

EXPLANATORY MEMORANDUM TO

The Modern Slavery Act 2015 (Power of arrest: Code of Practice) Order (Northern Ireland) 2016

S.R No. 81

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under the Modern Slavery Act 2015 (c. 30) and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Order provides that a code of practice entitled "Code of Practice to be followed by Northern Ireland Constables and Enforcement Officers when arresting a person under the power conferred by paragraph 22(2) of Schedule 2 to the Modern Slavery Act 2015" comes into operation upon commencement of Part 3 of and Schedule 2 to the Modern Slavery Act 2015.

3. Background

- 3.1. Part 3 of and Schedule 2 to the Modern Slavery Act 2015 ("the Act") make provision for maritime enforcement powers. Powers exercisable by Northern Ireland constables and enforcement officers are set out in Part 3 of Schedule 2 to the Act.
- 3.2. The powers include: a power to stop, board, divert and detain (paragraph 20 of Schedule 2); a power to search and obtain information (paragraph 21 of the of Schedule 2); and a power of arrest and seizure (paragraph 22 of Schedule 2).
- 3.3. Paragraph 23 of Schedule 2 requires the Department of Justice to prepare and issue a Code of Practice to be followed by Northern Ireland constables and enforcement officers when exercising the paragraph 22(2) power of arrest. Paragraph 23(6) provides that the Code, or any revisions thereof, cannot be brought into operation until the Code is laid before the Assembly and brought into operation by Order.
- 3.4. The Order takes effect on 1 April 2016. It brings the Code of Practice into operation upon commencement of the suite of maritime powers at Part 3 of and Schedule 2 to the Act.

4. Consultation

- 4.1. The Code of Practice was subject to an eight week public consultation.

5. Equality Impact

- 5.1. Compliant with section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. No additional equality, regulatory and financial implications which may be relevant to the implementation of the Code of Practice have been identified.

7. Financial Implications

- 7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. Compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The Secretary of State must prepare and issue a Code of Practice to be followed by English and Welsh constables and enforcement officers when arresting a person under the power conferred by paragraph 4(2) of Schedule 2 to the Act.

11. Additional Information

- 11.1. N/A.