EXPLANATORY MEMORANDUM TO

Justice (Northern Ireland) Act 2002 (Amendment of section 46(1)) Order (Northern Ireland) 2014

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 section 46(6) of the Justice (Northern Ireland) Act 2002 as the rule adds organisations to, omits organisations from, and alters the description of organisations listed at section 46(1) of the Justice (Northern Ireland) Act 2002. This means that, as set out in section 90(1A), this Order is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. This instrument amends section 46(1) of the Justice (Northern Ireland) Act 2002 (the list of organisations that the Chief Inspector of Criminal Justice in Northern Ireland (CJINI) has the power to inspect) to ensure that the remit of the Chief Inspector of Criminal Justice in Northern Ireland remains relevant and current to the work being carried out within the criminal justice system.

2.2. This Order: -

(1) Removes the Compensation Agency from section 46(1) as it ceased to exist as an Agency of the Department of Justice in 2013 and its functions are now carried out by the core Department;

(2) Adds the Central Investigation Service and the Veterinary Service Enforcement Branch within the Department of Agriculture and Rural Development to the list of organisations that CJINI has the power to inspect by virtue of the nature of the work undertaken; and

(3) Updates two entries on the list due to titles / descriptions of the organisations changing - "the Health and Social Services Boards and Health and Social Services Trusts" has become "the Health and Social Care Board and the Health and Social Care Trusts", and "the Northern Ireland Child Support Agency" has become "the Child Maintenance and Enforcement Division".

3. Background

3.1. Section 45-49 of, and Schedule 8 to, the Justice (Northern Ireland) Act 2002 made provision for the Office of the Chief Inspector of Criminal Justice in Northern Ireland (CJINI) which was established in 2003 as an executive non-departmental public body. It is sponsored by the Department of Justice. The role of Chief Inspector is to ensure the inspection of all aspects of the criminal justice system in Northern Ireland with a view to promoting effectiveness, efficiency and even handedness. Following an inspection the Chief Inspector has a duty to prepare a

report for the Minister of Justice, who will arrange laying of the report before the Northern Ireland Assembly.

3.2. Section 46(1) of the Justice (Northern Ireland) Act 2002 lists organisations that the Chief Inspector has a duty to inspect. The list at section 46(1) has been updated on a number of occasions since the introduction of the Justice (Northern Ireland) Act 2002, most recently in 2010 (The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010), but has become outdated due to changes relating to the organisations currently listed and also other organisations which now conduct work relating to the criminal justice system. This Order, therefore, updates the list at section 46(1) to ensure that the remit of the Chief Inspector remains relevant and current.

4. Consultation

4.1. The Minister of Justice has consulted with fellow Executive Ministers in the Northern Ireland Assembly regarding the proposed amendments in respect of the departments or agencies they have responsibility for and their views have been incorporated into the Order. The Chief Inspector of Criminal Justice was also consulted and is content with the proposed amendments to section 46(1).

5. Equality Impact

5.1. This policy has been subject to Section 75 equality screening and no adverse impacts on equality of opportunity and / or good relations were identified.

6. Regulatory Impact

6.1. As this is a minor administrative change to the list of organisations that the Chief Inspector can inspect it is not anticipated that there will be any impact on business, charities, social economy, enterprises or voluntary bodies. It is not expected that the proposed changes will result in any additional costs or savings.

7. Financial Implications

7.1. It is not anticipated that there will be any financial implications due to the introduction of the Order.

8. Section 24 of the Northern Ireland Act 1998

8.1. There are no section 24 considerations.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.