Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2007 No. (N.I.)

NORTHERN IRELAND

The Northern Ireland Policing Board (Northern Ireland) Order 2007

Made - - - - ****2007*

Coming into operation - *26th March 2007*

At the Court at Buckingham Palace, the *** day of *** 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:—

Citation, commencement and interpretation

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

(2) This Order shall come into operation on 26th March 2007.

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

Modification of Schedule 1 to the Police (Northern Ireland) Act 2000

2. After paragraph 2 of Schedule 1 to the Police (Northern Ireland) Act 2000 (c.32) (membership of the Northern Ireland Policing Board: application of Parts II and III of the Schedule) insert—

"Restoration of devolved government under Northern Ireland (St Andrews Agreement)Act 2006

2A.—(1) This paragraph applies if, by virtue of section 2(2) of the Northern Ireland (St Andrews Agreement) Act 2006 (c.53), the Secretary of State makes a restoration order under section 2(2) of the Northern Ireland Act 2000 providing for section 1 of that Act to cease to have effect on 26 March 2007.

(2) Where this paragraph applies, the effect of paragraph 2(1) and (2) is modified as follows.

(3) On 26 and 27 March 2007 Part II below shall continue to have effect in relation to the Board (and accordingly Part III below shall not have effect).

(4) On 28 March 2007—

(a) if the Secretary of State has made an order by virtue of section 2(3) of the Northern Ireland (St Andrews Agreement) Act 2006 revoking the restoration order with effect from that date, Part II below shall continue to have effect in relation to the Board;

(b) if he has not made such an order, Part III below shall come into effect on that date in relation to the Board (and accordingly Part II below shall cease to have effect)."

Independent members of the Policing Board

3.—(1) In paragraph 6(2) of that Schedule (which defines expressions for the purposes of Part III of that Schedule) insert at the end—

""transitional period" means the period for which independent members of the Board are appointed in accordance with paragraph 8(4A)."

(2) In paragraph 8 of that Schedule (independent members of the Northern Ireland Policing Board) after sub-paragraph (4) insert—

"(4A) In relation to the first appointment of members of the Board following the coming into effect of this Part in accordance with paragraph 2A(4)(b), the Secretary of State may, notwithstanding anything in sub-paragraph (1), so exercise his powers of appointment under paragraph 6(1)(b) as to secure that—

(a) he appoints independent members of the Board only from among persons holding office as members of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1), and

(b) all appointments made in accordance with paragraph (a) are for the same term of office (the "transitional period"), which must not exceed four months.

(4B) Where a vacancy in the membership of the Board arises as a result of—

(a) a person holding office as a member of the Board immediately before the making of the restoration order mentioned in paragraph 2A(1) being unavailable to take up office under sub-paragraph (4A), or

(b) an independent member of the Board appointed in accordance with sub-paragraph (4A) ceasing to hold office before the end of the transitional period,

no appointment shall be made to fill the vacancy, and paragraph 6(1)(b) shall have effect subject to this sub-paragraph."

Chairman and vice-chairman of the Policing Board

4. In paragraph 11 of that Schedule (chairman and vice-chairman of the Northern Ireland Policing Board) after sub-paragraph (8) insert—

"(9) Any appointment of a chairman or vice-chairman during the transitional period shall be for a term expiring at the end of the transitional period."

Name
Clerk to the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Police (Northern Ireland) Act 2000 with respect to the membership of the Northern Ireland Policing Board.

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