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No. 7999 P. 1/4



SECRETARY OF STATE
FOR
NORTHERN IRELAND

NORTHERN IRELAND OFFICE
11 MILLBANK
LONDON
SW1P 4QE

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The Rt Hon Tony Blair MP
Prime Minister
10 Downing Street
LONDON
SW1A 2AA

29 August 1997

Dear Tony

POLICING REFORM: UUP REQUEST FOR POLICE BILL FOR NORTHERN IRELAND

Following the representations you received from David Trimble, you asked for advice as to how we might proceed with Northern Ireland Policing Legislation. As you know, we are strongly committed to police reform in Northern Ireland, designed to improve the efficiency, effectiveness and (most importantly) acceptability of the police. Our manifesto commitment to strengthening confidence in policing in Northern Ireland requires legislation, if we are to begin what will inevitably be a slow process. You will recollect that I bid, unsuccessfully, for a Bill for this purpose. Given the very urgent need to make progress, I had intended to proceed by Order in Council, but it is clear that this route, with its inflexibility and lack of room for debate, will be deeply unpopular in Northern Ireland.

The Chairman of the Police Authority has formally registered the Authority's 'implacable opposition' to it; on grounds both of the intrinsic importance of policing, and of parity of treatment with the rest of the UK.

Res mcted Polias.

29 Aug. 1997 19:29

S OF S PRIVATE OFFICE 1712106722

No. 7999 P. 2/4



My own preference is to legislate by way of Bill - rather than Order in Council with its overtones of colonialism - because this allows us both to signal our commitment and determination on the subject, and provides us with the flexibility to take account of views expressed including (depending on timing) any consensus emerging from Talks, without the protracted delay which inevitably attends the Order in Council process.

The main purpose of the Bill is to reform and consolidate Northern Ireland legislation governing the institutional structure of policing and the police complaints system.

In detail, the Bill would:

- introduce mechanisms to allow the Police Authority for Northern Ireland and the Secretary of State to set policing objectives for the police service in Northern Ireland;
- require the production of annual and 3 to 5 year policing plans, based upon those objectives, and for these plans to be published as part of a visible 'contract' with the community;
- require the Police Authority to produce an annual report on the delivery by the police service of the annual plan; and transfer the day-to-day management of both the financial resources and policing support services to the Chief Constable.

The legislation will also create the Office of Police Ombudsman for Northern Ireland, and provide him and his staff with sufficient powers to conduct independent investigations of police conduct (including criminal conduct); to report to the Director of Public Prosecutions (where

29 Aug. 1957 19:29

S OF S PRIVATE OFFICE 1712106722

No. 7999 P. 3/4



appropriate) on the outcome of such investigations; and to direct disciplinary proceedings against police officers in appropriate cases. The legislation will also consolidate Northern Ireland's policing legislation, and make a number of minor "good housekeeping" administrative changes.

The Bill will be a "long" one, but it should be suitable for introduction in the Lords, as it is not controversial in UK terms. Commons Second Reading might be taken in the new NI Grand Committee. The Northern Ireland parties will be strongly interested, so, although the Bill will be ready for immediate introduction at the start of the coming session, if this is not convenient for Parliamentary business, then I would propose to publish a draft early in the autumn for consultation and discussion, including in the all-party political talks. We could then include any points made or emerging consensus in the Bill at its introduction.

I expect to have the text of the full draft very shortly, and will be writing to colleagues soon to seek endorsement on relevant policy issues. As the thrust of the policy follows practice already well established elsewhere in the United Kingdom, or represents the outcome of extensive consultation (including at official level within Government) I do not expect this to raise many difficulties.

Given the strength of feeling expressed by David Trimble, and my own knowledge of the adverse reaction that there is likely to be in Northern Ireland to an Order, I would hope we could look at the current legislative programme again to find a space for this legislation.

29 Aug. 1987 19:29

S OF S PRIVATE OFFICE 1712106722

No. 7999 P. 4/4



I am copying this letter to Robin Cook, Jack Straw, Ann Taylor, Lord
Richard, Nick Brown and Robin Butler.

Marjorie

MARJORIE MOWLAM