

**EXPLANATORY MEMORANDUM TO
THE CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996 (CODE
OF PRACTICE) (NORTHERN IRELAND) ORDER 2005
2005 No. 2692**

1. This Explanatory Memorandum has been prepared by the Northern Ireland Office in order to assist the reader in understanding the Order. It does not form part of the Order.

2. Description

2.1 This Order brings into effect a revised code of practice under the Criminal Procedure and Investigations Act 1996. This code of practice sets out the manner in which police officers are to record, retain and reveal to the prosecutor material obtained in criminal investigations in Northern Ireland.

3. Matters of Special Interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The disclosure provisions in the Criminal Justice Act 2003 made a number of changes to the pre-trial disclosure of material obtained in criminal investigations. As a result of these changes, the code of practice governing the pre-trial disclosure of material obtained in criminal investigations has had to be amended.

4.2 Separate codes of practice are in existence for England and Wales and Northern Ireland. The England and Wales code was implemented in April 2005, via the Criminal Procedure and Investigations Act 1996 (Code of Practice) Order 2005. This Order brings into effect the equivalent code in Northern Ireland.

5. Extent

5.1 This instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 David Hanson MP, the Minister of State for criminal justice in Northern Ireland, has expressed the opinion that in his view the provisions of the Criminal Procedure and Investigations Act 1996 (Code of Practice) (Northern

Ireland) Order 2005 are compatible with the European Convention on Human Rights.

7. Equality

7.1 Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions, to have due regard to the promotion of opportunity in the 9 categories specified. The initial equality screening exercise did not show any evidence of adverse or differential impact within any of the 9 categories.

8. Policy Background

8.1 The code of practice which this order brings into operation was subject to a 12 week public consultation period, in line with Government guidelines. Six responses were received, the majority of which fully supported the proposed code.

9. Impact

9.1 Regulatory Impact Assessment

An RIA has not been prepared because no impact on the business, charity or voluntary sectors is foreseen.

9.2 Exchequer Costs

Minimal changes are expected to the cost of maintaining the disclosure regime.

10. Contact for queries on this legislation

Sharon Dougan
Criminal Law Branch
Northern Ireland Office
Massey House
Stoney Road
Belfast
BT4 3SX

Phone: 028 90527520
Fax: 028 90527507

Email: clbranch@nio.x.gsi.gov.uk