



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

3 June 2021

Meeting Location: Virtual Meeting

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Mr Paul Frew MLA

Ms Rachel Woods MLA

Apologies: Mr Paul Givan MLA (Chairperson)

Mr Doug Beattie MLA

Mr Gordon Dunne MLA

Ms Emma Rogan MLA

In Attendance by Video or Teleconference:

Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)



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Mrs Clairita Frazer (Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 2:03 p.m. in open session.

Agreed: The Committee agreed that the oral evidence sessions on the Department of Justice 2021-22 June Monitoring Round and 2020-21 Provisional Outturn and on the Damages (Return on Investment) Bill should be reported by Hansard.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), the Chairperson, Paul Givan MLA and Gordon Dunne MLA had delegated authority to Paul Frew MLA, to vote on their behalf and Emma Rogan MLA 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 27 May 2021.

3. Matters Arising

Item 1 – Medical Defence Union letter – Damages (Return on Investment) Bill



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The Committee noted correspondence from the Medical Defence Union regarding its oral evidence to the Committee on the Damages (Return on Investment) Bill at the meeting on 27 May 2021.

Item 2 – Funding of the Separated Prison Regime within the NI Prison Service

The Committee noted the position regarding funding of the separated regime within the Northern Ireland Prison Service.

Item 3 - Updated Committee Forward Work Programme

The Committee noted an updated Forward Work Programme for June and July 2021.

Item 4 - Request from the Department of Justice for a change to the Committee Work Programme

The Committee considered a request from the Department of Justice to defer the oral evidence session on the results of the consultation on proposals to reform rehabilitation periods in Northern Ireland that it had scheduled for the meeting on 17 June 2021.

Agreed: The Committee agreed that the session should be rescheduled to a later date.

Item 5 - Committee for Finance – Correspondence on the Establishment of an Independent Fiscal Council

The Committee noted correspondence from the Committee for Finance seeking views on the establishment of an independent Fiscal Council for Northern Ireland.

Agreed: The Committee agreed that it would not submit a response to the Committee for Finance on the issue.



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4. Department of Justice 2021-22 June Monitoring Round & 2020-21 Provisional Outturn

The Committee noted a response from the Department of Justice providing further information on the number of prison officers currently on long-term sick absence following the oral briefing on the Department's final 2021-22 budget allocations at the meeting on 29 April 2021.

The following officials joined the meeting at 2.09 p.m.

Deborah Brown, Director of Justice Delivery Directorate, Department of Justice

Andrea Quail, Head of Financial Planning, Strategy and Support, Department of Justice

Louise Blair, Head of Financial Planning and Support, Department of Justice

Ms Brown provided an overview of the Department of Justice 2020-21 provisional outturn and the June Monitoring Round position.

Ms Sinéad Bradley MLA joined the meeting at 2:12 p.m.

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

The officials agreed to provide further information in relation to one issue.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to request a copy of the Department of Justice Monitoring Round forms within 7 days of their submission to the Department of Finance and a written update on the outcome of the Monitoring Round and details of the remaining budgetary pressures facing the Department when the Monitoring Round was concluded.



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Agreed: The Committee agreed to forward any questions not covered in the oral evidence session to the Department of Justice for a written response.

5. Damages (Return on Investment) Bill – Oral Evidence from the Medical Protection Society

The Committee noted a paper setting out potential issues it may wish to explore during the oral evidence session on the Damages (Return on Investment) Bill.

The following representative from the Medical Protection Society joined the meeting via StarLeaf at 2:46 p.m.

Mr Tim Jordan, Executive Director – Commercial Services, Medical Protection Society

Mr Jordan outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked Mr Jordan for his attendance.



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6. Damages (Return on Investment) Bill – Research Paper

The Committee considered a research paper from Assembly Research and Information Services on the wider impacts observed in England and Wales and Scotland following changes to the Personal Injury Discount Rate under new frameworks in those jurisdictions including the implications for government departments and the position regarding government-backed indemnity schemes for GPs.

Agreed: The Committee agreed to request clarification from the Department of Justice regarding its stated view that consideration could not be given to the wider impacts when scrutinising the Bill and proposed new framework to set the discount rate.

Agreed: The Committee agreed to request information from the Minister of Health regarding the potential costs arising from a change in the Personal Injury Discount Rate as a result of the proposed new framework for the Health Service, what consideration is being given to a government-backed indemnity scheme for GPs in Northern Ireland and the funding position and any Barnett consequentials.

Agreed: The Committee agreed that preliminary work in relation to possible legal advice and on potential changes regarding Periodical Payments Orders should be taken forward.

7. Criminal Justice (Committal Reform) Bill – Consideration of Draft Committee Report

The Committee noted a draft Committee Report on the Criminal Justice (Committal Reform) Bill.

Agreed: The Committee agreed that Members should submit any proposed amendments to the report to the Committee Clerk early next week to enable these to



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be circulated with the draft Executive Summary Section of the report for consideration in advance of approval of the draft report at the meeting on 10 June 2021.

8. Draft S.R.: The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021

The Committee considered Draft S.R.: The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021, which will bring a revised Code of Practice under section 195T of the Proceeds of Crime Act providing guidance on the use of search and seizure powers in Northern Ireland and on the detention of property, which has been seized by an appropriate officer, into operation.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule.

Agreed: The Committee for Justice considered Draft Statutory Rule: The Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property: Code of Practice) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

9. Draft S.R.: The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021

The Committee considered Draft S.R.: The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021, which will bring a new Code of Practice under section 303I of the Proceeds of Crime Act providing guidance on the exercise of powers to search for listed assets and to the application by officers for “prior approval” in order to exercise the search powers into operation.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule.



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Agreed: The Committee for Justice considered Draft Statutory Rule: The Proceeds of Crime Act 2002 (Recovery of Listed Assets: Code of Practice) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

10. Draft S.R.: The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021

The Committee considered Draft S.R.: The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021, which will bring a revised Code of Practice under section 377ZA of the Proceeds of Crime Act, which applies to investigations conducted under Part 8 of the Act, into operation.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule.

Agreed: The Committee for Justice considered Draft Statutory Rule: The Proceeds of Crime Act 2002 (Investigations: Code of Practice) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

11. Draft S.R.: The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021

The Committee considered Draft S.R.: The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021, which will bring a revised Code of Practice under section 293A of the Proceeds of Crime Act, which will permit constables and accredited financial investigators in Northern Ireland to search persons, premises and vehicles for case which is derived from, or intended for use in, unlawful conduct, into operation.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule.



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Agreed: The Committee for Justice considered Draft Statutory Rule: The Proceeds of Crime Act 2002 (Cash Searches: Code of Practice) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

The Committee noted that the Chairperson would outline the views of the Committee in the debate on the four Statutory Rules, which is scheduled for Tuesday 8 June 2021.

**12. Commencement of NI Provisions of the Criminal Finances Act 2017 - SL1:
The Proceeds of Crime Act 2002 (Application of Police and Criminal
Evidence) (Northern Ireland) Order (1989) Order (Northern Ireland) 2021**

The Committee considered a proposal for a Statutory Rule to amend the Proceeds of Crime Act 2002 (Application of the Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 to include two new types of investigations under the Order as introduced by the Criminal Finances Act 2017.

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



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13. The Criminal Finances Act 2017 (Commencement) (Northern Ireland) Regulations 2021

The Committee noted information provided by the Department of Justice on the commencement of relevant provisions of the Criminal Finances Act 2017 and the intention for these to be brought into operation on 28 June 2021.

14. Making of a Statutory Rule to Allow Online Applications in Non-Contentious Probate Cases

The Committee considered an update from the Department of Justice on the laying of a Statutory Rule to allow online applications in non-contentious probate cases and noted several minor technical changes that had been made to the Rule since the Committee considered the proposal.

Agreed: The Committee agreed that it would formally consider the Statutory Rule when the report from the Examiner of Statutory Rules is available.

15. Department of Justice 2020-21 Business Plan – End-of-Year Performance Update

The Committee considered an end-of-year performance update on progress to deliver the objectives and actions in the Department of Justice 2020-21 Business Plan and a response from the Department of Justice regarding the funding allocated to each of the actions in the Department's 2021-22 Business Plan requested by the Committee at the meeting on 29 April 2021.

Agreed: The Committee agreed to request further information regarding those actions in the 2020-21 Plan that had only been partially achieved and for an update in respect of these actions to be included in the mid-year progress update on the 2021-22 Plan that the Department of Justice intended to provide.



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16. Review of Sentencing Policy in Northern Ireland – Sentencing for Offences of Causing Death by Driving

The Committee considered a response from the Minister of Justice regarding the proposed timeline for the recommended legislative changes to the death by unlawful driving offences and what opportunity there was to make the changes before the end of the Assembly mandate.

The Committee placed on record its appreciation of the approach by the Dolan family in campaigning for these changes and taking the time to meet with Committee Members on 13 April 2021 and reiterated its commitment to ensure the legislation is brought forward at the earliest opportunity.

Agreed: The Committee agreed to send a copy of the Minister’s response to the Dolan family.

Agreed: The Committee agreed to request an update on progress in this area in early 2022.

17. NI Audit Office Report - Managing Children Who Offend: Follow-Up Review

The Committee considered a response from the Northern Ireland Commissioner for Children and Young People setting out her assessment of the Department of Justice’s response to the findings and recommendations of the NI Audit Office Report on Managing Children who Offend – A Follow-Up Review.

The Committee expressed concern regarding the issues raised by the Commissioner for Children and Young People.

Agreed: The Committee agreed to refer the Commissioner’s assessment to the Department of Justice for comment on the specific concerns raised by the Commissioner and on a number of other issues raised by Members.

Agreed: The Committee agreed to seek an update from the Department of Justice on the timeline for publication of the Consultation Analysis Report on the Development of a Joint Secure Care and Justice Campus for Children on the



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Woodlands/Lakewood Site to enable a date for the attendance of the Commissioner for Children and Young People at Committee to be finalised.

18. Correspondence

- i. The Committee considered a response from the Minister of Justice advising that she is open to exploring the incorporation of a review of the ill-health retirement process into the ongoing review of the PSNI Injury on Duty Scheme as requested by the NI Policing Board.

Agreed: The Committee agreed to send a copy of the response from the Minister to the NI Policing Board for information.

- ii. The Committee considered correspondence from Barnardo's NI regarding progressing the provision of legislative protections to establish a robust legal definition for abuse of trust to cover non-statutory settings and extend protection to include children up to the age of 18 by way of the planned Justice Bill.

Agreed: The Committee agreed to request a timeframe for the Justice Bill from the Minister of Justice.

The Committee noted the following:

- iii. Notification from the Minister of Justice regarding the launch of a formal consultation on proposals to reform the Civil Service Injury Benefit Scheme (Northern Ireland) by the Department of Finance.
- iv. A response from the Department of Justice providing additional information requested by the Committee on the consultation proposals on a new three-year Victims and Witnesses Strategy and for the establishment of a Victims of Crime Commissioner for Northern Ireland.



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- v. A response from the Department of Justice providing additional information requested by the Committee on the proposals for Domestic Abuse Prevention Notices and Orders.
- vi. Notification from the Committee for Finance of a consultation by the Department of Finance on proposals to reform the Civil Service Injury Benefit Scheme (Northern Ireland).
- vii. Correspondence from an individual regarding a case in Scotland, ending the practice of automatic issue of search warrants and the need for UK-wide reform.
- viii. A copy of correspondence from individuals to the Chief Constable expressing concern about PSNI co-operation with Israeli Border Police and asking him to consider withdrawing the PSNI from international co-operation programmes.
- ix. Information from the Clerking and Member Support Office on 'Protecting your Social Media Reputation' on-line training sessions available for Members in June.
- x. The Office of the Northern Ireland Executive in Brussels – January to March 2021 Brussels Report.
- xi. The Investment Strategy Northern Ireland – Department of Justice's Procurement Activity Report for May 2021.

19. Chairperson's Business

None.



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20. Any Other Business

None.

21. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 10 June 2021 at 11.00 a.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4:00 p.m.

Paul Givan MLA

Chairperson, Committee for Justice

10 June 2021