EXPLANATORY MEMORANDUM TO

THE NORTH/SOUTH CO-OPERATION (IMPLEMENTATION BODIES) (AMENDMENT) (NORTHERN IRELAND) ORDER 2007

2007 No.

1.

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

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

2. Description

2.1 This Order amends the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 ("the 1999 Order").

2.2 That Order gave effect to provisions of an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland establishing implementation bodies ("the Implementation Bodies Agreement").

2.3 This Order gives effect to a further Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the interpretation of certain terms in the Implementation Bodies Agreement ("the further Agreement").

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

3.1 None

4. Legislative Background

4.1 The Order is made under section 55 of the Northern Ireland Act 1998, amending the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999 ("the 1999 Order"). The 1999 Order made provision for the creation of six implementation bodies, including the Special European Union Programmes Body. The role of this body is to develop co-operation, understanding and action between people and organisations in Ireland and Northern Ireland through consultation and the implementation of EU social, economic, reconciliation and cultural programmes.

4.2 This Order gives effect to a further Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the interpretation of certain terms in the original Agreement in relation to the functions of the Special European Union Programmes Body.

4.3 The further Agreement concerned the interpretation of the terms "Community Initiatives", "Initiatives" and "CIs" in Part 4 of Annex 1 and Part 4 of Annex 2 to the Implementation Bodies Agreement.

4.4 The further Agreement states that it is the joint intention of both Governments that the aforementioned terms would include any successors to, equivalents of or substitutes for such Initiatives within or building on the substantive objectives, priorities, policy areas and activities covered by the Community Initiatives established within the framework of the European Community's Structural Funds and should be construed accordingly.

4.5 The further Agreement was incorporated into domestic law by a designation as a "relevant agreement" under paragraph 10(3) of the Northern Ireland Act 2000. This designation ceases to have effect at the same time as section 1(1) of that Act ceases to have effect.

4.6 This Order incorporates the further Agreement into domestic law after section 1(1) of the Northern Ireland Act 2000 ceases to have effect.

5. Territorial Extent and Application

5.1 This instrument applies to Northern Ireland.

6. European Convention on Human Rights

6.1 The Secretary of State has made the following statement regarding Human Rights:

"In my view the provisions of the North/South Co-operation (Implementation Bodies) (Amendment) (Northern Ireland) Order 2007 are compatible with the Convention rights".

7. Policy background

7.1 This Order gives force in domestic law to the provisions of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning the interpretation of certain terms in the original Agreement constituted by the exchange of letters dated 25 July 2006.

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 Mr David McCann at the Northern Ireland Office Tel: 020 7210 6575 or e-mail:david.mccann@nio.x.gsi.gov.uk can answer any queries regarding the instrument.