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*This Explanatory Memorandum refers to the draft Northern Ireland Policing Board
(Northern Ireland) Order 2007*

NORTHERN IRELAND POLICING BOARD (NORTHERN IRELAND) ORDER 2007

EXPLANATORY MEMORANDUM

INTRODUCTION

1. This explanatory memorandum has been prepared by the Northern Ireland Office (“the Department”) to assist the reader in understanding the Order. It does not form part of the Order.
2. The above Order is being made under the Northern Ireland Act 2000 and is subject to affirmative resolution.

BACKGROUND

3. The Northern Ireland Policing Board was established under section 2 of the Police (Northern Ireland) Act 2000. Schedule 1 to that Act makes provision about the membership of the Board. Separate provision is made for membership during devolved government and during suspension of devolved government.
4. Devolved government in Northern Ireland was suspended in October 2002 and has remained in suspension ever since. The Northern Ireland (St Andrews Agreement) Act 2006 sets out the arrangements to facilitate a return to devolved government within Northern Ireland.
5. A return to devolved government would result in the members of the Board ceasing to hold office. New members would then be nominated and appointed in accordance with Part III of Schedule 1 to the Police (Northern Ireland) Act 2000.
6. The draft Order makes changes to the existing provisions about the membership of the Board for the particular circumstances of the timetable for the restoration of devolved government set out in the Northern Ireland (St Andrews Agreement) Act 2006.
7. In the light of that timetable, the draft Order amends the Police (Northern Ireland) Act 2000—
 - providing for a temporary transitional arrangement to enable 9 current independent members of the Northern Ireland Policing Board to be

reappointed for a period of up to four months to facilitate the holding of a recruitment competition for independent members.

- preventing the Secretary of State from filling vacancies in the Board's membership during the transitional period.
- facilitating the appointment of a Chairman and Vice Chairman for the transitional period.
- making no amendment to the requirement that the Secretary of State should consult with the First and Deputy First Minister on the appointment of independent members of the transitional Board.
- providing that if restoration of the Northern Ireland Assembly takes effect on 26th March 2007 but is revoked on 28th March 2007, the members of the Board continue in office, their terms of office unaffected by the restoration or by the revocation.

CONSULTATION

8. As part of the ongoing discussions in respect of the restoration of the Northern Ireland Assembly and the implementation of the St Andrews Agreement of 13 October 2006 the Government has been in discussion with political parties.

FINANCIAL EFFECTS OF THE ORDER

9. The measures in the Order are not expected to impose any material cost to businesses, district councils, the public or the Exchequer.

HUMAN RIGHTS ISSUES

10. The provisions of the Order are compatible with the Convention on Human Rights.

EQUALITY IMPACT ASSESSMENT

11. The Department has carried out an equality screening exercise on the policy proposals. No equality issues were identified.

SUMMARY OF THE REGULATORY APPRAISAL

12. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. Therefore in line with Cabinet Office guidance, a Regulatory Impact Assessment is considered unnecessary.

ELEMENTS OF THE ORDER

13. The Order has four articles.

COMMENTARY ON PROVISIONS

14. A commentary on the provisions follows below:

Article 2 – Modification of the Police (Northern Ireland) Act 2000

Article 2 inserts a new paragraph 2A into Schedule 1 to the Police (Northern Ireland) Act 2000. If an order restoring devolved government in Northern Ireland takes effect in accordance with the timetable set out in the Northern Ireland (St Andrews Agreement) Act 2006, the effect of new paragraph 2A would be that the current members of the Northern Ireland Policing Board would cease to hold office on 28 March 2007 instead of 26 March 2007.

The effect of this would become significant if the restoration order were revoked in accordance with the timetable set out in section 2(4) of the Northern Ireland (St Andrews Agreement) Act 2006. In that case, the current members of the Board would continue in office without their term of office being interrupted by the restoration or revocation.

Article 3 – independent members of the Policing Board

On restoration of devolved government in Northern Ireland in accordance with the timetable set out in the Northern Ireland (St Andrews Agreement) Act 2006, the Secretary of State will be required to appoint nine independent members to the Northern Ireland Policing Board, and to secure that as far as practicable the membership of the Board is representative of the community in Northern Ireland.

Article 3 creates a transitional period, lasting for a maximum of four months. During the transitional period, current members of the Board may be re-appointed as independent members, even if those appointments do not comply fully with paragraphs 6(1)(b) and 8(1) of Schedule 1 to the Police (Northern Ireland) Act 2000.

At the end of the transitional period, those members will cease to hold office, and the Secretary of State must exercise his powers of appointment under paragraph 6(1)(b) of Schedule 1 to that Act again, appointing nine independent members in full compliance with the Act.

Article 4 – chairman and vice-chairman of the Policing Board

Article 4 provides for the chairman and vice-chairman appointed during the transitional period to cease to hold office at the end of that period.

COMMENCEMENT

15. The provisions of the Order will come into force on 26 March 2007.