

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

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**From:** Tim Logan

**Date:** 10 June 2016

**To:** Christine Darrah

**Summary**

**Business Area:** Policing Policy and Strategy Division

**Issue:** Legislative Consent Motions (LCMs) for the extension to Northern Ireland of a number of provisions within the Policing and Crime Bill at Westminster.

**Restrictions:** None.

**Action Required:** The Committee is asked to consider the Legislative Consent Motions (see Appendix 1).

**Officials attending:** N/A

**LEGISLATIVE CONSENT MOTIONS – POLICING AND CRIME BILL**

**BACKGROUND**

The Policing and Crime Bill was introduced at Westminster on 10 February 2016 and is expected to complete Report Stage in the House of Commons on 13 June. The Bill contains a wide range of policy proposals, some of which the Department believes a strong case exists for extension to Northern Ireland within the Bill.

**Maritime enforcement powers**

2. Section 30 of the Police Act 1996, limits police jurisdiction in UK territorial waters, to 12 nautical miles from the UK shore. The Modern Slavery Act 2015 (MSA) widened

maritime enforcement powers of the police, National Crime Agency and Border Force to enable them to stop, board, investigate and take further action against a vessel at sea that they suspect of either (i) human trafficking; or (ii) slavery, servitude, and forced or compulsory labour. This also included powers of “hot pursuit” across UK territorial waters.

3. The Home Office wrote to the Department in April 2016, seeking legislative consent for law enforcement officers in England and Wales to exercise maritime enforcement powers in Northern Ireland waters in hot pursuit situations. Since then, the Department was advised that the Scottish Government has requested law enforcement officers in Scotland are provided with powers corresponding to those conferred on members of police forces in England and Wales (and certain other law enforcement officers). This includes powers of hot pursuit from Scottish waters into Northern Ireland territorial waters. This also requires the legislative consent of the Assembly.

4. Given the position adopted by the Scottish Government, the Department consulted with the PSNI on whether a case could be made for equivalent maritime enforcement powers to be extended to Northern Ireland within the Bill. In response, the PSNI advised that it has limited maritime capabilities and there is no pressing need for additional powers to be made available to its officers at present.

5. The Committee should be aware that discussions are ongoing between the Department and the Home Office with regard to the accountability arrangements for the hot pursuit powers in the Bill, which at present are contrary to that which the previous Assembly provided legislative consent for in relation to the hot pursuit provisions in the MSA. The MSA memorandum provided consent for the Police Ombudsman Northern Ireland to investigate any complaints made against officers from police forces in England and Wales in the exercise of hot pursuit powers in Northern Ireland waters. The Bill contains a clause which would have the effect of extending the jurisdiction of the Independent Police Complaints Commission in England and Wales to the hot pursuit powers in both the MSA and the Bill. The Home Office is aiming to bring forward amendments in the Lords to clarify the IPCC’s jurisdiction to reflect whatever agreement is reached between the Department and the Home Office.

6. Although the Department is minded not to extend the maritime powers to Northern Ireland, an LCM is required to provide legislative consent for law enforcement officers in England, Wales and Scotland to exercise their powers in Northern Ireland waters, but only in hot pursuit situations. This will be on the proviso that agreed accountability arrangements will be put in place to limit the jurisdiction of the IPCC for complaints arising from the exercise of hot pursuit powers by police officers from England and Wales in Northern Ireland waters.

### **Cross border powers**

7. Part 10 of the Criminal Justice and Public Order Act 1994 (CJPOA) makes provision for the exercise of police powers across UK jurisdictions. In particular, it deals with the execution of arrests with or without a warrant and search powers available on arrest.

8. The Home Office is proposing an amendment to CJPOA to fill a long term gap which prevents an officer in their own jurisdiction arresting a person without warrant on suspicion of having committed an offence in another UK jurisdiction. Provisions have now been drafted that will legislate to allow police officers in England, Wales, Scotland and Northern Ireland to arrest a person in their own jurisdiction for a serious offence committed in another jurisdiction. Consequential changes will also be made to the existing powers of entry and search, but only for offences that are indictable. Consequential amendments to the current PACE Codes of Practice will also be required.

9. There is a strong case to extend these amendments to Northern Ireland within the Policing and Crime Bill. The CJPOA provisions already extend UK wide and the change would be warmly welcomed by the PSNI. This will require an LCM as these powers relate to transferred matters.

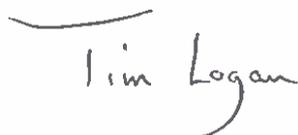
### **Biometric retention – Foreign convictions**

10. Schedule 2 of the Criminal Justice Act (Northern Ireland) 2013 (CJA) sets out a new statutory framework for the retention and destruction of DNA and fingerprints taken by police in connection with a criminal offence. To date, these provisions have yet to be brought into operation.

11. An important element of the new regime is that a person's DNA profile and fingerprints can be retained on the basis of a previous UK conviction. There is also provision for police to obtain the DNA and fingerprints of a person if they are convicted of a serious offence abroad and come or return to Northern Ireland to live. However, there is a gap in the legislation that prevents police from retaining biometrics from a person on the basis of a conviction outside the UK. With growing numbers of migrants coming to Northern Ireland to work and live, the issue has become more pressing.

12. The Home Office plan to amend the equivalent biometric retention regime in England and Wales and it would make good sense to extend the change to Northern Ireland, within the Policing and Crime Bill. This will ensure the gap has been rectified, most likely before the Department is in a position to commence the CJA framework.

13. The Committee is asked to agree to the LCMs at Annex A of this paper.



**Tim Logan**  
DALO

Enc: Annex A (3 x Legislative Consent Memoranda: Policing and Crime Bill)

## LEGISLATIVE CONSENT MEMORANDUM

### POLICING AND CRIME BILL

#### Draft Legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Justice, is:

*“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Policing and Crime Bill, as amended at Commons Report Stage, insofar as they apply to the exercise of maritime hot pursuit powers in Northern Ireland territorial waters, as contained in clauses 78 and 90 of Part 4 of the Bill.*”

#### Background

2. This memorandum has been laid before the Assembly by the Minister of Justice under Standing Order 42A(2). The Policing and Crime Bill (‘the Bill’) was introduced in the House of Commons on 10 February 2016 and is currently at Report Stage in that House. The latest version of the Bill as amended in Committee Stage can be found at:

<http://www.parliament.uk/documents/commons-public-bill-office/2015-16/compared-bills/Policing-and-Crime-bill-160414.pdf>

#### Summary of the Bill and its policy objectives

3. The Bill is in nine parts and its purpose is to further improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services; enhance the democratic accountability of police forces and fire and rescue services; build public confidence in policing; strengthen the protections for persons under investigation by, or who come into contact with, the police; ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation:

- Part 1 places a duty on police, fire and rescue and ambulance services to collaborate, and enables Police and Crime Commissioners to take on responsibility for fire and rescue services.
- Part 2 reforms the police complaints and disciplinary systems, provides for a new system of “super-complaints” and confers new protections on police whistle-blowers. It also further strengthens the independence of HMIC and ensures that it is able to deliver end-to-end inspections of the police, including by inspecting contractors and third parties who carry out policing functions.
- Part 3 enables chief officers of police to confer a wider range of policing powers on police civilian staff and volunteers.
- Part 4 contains a number of reforms to police powers, including the extension of police powers to investigate offences committed on vessels operating at sea.
- Part 5 makes further provision in respect of the term of office of Deputy Police and Crime Commissioners to enable them to be eligible for appointment as an acting PCC in the event of the office of PCC falling vacant mid-term.
- Part 6 seeks to better protect the public by amending the Firearms Acts so as to close loopholes that can be exploited by criminals and terrorists and by ensuring that, through statutory guidance, there is a consistent approach by chief officers of police to the consideration of applications for firearms licences and shotgun certificates.
- Part 7 amends the Licensing Act 2003 to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder.
- Part 8 strengthens the enforcement regime for financial sanctions by increasing the maximum custodial sentence on conviction for breaching sanctions, expanding the range of enforcement options, including a new system of monetary penalties, and by providing for the immediate implementation of UN-mandated sanctions.
- Part 9 contains miscellaneous and general provisions, including new requirements on arrestees to confirm their nationality and defendants in

criminal proceedings to provide their name, date of birth and nationality to the court.

### **Provisions which deal with a Devolution Matter**

4. The provisions dealing with maritime hot pursuit enforcement powers in Clauses 78 and 90 of Part 4 of the Bill, so far as it relates to the exercise of those powers in Northern Ireland territorial waters by law enforcement officers in England, Wales and Scotland, is the responsibility of the Northern Ireland Executive.

#### *The position in other devolved administrations*

5. The Scottish Government has indicated that it wishes equivalent maritime enforcement powers within the Bill to extend to Scotland, subject to the legislative consent of the Scottish Parliament.

### **Reasons for making the Provisions**

6. Currently, police jurisdiction is limited to UK territorial waters, which extends to 12 nautical miles from the UK shore. This can hamper the effective disruption of criminal activity in the maritime context where court jurisdiction applies, as UK law enforcement agencies are not always able to act when a crime has taken place on ships around the UK or on the high seas.
7. There are also limited maritime enforcement powers in section 20 of and Schedule 3 to the Criminal Justice (International Co-operation) Act 1990 ("the 1990 Act") and in Part 3 of the Modern Slavery Act 2015 ("the 2015 Act"). The enforcement powers in the 1990 Act are limited to tackling drug trafficking offences on British ships and the importation or exportation of controlled drugs on British ships, foreign registered vessels and stateless vessels. The 2015 Act confers enforcement powers for the purpose of tackling offences in respect of human trafficking, slavery, servitude, and forced or compulsory labour.
8. As the above provisions are directed at the enforcement of specific offences, there remains a gap in the ability of the police and other law enforcement agencies to investigate other criminal activity on ships in UK territorial waters, in international waters and in the territorial waters of other states. Chapter 4 of Part 4 of the Bill makes provision for law enforcement

agencies in England, Wales and Scotland to exercise powers in a maritime context when investigating any offence triable in England, Wales and Scotland. This includes provision for the powers to be exercisable in the territorial waters of Northern Ireland when a ship is pursued there from other waters.

### **The effect of the provisions**

9. The Legislative Consent Motion will have the effect of enabling law enforcement officers in England, Wales and Scotland to exercise maritime enforcement powers where vessels enter Northern Ireland territorial waters in hot pursuit situations.
10. These are devolved powers and would ordinarily be legislated for by the Northern Ireland Assembly. The Department has consulted with the Police Service of Northern Ireland and the view at present is there is no pressing need for equivalent maritime enforcement powers to be extended to law enforcement agencies in Northern Ireland.

### **Reasons for utilising the Bill rather than an Act of the Assembly**

11. The Bill contains provisions for the exercise of maritime enforcement powers where vessels cross UK territorial waters in hot pursuit situations. A Legislative Consent Motion is required to provide Assembly consent for enforcement powers to be exercised in Northern Ireland waters by law enforcement officers in England, Wales and Scotland.

### **Consultation**

12. Not necessary. The LCM is required to enable law enforcement officers in England, Wales and Scotland to exercise maritime hot-pursuit enforcement powers in Northern Ireland territorial waters.

### **Human Rights and Equality**

13. It is considered that the proposed provisions would be beneficial from a human rights and equality perspective. They would assist law enforcement in the fight against crime in UK territorial waters and international waters.

## **Financial Implications**

14. None anticipated.

## **Summary of Regulatory Impact**

15. There would not be any significant impact on the business or voluntary sectors.

## **Engagement to date with the Committee for Justice**

16. None. This is a new policy proposal by the Home Office.

## **Conclusion**

17. The view of the Minister for Justice is that, in the interests of effective law enforcement, the Assembly should support the terms of the draft legislative consent motion as set out in paragraph 1 of this memorandum.

**Department of Justice**

**June 2016**

# LEGISLATIVE CONSENT MEMORANDUM

## POLICING AND CRIME BILL

### Draft Legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Justice, is:

*“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Policing and Crime Bill, by amendment at Commons Report Stage, which deal with cross border enforcement powers in Part 10 of the Criminal Justice and Public Order Act 1994.*

### Background

2. This memorandum has been laid before the Assembly by the Minister of Justice under Standing Order 42A(2). The Policing and Crime Bill (‘the Bill’) was introduced in the House of Commons on 10 February 2016 and is currently at Report Stage in that House. The latest version of the Bill as amended in Committee Stage can be found at:

<http://www.parliament.uk/documents/commons-public-bill-office/2015-16/compared-bills/Policing-and-Crime-bill-160414.pdf>

### Summary of the Bill and its policy objectives

3. The Bill is in nine parts and its purpose is to further improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services; enhance the democratic accountability of police forces and fire and rescue services; build public confidence in policing; strengthen the protections for persons under investigation by, or who come into contact with, the police; ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime; and further safeguard children and young people from sexual exploitation:

- Part 1 places a duty on police, fire and rescue and ambulance services to collaborate, and enables Police and Crime Commissioners to take on responsibility for fire and rescue services.
- Part 2 reforms the police complaints and disciplinary systems, provides for a new system of “super-complaints” and confers new protections on police whistle-blowers. It also further strengthens the independence of HMIC and ensures that it is able to deliver end-to-end inspections of the police, including by inspecting contractors and third parties who carry out policing functions.
- Part 3 enables chief officers of police to confer a wider range of policing powers on police civilian staff and volunteers.
- Part 4 contains a number of reforms to police powers, including the extension of police powers to investigate offences committed on vessels operating at sea.
- Part 5 makes further provision in respect of the term of office of Deputy Police and Crime Commissioners to enable them to be eligible for appointment as an acting PCC in the event of the office of PCC falling vacant mid-term.
- Part 6 seeks to better protect the public by amending the Firearms Acts so as to close loopholes that can be exploited by criminals and terrorists and by ensuring that, through statutory guidance, there is a consistent approach by chief officers of police to the consideration of applications for firearms licences and shotgun certificates.
- Part 7 amends the Licensing Act 2003 to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder.
- Part 8 strengthens the enforcement regime for financial sanctions by increasing the maximum custodial sentence on conviction for breaching sanctions, expanding the range of enforcement options, including a new system of monetary penalties, and by providing for the immediate implementation of UN-mandated sanctions.

- Part 9 contains miscellaneous and general provisions, including new requirements on arrestees to confirm their nationality and defendants in criminal proceedings to provide their name, date of birth and nationality to the court.

### **Provisions which deal with a Devolution Matter**

4. The provisions dealing with an amendment to Part 10 of the Criminal Justice and Public Order Act 1994, so far as it relates to cross border enforcement powers and the exercise of those powers in Northern Ireland, are the responsibility of the Northern Ireland Executive.

#### *The position in other devolved administrations*

5. The Scottish Government is supportive of this amendment and has indicated that it will be seeking equivalent changes to the cross border powers to extend to Scotland within the Bill, subject to the legislative consent of the Scottish Parliament.

### **Reasons for making the Provisions**

6. Part 10 of the Criminal Justice and Public Order Act 1994 (the 1994 Act) contains UK wide cross border powers of arrest with or without a warrant.
7. Section 136 of the 1994 Act makes provision for an arrest by warrant by police officers in one UK jurisdiction of a person suspected of committing an offence in another UK jurisdiction. For example, an arrest warrant issued in Northern Ireland for a suspect in Scotland may be executed by officers from the Police Service of Northern Ireland or by officers from Police Scotland. Similarly, a warrant issued in England and Wales for a suspect located in Northern Ireland may be executed by officers from a relevant police force in England and Wales or by an officer from the PSNI.
8. Section 137 of the 1994 Act makes provision for an arrest without warrant by police officers in one UK jurisdiction of a person suspected of committing an offence in that jurisdiction but who is located in another UK jurisdiction. For example, an officer in Northern Ireland can arrest without warrant a person suspected of committing an offence in Northern Ireland but who is located in England, Wales or Scotland.

9. None of the provisions of the 1994 Act allow a police officer to arrest without warrant a person in one jurisdiction who is suspected of committing an offence outside that jurisdiction. For example, a police officer in Northern Ireland cannot arrest without warrant a person in Northern Ireland who is suspected of committing an offence in England, Wales or Scotland. At present, an arrest warrant would be required to enable the PSNI to arrest the person or, alternatively, await the arrival of officers from the jurisdiction where the offence has been committed to take the suspect back to that jurisdiction.
10. A proposed amendment to the 1994 Act will make provision for police officers in Northern Ireland to arrest without a warrant, a person suspected of committing a serious offence in England, Wales or Scotland.
11. It is expected that individuals arrested under the new power will be treated in the same way as persons arrested under warrant. The arresting force would have the power to detain but not to interview and it is anticipated that the power would only be available in cases involving serious crime. Appropriate safeguards would be put in place to ensure that the detention period is kept to a minimum and under regular review. Consequential amendments to the current PACE Codes of Practice will also be required.<sup>12</sup> In parallel with the change to arrest powers, the existing powers of entry and search upon arrest will also be amended to complement the additional arrest power but will be restricted to arrests involving indictable offences in England and Wales or in Northern Ireland.
13. Minor consequential amendments will also be required to the 1994 Act to reflect existing provisions in the Police and Criminal Evidence (Northern Ireland) Order 1989.

### **The effect of the provisions**

14. The Legislative Consent Motion will have the effect of enabling police officers in Northern Ireland to arrest without a warrant, a person suspected of committing a serious offence in England, Wales or Scotland. It will also provide reciprocal powers of entry and search to effect an arrest or for the purposes of an arrest.

### **Reasons for utilising the Bill rather than an Act of the Assembly**

15. The cross border powers in Part 10 of the Criminal Justice and Public Order Act 1994 are UK wide so it makes sense to extend the proposed amendments to Northern Ireland in the Bill. This will ensure a consistency of approach across all UK jurisdictions and police forces.

### **Consultation**

16. Time constraints have prevented a full public consultation on the policy. However, the Police Service of Northern Ireland has been consulted and is fully supportive of the proposed measure. The detail of the LCM has also been shared with the Northern Ireland Assembly's Justice Committee.

### **Human Rights and Equality**

17. It is considered that the proposed provisions would be beneficial from a human rights and equality perspective. They would assist law enforcement in the fight against crime across all UK jurisdictions.

### **Financial Implications**

18. None anticipated.

### **Summary of Regulatory Impact**

19. There would not be any significant impact on the business or voluntary sectors.

### **Engagement to date with the Committee for Justice**

20. None. This is a new policy proposal by the Home Office aimed at addressing a specific loophole in the current cross border enforcement provisions.

### **Conclusion**

21. The view of the Minister for Justice is that, in the interests of effective law enforcement, the Assembly should support the terms of the draft legislative consent motion as set out in paragraph 1 of this memorandum.

### **Department of Justice**

**June 2016**

# LEGISLATIVE CONSENT MEMORANDUM

## POLICING AND CRIME BILL

### Draft Legislative Consent Motion

1. The draft motion, which will be tabled by the Minister of Justice, is:

*“That this Assembly endorses the principle of the extension to Northern Ireland of the provisions of the Policing and Crime Bill, by amendment at Commons Report Stage, in respect of the retention of DNA and fingerprints on the basis of a conviction outside the United Kingdom.*

### Background

2. This memorandum has been laid before the Assembly by the Minister of Justice under Standing Order 42A(2). The Policing and Crime Bill (‘the Bill’) was introduced in the House of Commons on 10 February 2016 and is currently at Report Stage in that House. The latest version of the Bill as amended in Committee Stage can be found at:

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- Part 1 places a duty on police, fire and rescue and ambulance services to collaborate, and enables Police and Crime Commissioners to take on responsibility for fire and rescue services.
- Part 2 reforms the police complaints and disciplinary systems, provides for a new system of “super-complaints” and confers new protections on police whistle-blowers. It also further strengthens the independence of HMIC and ensures that it is able to deliver end-to-end inspections of the police, including by inspecting contractors and third parties who carry out policing functions.
- Part 3 enables chief officers of police to confer a wider range of policing powers on police civilian staff and volunteers.
- Part 4 contains a number of reforms to police powers, including the extension of police powers to investigate offences committed on vessels operating at sea.
- Part 5 makes further provision in respect of the term of office of Deputy Police and Crime Commissioners to enable them to be eligible for appointment as an acting PCC in the event of the office of PCC falling vacant mid-term.
- Part 6 seeks to better protect the public by amending the Firearms Acts so as to close loopholes that can be exploited by criminals and terrorists and by ensuring that, through statutory guidance, there is a consistent approach by chief officers of police to the consideration of applications for firearms licences and shotgun certificates.
- Part 7 amends the Licensing Act 2003 to improve the effectiveness of the alcohol licensing regime in preventing crime and disorder.
- Part 8 strengthens the enforcement regime for financial sanctions by increasing the maximum custodial sentence on conviction for breaching sanctions, expanding the range of enforcement options, including a new system of monetary penalties, and by providing for the immediate implementation of UN-mandated sanctions.
- Part 9 contains miscellaneous and general provisions, including new requirements on arrestees to confirm their nationality and defendants in criminal proceedings to provide their name, date of birth and nationality to the court.

## **Provisions which deal with a Devolution Matter**

4. The provisions dealing with an amendment to the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) so far as it relates to DNA and fingerprints taken by police in Northern Ireland in connection with a criminal offence and retained on the basis of a conviction overseas, is the responsibility of the Northern Ireland Executive.

### *The position in other devolved administrations*

5. The criminal law in Scotland differs substantially from that in England, Wales and Northern Ireland so the proposed amendments will not be extended to Scotland.

## **Reasons for making the Provisions**

6. Under the current law in Northern Ireland, DNA and fingerprints taken from a person by police in connection with a criminal offence may be retained indefinitely, irrespective of whether the person is convicted of the offence or not.
7. Schedule 2 of the Criminal Justice Act (Northern Ireland) 2013 (CJA) makes provision for a new biometric retention framework which differentiates between those who have been convicted and those who have not; the age of the offender; and the seriousness of the offence. At the time of writing, these provisions have yet to be brought into operation.
8. Article 63G of PACE (as inserted by Schedule 2 of CJA) deals with the retention of DNA and fingerprints taken by police under the powers in Section 9 of the Crime and Security Act 2010. These powers enable police to request a person to attend a police station to provide their DNA and fingerprints by virtue of being convicted abroad for a serious offence. This ensures that the biometrics of serious offenders is held on the national and local databases.
9. Article 63GA of PACE (as inserted by Section 85 of the Justice Act (Northern Ireland) 2015) makes provision for DNA and fingerprints taken by police in Northern Ireland to be retained on the basis of a previous conviction in England, Wales and Scotland.

10. None of the above provisions allow police to routinely retain DNA and fingerprints taken in Northern Ireland on the basis of a previous conviction outside the UK.

### **The effect of the provisions**

11. The Legislative Consent Motion will have the effect of enabling the DNA and fingerprints taken by police in Northern Ireland to be retained on the basis of a previous conviction for an offence committed outside the UK.

### **Reasons for utilising the Bill rather than an Act of the Assembly**

12. Ordinarily, amendments to PACE would be legislated for through the Northern Ireland Assembly. However, the Policing and Crime Bill provides an opportunity to close this loophole in the law in time for the commencement of Schedule 2 of the Criminal Justice Act (Northern Ireland) 2013. This will ensure that a person's offending history abroad will count towards the retention of DNA and fingerprints taken in Northern Ireland in connection with an offence committed in Northern Ireland.

### **Consultation**

13. Time constraints have prevented a full public consultation on the policy proposal. However, the wider biometric retention framework enacted by Schedule 2 of the Criminal Justice Act (Northern Ireland) 2013 was the subject of a full 12 weeks period of public consultation. This measure aims to correct a loophole within the Schedule 2 provisions so in that respect a further consultation is deemed unnecessary. Nevertheless, the detail of the LCM has also been shared with the Northern Ireland Assembly's Justice Committee.

### **Human Rights and Equality**

14. It is considered that the proposed provisions would be beneficial from a human rights and equality perspective. They would assist law enforcement in the fight against crime across all UK jurisdictions.

### **Financial Implications**

15. None anticipated.

## **Summary of Regulatory Impact**

16. There would not be any significant impact on the business or voluntary sectors.

## **Engagement to date with the Committee for Justice**

17. None. This is a new policy proposal by the Home Office aimed at addressing a loophole identified in the new biometric retention provisions in England and Wales. The loophole also exists in the equivalent biometric provisions in Northern Ireland.

## **Conclusion**

18. The view of the Minister for Justice is that, in the interests of effective law enforcement, the Assembly should support the terms of the draft legislative consent motion as set out in paragraph 1 of this memorandum.

**Department of Justice**

**June 2016**