

EXPLANATORY MEMORANDUM TO

THE POLICE (NORTHERN IRELAND) ACT 2003 (COMMENCEMENT NO. 3) ORDER 2007

2007 No. 371 (C.26)

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The draft Order brings into force on 4 September 2007 certain provisions of the Police (Northern Ireland) Act 2003 dealing with district policing partnerships.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The draft Order is the second in the series of commencement orders for the Police (Northern Ireland) Act 2003. It also brings into force Schedule 9 to the Northern Ireland (St Andrew Agreement) Act 2006. This is because section 27(6) of the latter Act provides for Schedule 9 to come into force in accordance with provision made in an Order under section 19(2) of the Police (Northern Ireland) Act 2003.

4. Legislative Background

4.1 The draft Order is to be made under sections 15(6), 16(2) and 19(2) of the Police (Northern Ireland) Act 2003.

4.2 Section 44(3) of that Act requires the draft Order to be laid before Parliament for approval by resolution of each House.

4.3 Section 44(4) of that Act provides that no order may be made under section 16(2) or 19(2) at any time when section 1 of the Northern Ireland Act 2000 (c.1) (suspension of devolved government) is in force. The Secretary of State made a restoration order providing for section 1 of the Northern Ireland Act 2000 to cease to have effect on 8th May 2007. The Northern Ireland Act 2000 was then repealed in its entirety on 10th May 2007 by paragraph 1 of Schedule 4 to the Northern Ireland (St Andrews Agreement) Act 2006 (c.53), as modified by section 1 of the Northern Ireland (St Andrews Agreement) Act 2007 (c.4).

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

6. European Convention on Human Rights

The Secretary of State for Northern Ireland has made the following statement regarding Human Rights:

In my view the provisions of the Police (Northern Ireland) Act 2003 (Commencement No.3) Order 2007 are compatible with the Convention rights.

7. Policy background

7.1 With all political parties in Northern Ireland now giving their full support to policing the Government has decided to bring into force provisions dealing with the membership of district policing partnerships (“DPPs”) in Northern Ireland.

7.2 Section 15 of the Police (Northern Ireland) Act 2003 requires independent members of DPPs to make a declaration against terrorism.

7.3 Section 16 of that Act makes provision about the disqualification of a person from being an independent member of a DPP.

7.4 Section 19 of, and Schedule 1 to, that Act (as amended by Schedule 9 to the Northern Ireland (St Andrews Agreement) Act 2006) require Belfast City Council to establish new sub-groups of its DPP.

7.5 Further provision was made about the membership of DPPs in Schedule 8 to the Northern Ireland (St Andrews Agreement) Act 2006. Schedule 8 is not yet in force, but when it is commenced, the Northern Ireland Policing Board will be required to consider whether the membership of any DPP should be reconstituted.

8. Impact

1.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 As for the impact on the public sector, responsibility for establishing sub-groups of the Belfast DPP will lie with Belfast City Council and the Northern Ireland Policing Board.

9. Contact

Gillian Ardis at the Northern Ireland Office Tel: 028 9052 2744 or e-mail: Gillian.ardis@nio.x.gsi.gov.uk can answer any queries regarding the instrument.