



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

25 March 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)

Mr Paul Frew MLA

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Ms Rachel Woods MLA

Apologies: Mr Gordon Dunne MLA

Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

In Attendance by Video or Teleconference:



Northern Ireland
Assembly

Mrs Clairita Frazer (Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 2:04 p.m. in open session

Agreed: The Committee agreed that the oral evidence sessions should be reported by Hansard.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Gordon Dunne MLA had delegated authority to the Chairperson, Paul Givan MLA, to vote on his behalf and Emma Rogan had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 18 March 2021.

3. Matters Arising

Item 1 - Informal Meeting with Representative Victims' Group on the Troubles Permanent Disablement Payment Scheme

The Chairperson advised the Committee that he and other Committee Members had participated in a very useful and informative informal meeting on the Troubles



Northern Ireland Assembly

Permanent Disablement Payment Scheme with the Representative Victims' Group on 24 March 2021 and a note of the key issues discussed would be prepared and circulated to all Committee Members.

Agreed: The Committee agreed to seek clarification and further information from the Secretary of State for Northern Ireland regarding his recent social media comments on potential sources of funding for the Scheme.

Agreed: The Committee agreed to write to the Representative Victims' Group regarding holding another meeting in due course and to advise them to contact either the Committee or Members if any issues arise in relation to the Scheme in the meantime.

4. Criminal Justice (Committal Reform) Bill - Research Papers on Reform of the Criminal Justice Process in other jurisdictions and Statutory Time Limits in other jurisdictions

The Committee noted two research papers from the Assembly Research and Information Service on removal or reform of the committal process in other jurisdictions and on statutory time limits that apply to custody and case proceedings in other jurisdictions which had been commissioned to assist consideration of issues arising in relation to the Criminal Justice (Committal Reform) Bill.

5. Criminal Justice (Committal Reform) Bill - Oral Evidence from Department of Justice Officials

The following officials joined the meeting at 2.07 p.m.

Glyn Capper, Head of Justice Performance Team, Access to Justice Directorate,
Department of Justice

Laura Mallon, Justice Performance Team, Access to Justice Directorate,
Department of Justice



Northern Ireland Assembly

The officials provided evidence on the Clauses and Schedule of the Criminal Justice (Committal Reform) Bill and the key issues raised in the written and oral evidence received by the Committee.

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

The officials agreed to provide further information on a number of issues.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

The Chairperson advised the Committee that informal deliberations on the provisions of the Bill would take place at the Committee meeting on 22 April 2021.

6. Second Statutory Review of the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 – Post Consultation Report and proposed way forward

The following officials joined the meeting via Starleaf at 2.57 p.m.

Stephen Martin, Deputy Director, Enabling Access to Justice Division,
Department of Justice

Jill Trainor, Head of Criminal Legal Aid and Remuneration Strategy Branch,
Department of Justice

Ruth O Duinnín, Criminal Legal Aid and Remuneration Strategy Branch,
Department of Justice

Mr Martin outlined the key issues covered in the post-consultation report of the second statutory review of the Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 and the Department's proposals to amend the Rules.

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



Northern Ireland Assembly

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed that it was content to note the post-consultation report and consider the proposal for the Statutory Rule in due course.

7. Protection from Stalking Bill – Delegated Powers Memorandum

The Committee considered a Delegated Powers Memorandum relating to the Protection from Stalking Bill provided by the Department of Justice.

Agreed: The Committee agreed to forward a copy of the Delegated Powers Memorandum to the Assembly Examiner of Statutory Rules for her views/comments.

8. Department of Justice 2021-22 Draft Budget

The Committee noted additional information provided by the Department of Justice regarding the potential impacts of the draft budget allocations for the Department's non-departmental Public Bodies (NDPB's), an update on the 2020-21 in-year reduced requirements, its revised 2021-22 Covid-19 bid and a copy of a letter from the Minister of Justice to the Minister of Finance on the draft 2021-22 budget allocation and remaining pressures.

The Chairperson reminded the Committee that departmental officials were due to attend the meeting on 29 April 2021 to outline the final budget position.



Northern Ireland Assembly

9. Places of Worship Protection Scheme for Northern Ireland

The Committee considered information provided by the Department of Justice on the current position regarding the work being undertaken to consider a potential Places of Worship Protection Scheme for Northern Ireland.

The Committee noted that it had been developed to take into consideration the needs of other key buildings also targeted by hate crime, including those in rural areas where visible policing as a preventative deterrent may be less effective, the range of key issues to be considered further and the intention of the Department to undertake formal engagement with interested stakeholders on the matter. A further update would be provided by the Department in due course.

Agreed: The Committee agreed that it was content to note the current position and to forward a copy of the information provided by the Department of Justice to CARE NI, who had raised the issue, for information.

10. Judicial Pensions – Proposed Response to McCloud Judgement and Future Pension Reforms - Results of the Consultations and Proposals for Legislative Next Steps

The Committee considered information provided by the Department of Justice on the results of two consultations on how to address the McCloud judgement and on proposed reforms to judicial pensions and its proposed way forward in relation to each.

Agreed: The Committee agreed that it was content with the proposals in respect of the McCloud remedy and judicial pension reforms.

Agreed: The Committee agreed that it was content in principle with the proposal to proceed with the legislative changes by way of a Legislative Consent Motion, subject to sight of the relevant Westminster legislation.



Northern Ireland
Assembly

11. Mandatory Retirement Age for Devolved Judicial Office Holders in Northern Ireland - Results of the Consultation and Proposals for Legislative Next Steps

Ms Woods MLA declared an interest as a family member is a Lay Magistrate.

The Committee considered information provided by the Department of Justice on the results of a consultation on proposals to raise the mandatory retirement age of devolved tribunal members and Lay Magistrates in Northern Ireland to either 72 or 75 and to allow appointments to be extended beyond the mandatory retirement age and its proposed way forward.

Agreed: The Committee agreed that it was content with the proposals to change the mandatory retirement age to 75, not to extend appointments beyond 75 except to finish hearing a part-heard case and to make provision for eligible judges to sit in retirement.

Agreed: The Committee agreed that it was content in principle with the proposal to proceed with the legislative changes by way of a Legislative Consent Motion, subject to sight of the relevant Westminster legislation.

Agreed: The Committee agreed to request further information from the Department on the consequences of the change and in particular any future risk in terms of the availability of a pool of experienced tribunal members and Lay Magistrates and also to highlight the need for the Department to consider the representative nature of the pool of Lay Magistrates to ensure that it reflects the diversity of the community.



Northern Ireland
Assembly

12. Protect Duty – Making the Public Safer at Publicly Accessible Locations - Home Office Consultation

The Committee noted the launch of a Home Office public consultation seeking views on how the ‘Protect Duty’ legislation might be used to enhance the protection of publicly accessible locations across the United Kingdom from terrorist attacks and ensure organisational preparedness to make the public safer.

13. Committee Forward Work Programme – April and May 2021

The Committee considered information provided by the Department of Justice regarding work items that it wished to schedule during April and May 2021.

Agreed: The Committee noted information provided by the Department on a proposal for a statutory rule to prescribe a new personal injury discount rate under powers conferred by the Damages Act 1996 and agreed to consider this at the meeting on 15 April 2021.

Agreed: The Committee agreed to schedule the work items requested by the Department for April and May 2021 apart from the oral evidence sessions on the CJINI Report on Child Sexual Exploitation but to indicate to the Department that further changes may be needed to the Work Programme depending on the requirements to progress the Committee Stages of the Bills.

Agreed: The Committee agreed to defer the oral evidence sessions on the CJINI Report on Child Sexual Exploitation from 20 May to a meeting in June.

Agreed: The Committee agreed to schedule oral evidence sessions on the Protection from Stalking Bill and the Damages (Return on Investment) Bill for the meetings on 13 May, 20 May, 1 June, 8 June and 15 June 2021.

Agreed: The Committee agreed that the informal meeting with children’s organisations on the development of a joint secure care and justice campus for children on the Woodlands/Lakewood site should be arranged following consideration at the meeting on 22 April of a written paper from the Department on the key points emerging from the consultation.



Northern Ireland
Assembly

14. Correspondence

- i. The Committee considered a response from the Department of Justice to the Committee's request for an update on the Working Group established to explore the implications for the justice system in Northern Ireland of commencing section 49(1) of the Coroners and Justice Act 2009, which was due to report to the Minister of Justice by the end of January 2021, and noted that the Minister had agreed to provide more time for the Group to consider a number of complex issues and resourcing implications.

Agreed: The Committee agreed to request further information from the Department of Justice on how long the Working Group needs to consider this matter.

Agreed: The Committee agreed to provide a copy of the Department's response to the Right Hon. Sir Jeffrey Donaldson MP who had raised this issue with the Committee.

- ii. The Committee considered correspondence from Robbie Butler MLA regarding a consultation on his intended Private Members' Bill to increase protections for emergency responders and prison officers with regard to mental ill health and PTSD developed as a result of their exposure to trauma in their line of duty.

Agreed: The Committee agreed to advise Mr Butler that should the proposals develop into legislation the Committee will play its role in considering it.

The Committee noted the following:

- iii. Correspondence from the Department of Justice advising that the Department of Health was intending to "switch off" the Mental Health provisions of the Coronavirus Act 2020 which aimed to reduce pressures on Health Trust staff as a result of the pandemic.
- iv. Correspondence from the Department of Justice advising that the 2021-24 Northern Ireland Organised Crime Strategy had been finalised and was published on 19 March 2021.



Northern Ireland
Assembly

- v. A copy of correspondence from an individual to the Department of Justice and the Northern Ireland Public Prosecution Service regarding alleged prosecution inactions and failure to hold participants at a funeral to account.
- vi. Correspondence from the Department of Justice regarding the launch of the Sexual Offences Legal Advice Pilot Scheme on 1 April 2021 which will provide publicly-funded legal advice to complainants in serious sexual offences cases in line with the recommendation in the Gillen Review.
- vii. Correspondence from the Department of Justice advising of the publication of a Research Bulletin on “Evaluation of Support Hubs in Northern Ireland”.
- viii. A copy of correspondence from members of (ROSA) to the First Minister and deputy First Minister requesting action on a range of issues regarding gender violence and the right to protest.

15. Chairperson’s Business

None.

16. Any Other Business

None.

17. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 15 April 2021 at 2.00 p.m. in the Senate Chamber, Parliament Buildings.



Northern Ireland
Assembly

The meeting was adjourned at 3.43 p.m.

Paul Givan MLA

Chairperson, Committee for Justice

15 April 2021