EXPLANATORY MEMORANDUM TO

The Northern Ireland Police Fund (Amendment) Regulations 2021

SR 2021 No. 211

1. Introduction

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.

The Statutory Rule is made under section 11(2) of the Financial Provisions Act (Northern Ireland) Act 2014 and is subject to the negative resolution procedure.

2. Purpose

The purpose of this Statutory Rule is to amend the Northern Ireland Police Fund Regulations 2016 to enable the Fund to delegate its functions as its Board sees fit.

3. Background

The Northern Ireland Police Fund was established to benefit members of the Royal Ulster Constabulary (RUC), the RUC Reserve, the Police Service of Northern Ireland (PSNI) and the PSNI Reserve who have been killed or injured by terrorism, and their families and dependents, by the provision of financial assistance, advice, support and care to such persons.

The Northern Ireland Police Fund has, to date, been relying on section 19 of the Interpretation Act (NI) 1954 to enable its staff to carry out its functions. The purpose of this Statutory Rule is to amend the Northern Ireland Police Fund Regulations 2016 in order to ensure compliance with the judgment in the case of *McKee & Others v Charity Commission*. The change will provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee of the Board or by one or more of the members of the Board or of its staff.

4. Consultation

No consultation has been undertaken as the amendment does not constitute a change in policy or practice, but rather provides statutory underpinning for existing policy and practice.

5. Equality Impact

An assessment for compliance with s75 of the Northern Ireland Act 1998 is not judged necessary as one was carried out at the time the Fund's founding legislation was being produced and the changes being brought forward through

these regulations are technical in nature and will not impact adversely on any s75 group.

6. Regulatory Impact

An assessment is not thought necessary as these regulations are a procedural tool impacting the internal workings of an NDPB.

7. Financial Implications

There are no anticipated financial implications.

8. Section 24 of the Northern Ireland Act 1998

Legal advisors have indicated these regulations are compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

Not applicable.

10. Parity or Replicatory Measure

Not applicable.

11. Additional Information

Not applicable.