

THE DEVOLUTION OF POLICING AND JUSTICE GOVERNMENT PAPER

I very much welcome the discussions that are taking place between the parties on a model for the devolution of policing and justice powers. The agreement that was reached in earlier discussions, that there should be a single department, was helpful in moving on the debate and I have had a number of discussions with parties about their ideas on a process for appointing a Justice Minister or Ministers.

I have been struck by a number of points that have been made to me in these discussions. All parties make clear their commitment to the principle of devolution. All parties are concerned that the model for selecting the Justice Minister, or Ministers, should command confidence across the communities. And there is a good deal of agreement about the models that parties do not want.

All this suggests that the parties are not far away from finding a model that they can all accept even though, for reasons that I fully understand, that agreement is proving difficult to achieve.



INVESTOR IN PEOPLE

/YMcI



Northern Ireland Office

I believe all parties are keen to settle this quickly so that discussions can focus on how best to ensure the transfer of powers can happen as quickly and smoothly as possible as soon as the Assembly requests this. The Northern Ireland (St Andrews Agreement) Act requires the Assembly to make a report to me before the 27 March 2008 on progress towards devolution of policing and justice matters including on preparations that the Assembly has made for devolution. There is a good deal of practical work - already started - to complete before that date.

I have, therefore, set out in the attached paper a model which I believe will work and which I believe should meet the concerns and aspirations of the parties. It proposes one Justice Minister as the long term model for devolution but suggests in the early stages that there should be a Deputy Minister to help ensure the effective implementation of the transfer of powers. It provides for designate ministers to be selected by the Assembly by way of cross community vote and for the rerunning of d'Hondt when the transfer of powers takes place with the elected Justice Minister taking up office at the appropriate point in the running of d'Hondt. It provides for these initial arrangements for appointing a Justice Minister and Deputy Justice Minister to be reviewed by the Assembly by 2011.

I hope that this proposal will enable the sub group to reach agreement on a model for the appointment of a Justice Minister and I welcome their views. If that agreement cannot be achieved, however, the model as described in the attached paper is the basis on which I will legislate to provide a means of selecting ministers at the point of the transfer of powers with the option, as noted above, for the Assembly to agree alternative arrangements, if they choose to do so, in time for the second term Assembly.

/YMcI



INVESTOR IN PEOPLE



Northern
Ireland
Office

I would be grateful if this letter and the attached paper could be considered by the sub group on policing and justice as soon as possible.

THE RT HON PETER HAIN MP
Secretary of State for Northern Ireland

/YMcl



INVESTOR IN PEOPLE



JUSTICE MINISTER MODEL

- One Department with one Minister (from one of the two largest designations) to deal with Policing and Justice functions. In the first term of the Assembly there will also be a Deputy Minister (from the other of the two largest designations) to ensure that there is full community confidence in the new arrangements and that the transfer of power to a new department is effective and efficient.

In addition to providing overall support to the Justice Minister, the Deputy Minister will have his or her own lead responsibilities, to be agreed between the Minister and the Deputy Minister and FM/DFM but including oversight of the implementation of transfer arrangements and new departmental structures.

- Both ministers will be elected by cross community vote (50/50/50) of the Assembly.
- Any MLA could at any time propose named MLAs to be appointed as Justice Minister and Deputy Justice Minister but the Speaker will convene a plenary session of the Assembly for the purposes of nominating the Justice Ministers before the 27 March 2008 – the date by which the Assembly must report progress on its preparations for devolution to the Government under provisions in section 18 of the Northern Ireland (St Andrews Agreement) Act 2006.





Northern Ireland Office

- Following a successful election of the Justice Minister and Deputy Minister, the First Minister and Deputy First Minister will then submit to the Assembly the motion which is legally required under the Northern Ireland (Miscellaneous Provisions) Act 2006 and which is necessary to set in process the devolution of relevant functions.
- If there was no successful election within the timeframe set out at St Andrews the Government would take any necessary steps to ensure that the timescale for devolution was not delayed. This includes the appointment of a Justice Minister and, to ensure cross community representation, a deputy Justice Minister.
- Upon devolution of the functions, not later than May 2008, the two Ministers will take up office.
- The Justice Minister will be a full member of the Executive Committee. This will be achieved by:
 - Before devolution of policing and justice, FM and DFM will agree a reduction in the number of existing departments by at least one.
 - Upon devolution of policing and justice powers, d'Hondt will then be rerun with the Justice Minister (already elected as above) taking up office at the appropriate point in the running of d'Hondt.





Northern Ireland Office

The Deputy Justice Minister will be invited to attend Executive Committee meetings as necessary to deal with issues that fall within his/her area of responsibility.

- Because of the requirement for security and confidentiality in some areas of the work of a policing and justice department new protocols will need to be developed by the two Justice Ministers and the First Minister/Deputy First Minister in respect of the justice ministers relationship with the Executive Committee and incorporated in the Ministerial Code.
- Both Ministers will be subject to the exclusion provisions of section 30 of the 1998 Act, as are other ministers.
- These arrangements will be reviewed by 2011 by the Assembly Review Committee.

/YMcI



INVESTOR IN PEOPLE