

FROM THE OFFICE OF THE JUSTICE MINISTER



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Paul

21 September 2016

POLICING AND CRIME BILL: PROPOSED LEGISLATIVE CONSENT MOTIONS

Thank you for your letter of 16 September in which you requested information in relation to the proposed Legislative Consent Motions (LCMs) for the Policing and Crime Bill. Specifically, you enquired about the accountability arrangements in order to extend maritime enforcement powers to Northern Ireland waters. In addition, you sought clarification of whether anonymity for a UK citizen who is a victim of forced marriage extends to other jurisdictions outside the UK. You have also asked for confirmation of the timescales for finalising and laying the LCMs.

Hot Pursuit Maritime Powers

My Department has agreed an approach with Home Office which makes provision for local accountability where these powers are exercised in Northern Ireland waters and would ensure that officers are properly held to account. The approach would work as follows:

- The Police Ombudsman would be required to investigate all serious incidents (including deaths and serious injuries and issues of significant public interest) involving law enforcement officers from any of the UK legal jurisdictions exercising powers in Northern Ireland's waters. The Ombudsman would send reports of its investigations and recommendations about officers from the police forces of England and Wales to the Independent Police Complaints Commission (IPCC) or

the chief officer of the relevant force – this approach would mirror, in effect, the arrangements in place under mutual aid and is also consistent with the approach already agreed by the Assembly in respect of the hot pursuit powers under the Modern Slavery Act 2015;

- The Ombudsman would have discretion to determine whether to investigate lower level matters or delegate the responsibility to the IPCC;
- Complaints or conduct matters concerning the activities of PSNI officers operating in England and Wales waters would fall to the Ombudsman to investigate;
- In the case of all incidents involving alleged criminality, the criminal law of the relevant jurisdiction for those waters would apply; this is consistent with the current arrangements.

My officials will continue to engage with Home Office and Scottish government to agree equivalent arrangements are in place in relation to Scotland.

Timescales

My officials are continuing to work with Home Office regarding the preparation of amendments to the Bill, which we anticipate may be tabled at Lords Report Stage, towards the end of November. In allowing time for the Committee and Executive stages, we anticipate the revised memoranda would need to be laid by mid-October.

Forced Marriage

The prohibition on the identification of victims of forced marriage will apply on a UK-wide basis. The scope of the provision proposed for Northern Ireland follows the approach adopted in the Bill for England and Wales and would ensure that the same level of protection exists for victims of forced marriage across the UK. The offence of breaching a prohibition on publication would not extend beyond the UK.

In terms of social media, any domestic service providers established in England and Wales, Scotland or Northern Ireland, who publish a prohibited matter in a European Economic Area State, other than the UK, may be liable to prosecution. In certain circumstances, publication by a non-UK service provider could also result in prosecution.

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In any individual case, a prosecution can only be brought with the consent of the Director of Public Prosecutions, which will allow proper account to be taken of all relevant factors.

I hope this information is helpful to the Committee.

A handwritten signature in black ink, appearing to read "C Sugden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

CLAIRE SUGDEN MLA
Minister of Justice



**NORTHERN IRELAND
ASSEMBLY**

**MR PAUL FREW MLA, CHAIRPERSON
COMMITTEE FOR JUSTICE**

**Ms Claire Sugden MLA
Minister of Justice
Department of Justice
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16 September 2016

Dear Claire

POLICING AND CRIME BILL: PROPOSED LEGISLATIVE CONSENT MOTIONS

Departmental officials attended the meeting of the Committee for Justice on 15 September 2016 to outline three proposed Legislative Consent Motions for the Policing and Crime Bill to extend maritime enforcement powers, police powers across the UK jurisdictions and biometric retention in relation to foreign convictions to Northern Ireland. The Committee also considered a written briefing paper on a further proposed Legislative Consent Motion to extend lifelong anonymity of victims of forced marriage to Northern Ireland.

Following the oral evidence session, the Committee agreed to request the following information:

- Details of the basis of the agreement that officials indicated has been reached between the Department and the Home Office in relation to the arrangements that will be put in place to provide a local accountability model and provide for the Police Ombudsman of Northern Ireland to investigate complaints made against law

enforcement officers from England, Wales and Scotland in the exercise of hot pursuit powers in Northern Ireland waters;

- Clarification of whether anonymity for a UK citizen who is a victim of forced marriage extends to other jurisdictions outside the UK; and
- The timescale for finalising and laying the relevant Legislative Consent Memorandums in the Assembly including when the accountability arrangements need to be agreed by and the last date on which the LCMs can be laid.

I would appreciate a response as soon as possible to enable the Committee to consider the matters further at its meeting on Thursday 22 September 2016.

The Committee also agreed to write to the Chief Constable to seek further information on the reasons why the PSNI is of the view that maritime enforcement powers in relation to hot pursuit should not be extended to Northern Ireland and I enclose a copy of the letter for your information.

Yours sincerely

Paul Frew MLA
Chairperson, Committee for Justice