

**EXPLANATORY MEMORANDUM TO  
THE POLICE AND CRIMINAL EVIDENCE (APPLICATION TO THE POLICE  
OMBUDSMAN)(AMENDMENT) ORDER (NORTHERN IRELAND) 2010  
2010 No. 46**

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 This instrument amends the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 which came into operation on 18 May 2009.

The amendments have been made to rectify drafting errors reported by the Joint Committee on Statutory Instruments.

- 2.2 The Order comes into operation on 24 March 2010.

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

- 3.1 This instrument amends the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 which was reported by the Committee in its 16th report of Session 2008-09 for defective drafting in three respects. In a memorandum in response the Department has acknowledged that the drafting is defective as it was in 2000 and has apologised for the repetition of the errors which were reintroduced as an oversight and the Department agreed to bring forward amending provisions. This instrument addresses these matters.

4. **Legislative Context**

- 4.1 This instrument is made under Section 56(2) of the Police (Northern Ireland) Act 1998.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to Northern Ireland.

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**

- 7.1 The Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 came into operation on 18 May 2009 to update the range of powers applicable to Police Ombudsman investigators when investigating complaints against the police. This was following amendments made to the Police and Criminal Evidence (Northern Ireland) Order 1989, commonly known as PACE, which provides the legislative framework for police powers in Northern Ireland.

## **8. Consultation outcome**

- 8.1 A limited consultation exercise of 8 weeks was conducted in relation to the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2009 in accordance with section 64 of the Police (Northern Ireland) Act 1998. There were no issues raised as a result of the consultation exercise for the Order. Given that this instrument is being brought forward to amend errors in the 2009 Order as reported by the JCSI and there is no change in the policy of the 2009 Order, a further consultation exercise has not been conducted.

## **9. Impact**

- 9.1 The impact on business, charities or voluntary bodies is nil.
- 9.2 The impact on the public sector is nil.
- 9.3 An Impact Assessment has not been prepared for this instrument.

## **10. Regulating small business**

- 10.1 The legislation does not apply to small business.

## **11. Monitoring review**

- 11.1 We shall keep the instrument under review and make any necessary amendments as appropriate.

## **12. Contact**

Eileen Coulter at the Northern Ireland Office Tel: 028 9052 3259 or email: Eileen.Coulter@nio.x.gsi.gov.uk, can answer any queries regarding the instrument.