

**EXPLANATORY MEMORANDUM TO**  
**THE MINISTRY OF DEFENCE POLICE (COMMITTEE) REGULATIONS 2009**

**2009 No. 1609**

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The instrument establishes a new membership for the Ministry of Defence Police Committee (“the Committee”).

2.2 The Committee provides independent scrutiny and assurance to the Secretary of State for Defence concerning the Ministry of Defence Police’s (MDP’s) delivery of policing services in accordance with the Ministry of Defence Police Act 1987 (“the 1987 Act”).

2.3 The instrument revokes the Ministry of Defence (Police Committee) Regulations 1995 (SI 1995/939).

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

None

**4. Legislative Context**

4.1 The original membership of the Committee was set out in the Ministry of Defence Police (Police Committee) Regulations 1988 (SI 1988/1098), as amended by the Ministry of Defence Police (Police Committee) (Amendment) Regulations 1994, before being revoked by the Ministry of Defence (Police Committee) Regulations 1995.

4.2 In 2003 the House of Commons Defence Committee (HCDC) and the Privy Council Team (PCT) reviewed the use of the Anti-Terrorism, Crime and Security Act 2001, which amended the Ministry of Defence Police Act 1987. Both HCDC and PCT made the case for independent oversight of the Ministry of Defence Police Committee.

4.3 In October 2007 the MOD made some important changes to the governance arrangements of the MDP. These changes included a restructuring of the Committee with greater independence and a sharper focus on policing. The restructuring included the appointment of an independent chair.

4.4 The instrument, in providing for the new membership, gives legislative effect to these policy changes.

**5. Territorial Extent and Application**

This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 Section 1(5) of the 1987 Act requires the Secretary of State to appoint a committee, to be known as the Ministry of Defence Police Committee, and confers a power on him to make regulations concerning the membership and the procedure of the Committee. Accordingly, this instrument provides for the membership of the Committee.

7.2 The new arrangements that were introduced in October 2007 brought the MDP more into line with other police forces, with a tripartite structure of Chief Constable, Police Committee, and Government department, each with a separate role.

7.3 The changes also demonstrate to Parliament and the public that the chief constable of the Ministry of Defence Police is not under the Secretary of State's direction and control and that the chief constable has independent operational direction and control over MDP officers.

7.4 There has been little public interest in the restructuring and new appointments to date, although there has been some engagement with national policing bodies who have generally welcomed the reforms.

- *Consolidation*

7.5 This instrument revokes and replaces the existing regulations (SI 1995/939) and therefore constitutes the consolidated text.

## **8. Consultation outcome**

Internal consultation took place with key MOD stakeholders. This included the Ministry of Defence Police Chief Staff Officers' Association and the Defence Police Federation. Previous members of the former Committee were also consulted.

## **9. Guidance**

The Under Secretary of State of the Ministry of Defence wrote to the Chair of the House of Commons Defence Committee on 5 August 2007 to explain the new governance arrangements and restructuring of the Committee. The MOD Intranet was also updated to include highlight the changes and to give details of the new membership of the Committee.

## **10. Impact**

10.1 The impact on business, charities or voluntary bodies is nil.

10.2 The impact on the public sector is nil.

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

**11. Regulating small business**

The legislation does not apply to small business.

**12. Monitoring & review**

The Committee membership will be subject to internal review after 36 months and the instrument may be amended accordingly.

**13. Contact**

Nick Shaw at the Ministry of Defence (Tel: 020 7218 0564 or email: [nick.shaw460@mod.uk](mailto:nick.shaw460@mod.uk)) can answer any queries regarding the instrument.