EXPLANATORY MEMORANDUM TO

THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989 (CODES OF PRACTICE) (REVISION OF CODES C, E, F AND H) ORDER 2012

S.R. 2012 No. 376

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 Police and Criminal Evidence (Northern Ireland) Order 1989 requires the Department of Justice to issue codes of practice in relation to the exercise by police officers of their statutory powers.

2.2 The Order is made under the Police and Criminal Evidence Order (1989) and brings into force revisions to Codes of Practice C, E, F and H which regulate the exercise by police officers of statutory powers in Northern Ireland.

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 (as amended) 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 Code C relates to the detention, treatment and questioning of persons by police officers and the revisions will enable the wider use of other appropriate healthcare professionals in police custody suites to complement the role of the Forensic Medical Officer.

7.3 Code E revisions facilitate the use of a secure digital network for digital audio recording of police interviews with suspects and sets out operational requirements for the handling of recordings.

7.4 Code F revisions facilitate the use of a secure digital network for digital video recording with sound of police interviews with suspects and sets out operational requirements for the handling of recordings.

7.5 Code H relates to the detention, treatment and questioning of persons under terrorism legislation and the revisions will allow for the wider use of other appropriate healthcare professionals in police custody suites to complement the role of the Forensic Medical Officer.

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 Coleen Doak at the Department of Justice Tel: 02890 523151 or e-mail: Coleen.Doak@dojni.x.gsi.gov.uk can answer any queries.