

THE POLICE (NORTHERN IRELAND) BILL
Memorandum by the Secretary of State for Northern Ireland

Summary

1. This memorandum seek LEG's agreement to the introduction of the Police (Northern Ireland) Bill. The intention is that the Bill be introduced today.

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Background

2. The draft Bill seeks to:
 - * introduce changes in the legislative structures governing policing in Northern Ireland; ie the relationship between the Secretary of State, Chief Constable and Police Authority;
 - * implement changes to the police complaints system in Northern Ireland; and
 - * consolidate, with some amendments, Northern Ireland policing legislation, with the exception of its Police and Criminal Evidence provisions.

Its content was set out in the Secretary of State's letter to the Prime Minister of 24 October, which was copied to members of IN Committee and other colleagues. No objections have been received.

Content

3. The proposals contained in the draft Bill are drawn from the Police and Magistrates Courts Act 1994, from our consultation document on policing in Northern Ireland, and from the Hayes report on the police complaints system. The Bill will make the following changes:
 - (a) it will transfer the management of all policing resources to the Chief Constable;
 - (b) it will improve the accountability of the Chief Constable through the introduction of police planning and objective setting mechanisms;

- (c) it will establish a police Ombudsman who will have the power to investigate independently complaints against the police, including complaints of a criminal nature;
- (d) it will consolidate all Northern Ireland policing legislation dating back to 1836 (except for PACE provisions);
- (e) it will introduce other measures designed to enhance police accountability, efficiency and "good housekeeping"; and
- (f) it will replace the current "oath" of appointment for RUC officers with the Scottish form of declaration.

It is not likely to be certified a money Bill.

Territorial extent

4. The Bill extends only to Northern Ireland.

Financial and manpower aspects

5. The transfer of management of civilian support staff and police resources to the Chief Constable should reduce the bureaucracy, inefficiency and duplication of efforts between the RUC and the Police Authority for Northern Ireland (PANI). There may be short term costs associated with transitional arrangements in the structures area, but these will largely involve a reallocation of existing resources between the Police Authority, the RUC and the Northern Ireland Office. They will be contained within existing budgets.

6. The setting up of the Police Ombudsman's office will give rise to increased running costs for a limited period. This is inevitable as the current and new systems will operate in parallel for a time. However, once all complaints under the old system have been processed, savings in the Complaints and Discipline Department of the RUC should offset the costs of the new system. The changes are high priority for Government; we are committed to early implementation (by February 1999 at the latest). Resources will need to be found within the context of the NIO Comprehensive Spending Review.

ECHR aspects

7. There is nothing in the draft Bill which is likely to be judged contrary to the Convention. Indeed, it can be argued that the independence of the Ombudsman strengthens the position of the complaints system under the Convention; and that the clarification of the roles and duties of the respective parties, and the purpose of policing itself, is entirely in keeping with the Convention.

Parliamentary handling

8. We have consulted very widely on the content of the Bill. It is ready for introduction.

9. There is no particular GB interest in the provisions in the Bill.

10. While there may be some Nationalist and Irish concerns that the provisions are not far reaching enough, provided it is made clear that the structures reforms do not preclude the implementation of any agreement which emerges from the Talks process, or pre-empt discussions there, this should be manageable.

11. Unionist concerns should largely be addressed by proceeding by Bill as opposed to Order in Council. There may be some concern in relation to the transfer of responsibility for support service provision from the Police Authority to the Chief Constable. Unionists may claim that this will unduly restrict the Authority's powers. There is some concern (principally from the DUP) at the proposal to replace the current oath with the Scottish declaration.

12. PANI is likely to voice concern in relation to the transfer of powers to the Chief Constable, their desire to take on responsibility for objective setting and reporting should balance their concerns.

13. The proposals on the Police complaints system enjoyed support from across the political spectrum in Northern Ireland when Dr Hayes' report was published in January, and I am coming under pressure to implement.

Controversial aspects

14. The move from the current oath to the Scottish declaration will be the most controversial aspect of the Bill to Unionists because it removes a reference to "Her Majesty". It will, however, be presented as a modernising and simplifying move to a position already well established in another UK jurisdiction, which also means the declaration can be freely made by all those in the community joining the Royal Ulster Constabulary, and will be very welcome to Nationalists as evidence of Government's commitment to parity of esteem for the minority community.

Timing

15. We would like the Bill to have Royal Assent before the Summer Recess in order to gain momentum in the implementation process, both for financial reasons (to bring forward expected efficiencies and savings) and for presentational ones. Policing reform is also a key confidence building measure to Nationalists, and we need to demonstrate tangible progress by Government.

Publicity

16. Other than the move from the current oath to the Scottish declaration, there are no surprises in this Bill. We will make arrangements to inform parties and other interested bodies on introduction.

Recommendation

17. LEG Committee is invited to agree that the Police (Northern Ireland) Bill should be introduced in the House of Commons today.

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