

12-SEP-1997 17:35 FROM E&D SECRETARIAT

TO 98399044

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 Date: 17 September 1997

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F.6
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MR COHEN -

cc

Mr Holmes
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 Mr Young -
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 Mr Sanderson

POLICE BILL: NORTHERN IRELAND

1. The President and other business managers are to meet the Secretary of State for Northern Ireland after the meeting of HS Committee tomorrow, to discuss her request that a Police Bill be included in this session's programme.
2. The Bill was included among the bids for Bills from Dr Mowlam immediately after the Election. It was her third priority, out of three. It was not selected for the programme. The first two Bills, on Emergency Provisions and Parades and Marches, were both included in the programme and should be ready for introduction shortly after Parliament returns. The Bill would bring policing structures in Northern Ireland into line with those on the mainland by, among other things:
 - allowing policing objectives to be set for the police service in Northern Ireland;
 - requiring the production and publication of annual and forward policing plans;
 - creating the office of Police Ombudsman in Northern Ireland;
 - reforming the method of appointment of the police authority; and
 - providing a statutory basis for Community Police Liaison Committees.
3. The main questions to be addressed are:
 - how much time will the Bill take and, therefore is there room for it in the session,
 - how urgent is it,
 - should it be consulted on in draft,
 - would any of the new procedures, as set out in the report of the Modernisation Committee, be sufficiently robust to be used for the Bill?

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4. The Bill would be long - but capable of being introduced quickly. The original bid in May said that the Bill would be uncontroversial in UK terms but that the Northern Ireland parties, both Nationalist and Unionist, would be likely to have specific concerns about measures relating to reforming the method of appointment of the Police Authority, and residual questions about details of the policing structures reforms. It is quite possible that Sinn Fein would attack the Bill as doing nothing to address their main concerns; nor is it clear that all Unionists will welcome the reforms proposed.
5. The President and the business managers will wish to consider whether there is room in the programme for another Bill in this session. The programme is at or close to the outer limits of what is manageable. The risks of adding another Bill to it are:
 - that it might tip the handling of the programme over the edge;
 - even if it did not, it would mean that there would be less scope for finding room for any other legislation that might need to come forward in the 12 months this session has to run;
 - other Ministers may take less seriously the warnings that have been given about the need to keep Bills up to time and narrowly focused.

Urgency

6. On the other hand, Northern Ireland Ministers believe that it is important to legislate in this session. **The President may wish to ask how urgent the Bill is.** Dr Mowlam's latest letter states that it is important to act now if policing reform is to happen within meaningful timescales. This, she says, is vital if confidence is to be built across the community in Northern Ireland. It would clearly be desirable to legislate in this session but, at first glance, there is no absolute deadline by which the Bill could be established as essential in this session.

Consultation in draft

7. **The President may, therefore, wish to ask whether a satisfactory alternative would be to publish a Bill in draft for consultation.** There would be some disadvantages. If it is the case that some aspects of the Bill could be attacked from both sides, the same would be true of a draft Bill. Later, it might prove to be difficult to amend the Bill in the light of consultation, without running the risk of provoking criticism that one side had been favoured more than the other. On the other hand, consulting on and modifying draft legislation would show that the Government was prepared to listen to views in preparing legislation and seek consensus. It would also provide a sign of the Government's intention to bring forward legislation on the subject as soon as Parliamentary time allowed.

New Procedures

8. Dr Mowlam has written strongly against proceeding by an **Order in Council**. The President may not wish to press this course of action upon her, although it may be

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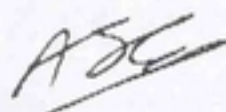
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helpful that 2 Northern Ireland Bills are already in the main programme and set for introduction in October.

9. If an Order in Council is not a runner, the last option is to begin to make use of the **conclusions of the Select Committee on Modernisation of the Commons**. The President may wish to consider whether it would be possible, for example, to agree to the Bill's introduction later in the session, while making it clear that it would be carried over into the second session (paragraph 102 of the report).



ANDREW CAMPBELL