



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 17 NOVEMBER 2016
Room 30, Parliament Buildings, Belfast

- Present: Mr Paul Frew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Mr Alex Attwood MLA
Ms Clare Bailey MLA
Mr Doug Beattie MLA
Mr Roy Beggs MLA
Ms Michaela Boyle MLA
Mr Sammy Douglas MLA
Mr Declan Kearney MLA
Mr Trevor Lunn MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Senior Assistant Assembly Clerk)
Ms Pamela Carson (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)
- Apologies: Mr Pat Sheehan MLA

The meeting commenced at 2.06 p.m. in open session.

1. Apologies

As above.

2. Draft Minutes

Mr Kearney joined the meeting at 2.08 p.m.

The Committee agreed the minutes of the meeting held on Thursday 10 November 2016 with one amendment.

3. Matters Arising

Item 1 – Prisoner Ombudsman for Northern Ireland Investigation Report into the Circumstances Surrounding the Death of Mr G Ellison in Magilligan Prison

The Committee noted the Prisoner Ombudsman Investigation Report into the Circumstances Surrounding the Death of Mr G Ellison in Magilligan Prison.

Item 2 – Start 360 – Presentation on the Services Provided to Support Young People Leaving Custody

The Committee considered a request from Start 360 to present to the full Committee on its ADJUST service which provides support to young people leaving custody, promotes rehabilitation and reduces offending.

Agreed: The Committee agreed to hold a Justice Seminar to showcase a number of innovative programmes, including the Start 360 ADJUST project, that aim to promote rehabilitation and reduce offending.

Item 3 – Men’s Aid

The Committee noted information on the proposal regarding Private Law Early Interventions that Men’s Aid had raised during the informal meeting on 10 November 2016.

Item 4 – Committee Forward Work Programme

The Committee noted an up-dated Forward Work Programme for November and December 2016.

Agreed: The Committee agreed that the oral evidence sessions on family mediation and firearms licensing issues should be scheduled in January 2017.

4. Legislative Consent Motion – Policing and Crime Bill – Committee Draft Report

The Committee considered a draft report on the Legislative Consent Memorandum on the provisions in the Policing and Crime Bill to be extended to Northern Ireland and the Legislative Consent Motion to be brought forward by the Minister of Justice.

The Chairperson proposed two amendments, the first to paragraph 17 of the draft report and the second to paragraph 73 of the draft report.

Agreed: The Committee agreed the proposed amendments to paragraph 17 and paragraph 73 of the draft Report.

Agreed: The Committee agreed that it was content that the Front Page and Contents Page stand part of the Report.

Agreed: The Committee agreed that it was content that paragraphs 1 to 3, which outline the Background, stand part of the Report.

- Agreed:* The Committee agreed that it was content that paragraphs 4 to 10, which outline the Initial Proposed Legislative Consent Motions, stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 11 to 16, which outline the Revised Legislative Consent Motion, stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraph 17, as amended, which outlines the Revised Legislative Consent Motion, stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraph 18, which outlines the Revised Legislative Consent Motion, stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 19 to 72, which outline the Committee Consideration of the Policy Proposals in the Legislative Consent Motion, stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraph 73, as amended, which outlines the Committee Consideration of the Policy Proposals in the Legislative Consent Motion, stand part of the Report.
- Agreed:* The Committee agreed that it was content that the Conclusion Section stand part of the Report.
- Agreed:* The Committee agreed that it was content that the Appendices stand part of the Report.
- Agreed:* The Committee agreed to publish the report on the Committee webpage and issue the report to all MLAs.

5. Prisoner Ombudsman Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison – Evidence Session with the South Eastern Health and Social Care Trust

The following officials joined the meeting at 2.19 p.m.

Hugh McCaughey, Chief Executive, South Eastern Health and Social Care Trust
Bria Mongan, Director of Adult Services and Prison Healthcare, South Eastern Health and Social Care Trust
Dr Ian Bownes, Consultant Forensic Psychiatrist, South Eastern Health and Social Care Trust
Elaine Cole, Operational Nurse Manager, South Eastern Health and Social Care Trust

Mr McCaughey outlined the Trust's response to the health related findings in the Prisoner Ombudsman Investigation Report into Serious Self Harm Incidents by Sean Lynch in Maghaberry Prison.

The oral evidence was followed by a question and answer session.

The oral evidence session was recorded by Hansard.

Mr Douglas left the meeting at 4.27 p.m.

The Chairperson thanked the officials for their attendance and they left the meeting.

Agreed: The Committee agreed to send a copy of the Hansard of the evidence session to the Committee for Health for information.

The Committee considered a response from the Department of Justice providing further information following the oral evidence session with NI Prison Service officials on 6 October 2016 on the NI Prisoner Ombudsman Report.

Agreed: The Committee agreed to request further clarification regarding the internal investigation and what it covered.

6. Criminal Justice Inspection Northern Ireland Report: Driving Change – Enforcement of Road Traffic Legislation in Northern Ireland – Evidence Session with CJINI

The following officials joined the meeting at 4.35 p.m.

Brendan McGuigan, Chief Inspector, Criminal Justice Inspection Northern Ireland
David MacAnulty, Inspector, Criminal Justice Inspection Northern Ireland

Mr McGuigan outlined the findings and recommendations in the Criminal Justice Inspection Northern Ireland Report on Driving Change – Enforcement of Road Traffic Legislation in Northern Ireland.

The oral evidence was followed by a question and answer session.

The oral evidence session was recorded by Hansard.

The Chairperson thanked the Inspectors for their attendance and they left the meeting.

7. Criminal Justice Inspection Northern Ireland Report: Driving Change – Enforcement of Road Traffic Legislation in Northern Ireland – Evidence Session with Officials

The following officials joined the meeting at 5.45 p.m.

Ronnie Armour, Chief Executive, Northern Ireland Courts and Tribunals Service
Liz Loughran, Director of Road Safety and Vehicle Regulation, Department for Infrastructure
James Hutchinson, Compliance and Enforcement Director, Driver and Vehicle Agency, Department for Infrastructure
Diane Pennington, Chief Inspector (Road Policing), PSNI

The officials outlined the response to the strategic recommendations in the Criminal Justice Inspection for Northern Ireland Report on Driving Change – Enforcement of Road Traffic Legislation in Northern Ireland.

The oral evidence was followed by a question and answer session.

The oral evidence session was recorded by Hansard.

The Chairperson thanked the officials for their attendance and they left the meeting.

Agreed: The Committee agreed to send a copy of the Hansard of the oral evidence sessions on the CJINI Report to the Committee for Infrastructure for information.

8. SR 2016/373: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2016

The Committee considered SR 2016/373: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2016 which will amend the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015 to make minor changes to the list of ‘prescribed police stations in operation where convicted sex offenders can attend to notify their personal details to police, as required under the statutory notification arrangements in the Sexual Offences Act 2003.

Agreed: The Committee considered SR 2016/373: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

9. SR 2016/377: The County Court (Amendment No.2) Rules (Northern Ireland) 2016

The Committee considered SR 2016/377: The County Court (Amendment No.2) Rules (Northern Ireland) 2016 which will amend the County Court Rules (Northern Ireland) 1981 which govern practice and procedure in the County Court. The Rule will amend Order 48 and Form 209 and insert a new Form 200B into the 1981 Rules as a result of provision made by the Licensing Act (Northern Ireland) 2016 which allows outdoor stadia designated as being of importance to the whole of Northern Ireland to apply for a licence to sell liquor.

Agreed: The Committee considered SR 2016/377: The County Court (Amendment No.2) Rules (Northern Ireland) 2016 and had no objection to the Rule.

10. SL1: The Magistrates’ Courts (Slavery and Trafficking Prevention Orders) Rules (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by Article 13 of the Magistrates’ Courts (Northern Ireland) Order 2016 to provide for the necessary Court Rules in respect of making an application for a Slavery and Trafficking Prevention Order.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

11. SL1: Costs Protection (Aarhus Convention) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 2(2) of the European Communities Act 1972 to amend the Costs Protection (Aarhus Convention) Regulations (Northern Ireland) 2013 which provide costs protection for certain environmental cases.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

12. Committee Review of the Need for Stalking Legislation in Northern Ireland

The Committee considered an outline timetable and proposals to seek written evidence and commission relevant research for the Review of the Need for Stalking Legislation in Northern Ireland.

Agreed: The Committee agreed the outline timetable for the Review.

Agreed: The Committee agreed to provide a period of 4 weeks for receipt of written evidence.

Agreed: The Committee agreed that it was content with the draft letter to be sent to key stakeholders inviting written evidence and for a media sign posting notice to issue.

Agreed: The Committee agreed that it was content with the list of key stakeholders to which the letter would be sent subject to the addition of several organisations and individuals proposed by the Chairperson.

Agreed: The Committee agreed to commission three research papers to assist the Review.

13. Draft Northern Ireland Modern Slavery and Human Trafficking Strategy 2016/17

The Committee noted the revised draft Northern Ireland Human Trafficking and Modern Slavery Strategy 2016/17 and the intention of the Department of Justice to publish the Strategy on 18 November 2016.

Agreed: The Committee agreed to request further clarification from the Department of Justice regarding whether focusing the Strategy on Sections 1 and 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 limits its impact and what offences covered by Sections 3 and 4 of the Act are not included.

14. Northern Ireland Prison Service Prisoner Development Model – Information Paper

The Committee noted information provided by the Department of Justice on the Northern Ireland Prison Service Prisoner Development Model.

15. The Police Pensions (Amendment) Regulations (Northern Ireland) 2017 – Proposed Targeted Consultation

The Committee considered a proposal by the Department of Justice to undertake a targeted consultation on the draft Police Pensions (Amendment) Regulations (Northern Ireland) 2017 which will make minor technical amendments, a minor change to wording and correct a minor drafting error in the Police Pensions Regulations (Northern Ireland) 2015.

Agreed: The Committee agreed that it was content for the Department of Justice to undertake the planned targeted consultation and to consider the draft Regulations when the SL1 is available.

16. Correspondence

- i. The Committee noted a response from the Minister for Justice providing an update on the Fatal Fetal Abnormality Working Group Report and clarification of the rationale for the Department of Justice's appeal of the High Court judgement on the judicial review of abortion law.
- ii. The Committee noted a response from the Department of Justice providing further information on the proposed amendments to the PSNI and PSNI Reserve (Injury Benefit) Regulations (Northern Ireland) 2006 – Employment Support Allowance Provisions.
- iii. The Committee noted correspondence from the Committee for the Executive Office providing information on the implications for NICS departments of the decision to leave the EU.
- iv. The Committee considered correspondence from the Committee for Finance providing Departmental Monthly Forecast Outturn Data for August 2016-2017.

Agreed: The Committee agreed to request further information from the Department of Justice on the projects that have slipped and the reasons for the variations in the forecast outturn and the June monitoring round position.

- v. The Committee noted a copy of a Report by Lancaster University: '*What are 'Family, Drug and Alcohol Courts' and Are They Effective: Outcomes 5 Years later in England*', provided by the NI Assembly Research Service.
- vi. The Committee noted an invitation from the Children's Law Centre to a Brexit seminar on 6 December 2016 on 'What does it mean for Children's Rights?'

Agreed: The Committee agreed that Members should advise the Clerk if they wished to attend the seminar.

17. Chairperson's Business

The Chairperson advised Members that he had held an introductory meeting with the NI Commissioner for Children and Young People earlier in the week to discuss her role, remit and key priorities during which the Commissioner had raised an issue relating to the Youth Justice Review and the lack of any costed action plan in relation to the Scoping Study on Children in the Justice System launched by the Department of Justice in May 2015.

Agreed: The Committee agreed to schedule an oral briefing with departmental officials on the current position regarding the Scoping Study on Children in the Justice System.

Agreed: The Committee agreed to schedule an oral briefing with the Children's Commissioner on this issue following the departmental briefing.

18. Any Other Business

The position regarding Fresh Start Funding for the National Crime Agency was raised.

Agreed: The Committee agreed to write to the Director General of the National Crime Agency to clarify the current position regarding bids for Fresh Start Funding.

19. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 24 November 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 6.56 p.m.

Mr Paul Frew MLA
Chairperson, Committee for Justice