and under the supervision of a police officer; or
- (b) for the purpose of saving life or limb or preventing serious damage to property.

(7) A power exercisable by any person in reliance on his designation under this section shall be exercisable only when he is wearing such uniform as may be—

- (a) determined or approved for the purposes of this section by the Chief Constable; and
- (b) identified or described in the designation.

(8) The Secretary of State may by order amend Schedule 2A.”

- (3) In section 33(1) and (4) after “30” insert “ , 30A ”.
- (4) In section 34(1)(a) and (3) after “30” insert “ , 30A ”.
- (5) In section 35(1)(a) and (b) after “30” insert “ or 30A ”.
- (6) In section 36(1) and (2) after “30” insert “ , 30A ”.
- (7) In section 37(1) and (3) after “30” insert “ , 30A ”.

Status: This version of this Order contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007. (See end of Document for details)

- (8) After Schedule 2 insert the Schedule set out in Schedule 5 to this Order.
- (9) In Article 66(8A) and (9)(c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12) after “30” insert “ , 30A ”.
- (10) In sections 66(3B) and 67(6) of the Police (Northern Ireland) Act 1998 (c. 32) after “30” insert “ , 30A ”.
- (11) In section 101(5A) and (7A) of the Terrorism Act 2000 (c. 12) after “30” insert “ , 30A ”.

Recruitment

Recruitment of police trainees

8.—(1) The Police (Northern Ireland) Act 2000 (c. 32) is amended in accordance with paragraphs (2) to (5).

(2) In section 46 (discrimination in appointments) for subsections (1) and (2) substitute—

“(1) Subject to subsection (2), in making appointments under section 39 on any occasion, the Chief Constable shall proceed as set out in subsections (1A) to (1F).

(1A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) an even number of persons of whom—

- (a) one half shall be persons who are treated as Roman Catholic; and
- (b) one half shall be persons who are not so treated.

(1B) Where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is physically and mentally fitted for appointment; and
- (b) is not unsuitable for appointment;

the Chief Constable shall confirm the appointment.

(1C) Subsections (1D), (1E) and (1F) apply where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is not physically and mentally fitted for appointment; or
- (b) is unsuitable for appointment.

(1D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.

(1E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) a person to replace the unsuccessful applicant being a person who

- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
- (b) is not so treated, where the unsuccessful applicant was not so treated.

(1F) Subsections (1B) to (1E) apply in relation to a person provisionally appointed under subsection (1E) as they apply in relation to a person provisionally appointed under subsection (1A).

(1G) In subsections (1B) and (1C) references to a person being “physically and mentally fitted for appointment” and “unsuitable for appointment” have such meanings as may be prescribed by regulations under section 41(3).

(2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of the preceding subsections in their application to the making of appointments under section 39 on any occasion specified in the order.”.

- (3) In section 46—
- (a) in subsection (3)(a) for “subsection (1) (as originally enacted)” substitute “ subsections (1) to (1F) ”;
 - (b) in subsection (8) for “subsections (1), (4) and (5)” substitute “ this section ”.
- (4) After section 41(3) (regulations as to police trainees) insert—
- “(3A) Regulations under subsection (3) may make provision as to qualifications and suitability for appointment as a police trainee or police reserve trainee; and such regulations may in particular make provision—
- (a) imposing requirements as to nationality, age, skills, competencies and physical and mental fitness;
 - (b) as to the grounds on which a person is ineligible for appointment.”.
- (5) In section 44(5) (formation of pool of qualified applicants) omit “qualified” and for “section 46(1)” substitute “ section 46(1A) and (1E) ”.
- (6) In each of the following (which provide an exception for acts in compliance with section 46(1) of the Police (Northern Ireland) Act 2000)—
- (a) Article 71A(1) of the Fair Employment and Treatment (Northern Ireland) Order 1998 (NI 21);
 - (b) Article 40A(1) of the Race Relations (Northern Ireland) Order 1997 (NI 6),
- for “section 46(1)” substitute “ section 46(1) to (1F) ”.

Recruitment of police support staff

- 9.—**(1) The Police (Northern Ireland) Act 2000 (c. 32) is amended in accordance with paragraphs (2) to (5).
- (2) After section 4(3) (appointment of certain police support staff) insert—
- “(3A) Regulations may make provision as to the suitability for appointment under subsection (3) of persons who are so appointed with a view to their being designated under section 30 or 30A of the Police (Northern Ireland) Act 2003.
- (3B) Before making regulations under subsection (3), the Secretary of State shall consult —
- (a) the Board;
 - (b) the Chief Constable;
 - (c) the Police Association; and
 - (d) any other person or body appearing to him to have an interest in the matter.”.
- (3) In section 46 (discrimination in appointments) for subsections (5) and (6) substitute—
- “(5) Subject to subsection (6), in making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall proceed as set out in subsections (5A) to (5F).
- (5A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and
 - (b) one half shall be persons who are not so treated.
- (5B) Where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—