EXPLANATORY MEMORANDUM TO THE COURT SECURITY OFFICERS (DESIGNATION AND EMPLOYMENT) REGULATIONS (NORTHERN IRELAND) 2005

2005 No. 326

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations authorise the Lord Chancellor to stipulate training courses to be completed and the conditions to be met before any person may be designated as a court security officer. They also provide that the Lord Chancellor will obtain certain information and carry out certain checks before a person is designated or employed as a court security officer.

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

3.1 None.

4. Legislative Background

4.1 Schedule 3 to Justice (Northern Ireland) Act 2004 makes provision about court security officers and related matters. It re-enacts, with amendments, sections 79 to 81 of the Justice (Northern Ireland) Act 2002. The amended provisions are broadly comparable to the powers taken in Part 4 of the Courts Act 2003 for court security officers in England and Wales. These Regulations are made under paragraph 1(4) of Schedule 3 to the Justice (Northern Ireland) Act 2004.

5. Extent

The instrument extends to Northern Ireland only.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 Following a review of the Criminal Justice System in Northern Ireland (2000), it was recommended that "*In line with the assessment of security risk, the Northern Ireland Court Service should assume full responsibility for security at its courthouses*" (Recommendation 138). The Justice (Northern Ireland) Act 2002 gave statutory effect to this recommendation.

7.2 It was subsequently decided that it would be desirable to augment the original provisions so as to require the Court Service to provide security at non-court

buildings used by the Child Support Commissioners and Social Security Commissioners. At the same time it was considered appropriate for a number of the provisions contained in the Courts Act 2003 to be replicated in Northern Ireland e.g. the power to allow the Lord Chancellor to specify training to be undertaken, the power to seize and retain articles from persons entering a courthouse etc.

7.3 The proposed Regulations specify particular areas of training that must be demonstrated before a person may be designated or employed as a court security officer. They also provide that, after appointment, the Lord Chancellor may require a court security officer to undergo further training in any of these specified areas or to undertake any other training that the Lord Chancellor determines.

7.4 The proposed Regulations also require the Lord Chancellor to obtain certain information (i.e. proof of identity and a declaration as to whether the person has any unspent criminal convictions) and to carry out a criminal records check, before that person may be designated or employed as a court security officer.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Any enquiries about the content of this memorandum should be addresses to Peter Luney at the Northern Ireland Court Service (telephone: 028 90412282; e-mail: peterluney@courtsni.gsi.gov.uk.