EXPLANATORY MEMORANDUM TO

THE POLICE AND CRIMINAL EVIDENCE (1989 ORDER) (CODES OF PRACTICE) (REVISION OF CODES C AND H) ORDER (NORTHERN IRELAND) 2014

S.R. 2014 No. 134

1. General

1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the above Statutory Rule, which is laid before the Northern Ireland Assembly.

2. Description

2.1 The Order brings into force on 2nd June 2014 changes to Codes of Practice C and H issued under Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). These changes will implement EU Directive 2012/13 on the right to information in criminal proceedings.

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

3.1 None.

4. Legislative Background

4.1 This Order is made under Article 66(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989 and is being laid before the Assembly pursuant to Article 89 of that Order.

5. Territorial Extent and Application

5.1 The Order applies to police officers in exercise of their powers in Northern Ireland.

6. European Convention on Human Rights

6.1 In the view of the Department the provisions of the Order are compatible with the Convention on Human Rights.

7. Policy Background

7.1 Articles 60, 60A and 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 provide for the Department of Justice to issue Codes of Practice governing certain aspects of police powers and procedures in Northern Ireland.

7.2 Changes are being made to Code C (Detention, treatment and questioning) and Code H (Detention, treatment and questioning in terrorism cases) to implement the EU Directive on the right to information in criminal proceedings which must be transposed into UK domestic law by the transposition deadline of 2 June 2014. The code revisions set out explicitly the right of a suspect or accused person to information about their rights in criminal proceedings and to the accusation against them.

7.3 Under Article 66(4) of PACE a revision of a Code does not come into operation until the Department of Justice has by order provided for this.

7.4 A Transposition Note which sets out how the Directive is implemented by the PACE Code revisions is annexed to this Explanatory Memorandum.

8. Impact

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

8.2 The impact on the public sector is negligible and is not expected to have an additional impact on resources over and above that which is already imposed by the current Codes of Practice.

9. Contact

9.1 Gary Dodds at the Department of Justice Tel: 028 9052 8375 or e-mail: Gary.Dodds@dojni.x.gsi.gov.uk can answer any queries.