

EXPLANATORY MEMORANDUM TO
POLICE (NORTHERN IRELAND) ACT 2000 (DESIGNATED PLACES
OF DETENTION: LAY VISITORS) ORDER 2015

2015 No. 29

1. This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The Secretary of State is designating part of Musgrave Police Station in Northern Ireland as a place where terrorist suspects who have been arrested or persons who have been stopped and questioned under powers in Schedule 7 to the Terrorism Act 2000 (port and border controls) (“Terrorism Act 2000 detainees”) may be detained. This Order allows Independent Custody Visitors or ‘lay visitors’ to visit and inspect that part of Musgrave Police Station so that they may report on its facilities and on the welfare and treatment of persons detained there.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The Government is committed to ensuring the welfare and good treatment of Terrorism Act 2000 detainees and lay visitors are an important part of that commitment. This Order is made to enable the inspection by lay visitors of a custody suite which is newly to be used to detain Terrorism Act 2000 detainees.
 - 4.2 Under the Terrorism Act 2000, the Secretary of State is obliged to designate places of detention for detaining Terrorism Act 2000 detainees. Antrim Serious Crime Suite and Grosvenor Road Police Station are at present the only such designated facilities in Northern Ireland. Antrim is used as the primary Serious Crime Suite with Grosvenor Road Police Station being used as the ‘back-up’ custody suite facility if Antrim is unavailable for any reason.
 - 4.3 Due to the need for essential maintenance work to be carried out at Antrim which is scheduled to take place from April to October 2015

(approximately), and also to assist with the reconfiguration of the Police Service of Northern Ireland's (PSNI) custody estate, the PSNI will be using Musgrave Police Station custody suite from 1st March 2015 as the primary detention facility for Terrorism Act 2000 detainees in Northern Ireland. Once the maintenance work is completed in Antrim custody suite in about October 2015 the intention then is for Antrim to become the 'back-up' facility for Terrorism Act 2000 detainees and for Grosvenor Road to cease to function as such a facility. Once this happens a further Order will be required repealing the designation by the Secretary of State of Grosvenor Road as a place where lay visitors may visit.

- 4.4 In order for Musgrave Police Station to be used for the detention of Terrorism Act 2000 detainees, the Secretary of State for Northern Ireland has designated it as such a place of detention under paragraph 1 of Schedule 8 of the Terrorism Act 2000. The designation comes into effect on 1st March 2015. A designation under that power is not a statutory instrument and has no parliamentary procedure attached to it.
- 4.5 Section 73 of the Police (Northern Ireland) Act 2000 makes provision for the Northern Ireland Policing Board to make arrangements for lay visitors to visit and inspect "designated places of detention" to review their facilities and the treatment and welfare of detainees. A designated place of detention is defined to include police stations designated by the Chief Constable of the PSNI. However, under devolution arrangements the Secretary of State, retains responsibility for matters of national security and is therefore responsible for designating a place where Terrorism Act 2000 detainees may be held as a place where lay visitors can visit. Such a designation is made by Order under section 73 of the Police (Northern Ireland) Act 2000. This Order designates that part of Musgrave Police Station that is designated under the Terrorism Act 2000 and comes into force at the same time as the latter designation (1st March 2015).

5. Territorial Extent and Application

- 5.1 This Instrument applies to Northern Ireland.

6. European Convention on Human Rights

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

7. Policy background

- 7.1 The 1999 Report of the Independent Commission on Policing for Northern Ireland '*A New Beginning: Policing in Northern Ireland*' (more commonly known as the Patten Report) recommended the closure of the Holding Centres and that all terrorist suspects should be detained in

custody suites in police stations. In response to this, two custody suites in Northern Ireland, Antrim and Grosvenor Road, were brought up to the relevant standard and designated as places of detention for Terrorism Act 2000 detainees. Antrim now needs refurbishment and will not be available for use temporarily while this refurbishment is carried out. Musgrave Police Station has been undergoing refurbishment which will ensure that its facilities are suitable for the detention of Terrorism Act 2000 detainees.

- 7.2 Musgrave Police Station will become the primary facility for holding Terrorism Act 2000 detainees on 1 March 2015, with Antrim Police Station to be used as the 'back-up' custody facility once all the essential maintenance work at Antrim is complete in approximately October 2015. Grosvenor Road will remain the 'back-up' facility until the work in Antrim Police Station is complete and will then cease to function as a Terrorism Act 2000 custody facility.
- 7.3 The purpose of this Statutory Instrument is to allow lay visitors to visit the part of Musgrave Police Station used to detain Terrorism Act 2000 detainees.

8. Consultation outcome

- 8.1 There is no requirement for a consultation exercise in relation to the designation of a place of detention under the Terrorism Act 2000 or as a place where lay visitors may visit. However, in November 2014 the PSNI briefed all relevant stakeholders on the reconfiguration of their custody estate, including the designation of Musgrave Police Station. The stakeholders made no significant comment. Those consulted were the Law Society for Northern Ireland; a group of Solicitors; Mindwise Appropriate Adult Scheme; Northern Ireland Prison Service (NIPS); the Interpretation Service for the PSNI; the Department of Health and Social Services and Public Safety (DHSSPS); Police Ombudsman for Northern Ireland (PONI); and the Association of Forensic Medical Officers for Northern Ireland. The PSNI also specifically briefed the Northern Ireland Policing Board (and through them the lay visitors) and the Independent Reviewer of Terrorism Legislation, David Anderson QC, about the plan to designate Musgrave Police Station and the intended future use of the two facilities already designated. David Anderson QC visited Musgrave Police Station on 16 January 2015 and indicated that he was satisfied that the facility would be fit for Terrorism Act 2000 detainees once the refurbishment was complete.

9. Guidance

- 9.1 All stakeholders including the Northern Ireland Policing Board, lay visitors and Mr David Anderson QC the Independent Reviewer of Terrorism Legislation have been informed of the change in locations to enable them to fulfil their statutory obligations.

9.2 Lay visitors are provided with training by the Northern Ireland Policing Board and those who are required to visit custody suites for Terrorism Act 2000 detainees are provided with additional specific training and will also be invited to a familiarisation tour of the new suite.

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.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Lay visitors will be reviewing the detention facilities and conditions at Musgrave Police Station and the Independent Reviewer of Terrorism Legislation will also review them as part of his annual review of terrorism legislation.

13. Contact

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Northern Ireland Office
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