

An Chartlann Náisiúnta
National Archives

Reference Code:	2023/154/18
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

21P

Current situation - Police (Northern Ireland) Bill, 26 July 2000

1. The Police (Northern Ireland) Bill completed its Commons stages on 11 July with Report Stage and Third Reading. It will receive its Second Reading (a broad general debate on the principles of the Bill) in the House of Lords on Thursday 27 July. The House of Lords will then rise for the summer and will resume with the Committee Stage of the Bill in late September.

2. Mandelson issued a letter on 24 July to the Tánaiste, John Bruton, Ruairi Quinn and Brian Hayes outlining the progress which he claims has been made to address nationalist concerns in relation to the Policing Bill. In it he claims that of the 175 Patten recommendations, 169 have been accepted by the Government, 2 have been partly accepted, 4 are being considered further, and 2 do not fall to the Government to implement. Mandelson says most changes "were made at the specific request of the SDLP". He goes on to say that "They represent a significant achievement by that party in ensuring that the legislation meets the needs and concerns of nationalists". The letter clearly attempts to argue that further amendments are unnecessary and that charges that Patten is not being fully implemented are not well founded.

SDLP Position

3. The SDLP acknowledge that some progress has been made across a range of areas. However, at Report Stage there was a bitter exchange between Seamus Mallon and Mandelson following the withdrawal at the last minute of amendment 197 defining 'operational purposes'. Mandelson subsequently sent a letter to 120 US Congressmen implying that the SDLP were satisfied with the Police Bill as it currently stands. The SDLP therefore wrote to all 120 Congressmen on 21 July, insisting that Mandelson had adopted an 'a la carte' approach to SDLP opinion on the Bill and had ignored their "continued and profound concern at the failure to reflect Patten" in parts of the Bill.

4. The SDLP did not vote for the Bill at Third Reading and they will not support it unless substantial progress is made on both symbolic and

©TSCH/2023/154/18

substantive issues.

Symbolic issues

(a) **Name:** The Maginnis amendment has created a formal title, together with an operational name. The British view, as articulated in Mandelson's speech in Armagh on Tuesday, is that PSNI, "and that name alone - [is] to be used in all the police's dealings with the public". When asked if they envisaged any circumstances in which the longer title could be used, British officials referred to Trimble's need for "constructive ambiguity" on this point and have indicated that Mandelson has given thought to leaving the name clause as it is now. The most they seem to envisage is an amendment on the lines of 197, defining operational purposes. They say that they will not address the question of further amendments until after August, and that both Mallon and Trimble would need to be able to live with any amendment tabled.

(b) **Symbols and Flag:** The Secretary of State is to decide on these two issues in due course, following consultation with the (new) Policing Board. In the interim, however, there is considerable concern about British intentions. They, for instance, have said privately to the SDLP that the current RUC badge in its composite parts should be acceptable as it stands (possibly with some modernisation) as a representation of British and Irish traditions. In Committee, Adam Ingram said that he "recognised that (the Government) ... may well be at variance with Patten" on the emblem but that "Patten is not the fount of all wisdom" and needed to be interpreted. Recent statements only refer to the new badge and flag to say that they will be introduced at the same time as the new name. There is a fear also that Mandelson will permit the flying of the Union flag in limited circumstances from Police buildings.

Substantive issues

The substantive issues centre on the questions of **powers of inquiry** and the **commitment to Human Rights** in policing.

(a) The SDLP say that unless the Policing Board has the necessary powers of inquiry, it cannot hold the police service accountable, and, in these circumstances, they would not participate in such a Board.

©TSCH/2023/154/18

(b) The British have shown considerable reluctance to impose legal obligations on officers to uphold human rights principles. Their fundamental approach is that the function of the police is to uphold the law, not theoretical principles. The thrust of the SDLP amendments in this areas is to ensure that the police, in carrying out their duties, are both committed and bound to respect human rights.

(c) Specific areas of concern include: powers of inquiry of Policing Board and Police Ombudsman, Code of Ethics and powers of the Oversight Commissioner. The current situation on outstanding areas of concern is outlined in the attached document.

Redundancy Packages

4. The voluntary redundancy package recommended in the Patten Report for serving RUC officers was launched on 24 July. NIO estimates are that 600 officers will leave in the first year of the scheme, 750 in the second and 600 in the third. The arrangements have been given a neutral reaction by the Police Federation, although the lump sums and enhanced pension arrangements should ensure an adequate take-up rate. For example, a Constable aged 50 would be entitled to a lump sum of £133,818, and an annual pension of £13,162. A Chief Superintendent of the same age would be entitled to £309,790 and a pension of £27,742.

Security Section
Anglo-Irish Division
26 July 2000

©TSCH/2023/154/18