



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 3 DECEMBER 2020

Room 30, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Ms Sinéad Bradley MLA*
Ms Jemma Dolan MLA*
Mr Gordon Dunne MLA
Mr Paul Frew MLA
Ms Rachel Woods MLA

* These Members attended the meeting via video conferencing.

Apologies: Ms Emma Rogan MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)
Miss Leanne Johnston (Assistant Clerk)
Mrs Allison Mealey (Clerical Supervisor)

The meeting commenced at 2.02 p.m. in public session.

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

The Chairperson declared an interest in relation to Agenda Item 4, with the issue being relevant to an extended family member.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Ms Rogan had delegated authority to the Deputy Chairperson, Ms Dillon MLA, to vote on her behalf in her absence and Ms Dolan had delegated authority to the Deputy Chairperson, Ms Dillon MLA, to vote on her behalf should she encounter connectivity problems with the video conferencing system.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 26 November 2020.

3. Matters Arising

Item 1 – Response from the Parliamentary Under-Secretary of State for Justice on the Counter-Terrorism and Sentencing Bill

The Committee noted a response from the Parliamentary Under-Secretary of State for Justice, Chris Philp MP, indicating the intention of the UK Government to proceed with the Counter-Terrorism and Sentencing Bill without amendment and without the legislative consent of the Northern Ireland Assembly.

Item 2 – Committee Forward Work Programme – December 2020

The Committee noted the Forward Work Programme for December 2020.

The Chairperson advised the Committee that the issues submitted by Members would be forwarded to the Minister of Justice in advance of the meeting on Tuesday 15 December 2020.

4. Proposals for a New Legal Framework for Setting the Personal Injury Discount Rate and Review of the Current Rate

The following officials joined the meeting at 2.04 p.m.:

Peter May, Permanent Secretary, Department of Justice
Laurene McAlpine, Deputy Director, Civil Justice Policy Division, Department of Justice

The Permanent Secretary provided an update on a number of issues in relation to the proposals for a new legal framework for setting the Personal Injury Discount Rate and the decision not to change the current rate at this time.

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

The officials agreed to provide further information on one issue.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

The Committee discussed the Department's intended approach in relation to a New Framework for Setting the Personal Injury Rate, retaining the current rate at this time and progressing the necessary legislation by way of accelerated passage in detail.

Agreed: The Committee agreed to advise the Department that it was not persuaded at this time by the information provided that the legislation to introduce a new legal framework for setting the Personal Injury Discount Rate should proceed by way of accelerated passage but it is willing to engage and discuss the legislative timeline with the Department to progress the legislation before the end of the mandate.

Agreed: The Committee agreed that it will require further engagement with key stakeholders and the Department before reaching a decision on whether it supports the Department's policy approach of adopting the Scottish model in relation to a new framework.

5. SR 2020/248: The Maximum Number of Judges Order (Northern Ireland) 2020

Ms Woods left the meeting at 4.12 p.m.

The Committee considered SR 2020/248: The Maximum Number of Judges Order (Northern Ireland) 2020 which will increase the statutory limit on the number of High Court Judges from 10 to 15.

Agreed: The Committee for Justice considered SR 2020/248: The Maximum Number of Judges Order (Northern Ireland) 2020 and recommends that it be approved by the Assembly.

6. SL1: The Postal Administration Rules (Northern Ireland) 2020

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to provide the procedure for the special postal administration regime which is designed to ensure the continuance of the universal postal service in the event that a company providing that service is at risk of entering insolvency proceedings.

Agreed: The Committee agreed to write to the Committee for the Economy to request its views on the proposed Statutory Rule, given that the Department for the Economy is responsible for insolvency policy.

Agreed: The Committee agreed to request clarification from the Department of Justice of the up-to-date position of Companies House and the Enforcement of Judgements Office on the proposed Rule.

7. Legal Aid Update on progress to implement Northern Ireland Audit Office and Public Accounts Committee recommendations

Ms Woods rejoined the meeting at 4.15 p.m.

The Committee considered the Business Consultancy Service Review of Processes, Governance and Structures in Legal Services Agency Northern Ireland – Emerging Findings on Fraud and Error Interim Report and the Legal Services Agency NI Official Error in Legal Aid Payments – 2019 End of Year Report provided by the Department of Justice.

Agreed: The Committee agreed to schedule an oral evidence session with officials on the findings of both reports.

8. Proposals to Reform Rehabilitation Periods in Northern Ireland – Proposed Public Consultation

The Committee considered information provided by the Department of Justice on a proposed public consultation on Proposals to Reform Rehabilitation Periods in Northern Ireland.

Agreed: The Committee agreed to request details of any pre-consultation discussions that have taken place with stakeholders and how the Department decides on the length of time for each consultation it carries out.

9. Proposals for the Introduction of Domestic Abuse Protection Notices and Orders – Proposed Public Consultation

The Committee considered information provided by the Department of Justice on a proposed consultation on proposals for Domestic Abuse Protection Notices and Orders.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the proposals for Domestic Abuse Protection Notices and Orders further when the results of the consultation are available.

The Committee agreed to take Agenda Item 14 before Agenda Items 10-13.

10. The Health Protection Regulations – Assembly Debate

The Committee considered correspondence from the Department of Justice advising that the Minister of Justice would lead the Assembly debate on Health Protection Regulations relating to Covid-19 scheduled for 8 December 2020 as two sets of the Regulations relate to offences, fines and enforcement for breaches of the Regulations.

Members raised concerns that the Department had not engaged with the Committee or provided information prior to 1 December on the review of offences and penalties that had been carried out collaboratively by the Department of Justice and the Department of Health resulting in the Minister of Justice recommending changes to the Executive on 8 and 15 October 2020.

Agreed: The Committee agreed to write to the Department of Justice to ask why there was no engagement with or information provided to the Committee on the review of offences and penalties and the proposed changes prior to 1 December given this falls within the remit of the Department of Justice and the protocol for advising this Committee when departmental officials are providing oral evidence to another Statutory Committee.

Agreed: The Committee agreed to write to the First Minister and deputy First Minister and ask that all Ministers engage with their respective Statutory Committees on relevant aspects of the Covid-19 Health Regulations that cover policy areas that are the responsibility of their Departments and to send a copy of the correspondence to all Statutory Committees.

11. Correspondence

- i. The Committee considered the response from the Department of Justice and justice bodies to the findings and recommendations of the Criminal Justice

Inspection Northern Ireland Report on ‘How the Criminal Justice System Deals with Modern Slavery and Human Trafficking in Northern Ireland.’

Agreed: The Committee agreed to request an update on progress to deliver the action plan after six months.

- ii. The Committee considered the Report on the Independent Review of Hate Crime legislation in Northern Ireland.

Agreed: The Committee agreed to invite Judge Marrinan to brief the Committee on the findings and recommendations in his Report.

- iii. The Committee noted an invitation from the Northern Ireland Human Rights Commission to the launch of its 2020 Annual Statement on Thursday 10 December 2020.

Agreed: The Committee agreed that Members should advise the Committee Office if they wish to attend the event.

- iv. The Committee considered correspondence from the Northern Ireland Retired Police Officers’ Association regarding a data breach by the Coroners’ Office in relation to an Inquest into the death of Neil McConville resulting in the identification of police officers.

Agreed: The Committee agreed to write to the Minister of Justice and the Lord Chief Justice to seek their views and a response on the data breach issue and previous data breach occurrences and the concerns raised in this regard.

The Committee noted the following:

- v. A response from the Department of Justice providing confirmation that there are not expected to be any justice related common frameworks arising from the EU Exit.
- vi. Correspondence from the Ulster Society for the Prevention of Cruelty to Animals providing a copy of its animal welfare manifesto, ‘Addressing the Deficit.’
- vii. The Criminal Justice Inspection Northern Ireland Report on a Follow-up Review of How the Criminal Justice System Deals with Business Crime in Northern Ireland.
- viii. The 2019-20 Organised Crime Task Force Annual Report and Threat Assessment.
- ix. A press release from the Public Prosecution Service regarding the outcome of its review of 15 sexual offences cases in which previous convictions had to be set aside following the identification of a legislative error that caused them to be invalid.
- x. A letter from the Department of Justice advising that the Minister of Justice would make an oral statement to the Northern Ireland Assembly on Monday 7 December on the Inter-Governmental Agreement on Cooperation on Criminal Justice Matters.

12. Chairperson's Business

None.

13. Any Other Business

Ms Bradley MLA advised the Committee that she had tabled an amendment for Further Consideration Stage of the Domestic Abuse and Family Proceedings Bill within the relevant deadline however it had been unintentionally left off the Marshalled List of Amendments and had therefore been circulated separately.

14. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 10 December 2020 at 2.00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4.54 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice