



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 5 NOVEMBER 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 Paul Frew MLA
Ms Emma Rogan MLA
Ms Rachel Woods MLA

* These Members attended the meeting via video conferencing.

Apologies: Mr Gordon Dunne MLA

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

The meeting commenced at 2.03 p.m. in public session.

The Chairman advised Members that Peter Madine had moved on and placed on record the appreciation of the Committee for his work and assistance during his time with the Committee team.

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), Mr Gordon Dunne MLA had delegated authority to the Chairperson, Paul Givan MLA, to vote on his behalf and Ms Jemma Dolan MLA had delegated authority to the Deputy Chairperson, Linda 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 22 October 2020.

3. Matters Arising

Item 1 – Update on the current position in respect of Covid-19 in prisons

The Committee noted a response from the Department of Justice providing an update on the current position in respect of Covid-19 in prisons in Northern Ireland.

Item 2 – Correspondence from the Bar of Northern Ireland letter regarding the Personal Injury Discount Rate

The Committee considered correspondence from the Bar of Northern Ireland regarding the Personal Injury Discount Rate and its view that there is an urgent need to address the current rate irrespective of the future legal framework.

Agreed: The Committee agreed to request a response from the Department of Justice to the issues raised by the Bar of Northern Ireland and to consider the matter further when the information is received.

Item 3 – Committee Forward Work Programme

The Committee noted its Forward Work Programme for November 2020.

Item 4 – Provision of information on incidents to the Committee

The Committee considered a response from the Minister of Justice on the criteria the Department uses to decide when to inform the Committee of any incidents and its proposal to develop an agreed approach for advising it of incidents and important matters in a timely manner.

Agreed: The Committee agreed to write again to the Minister on the matter and to request additional information on and clarification of the process.

4. Criminal Justice (Committal Reform) Bill 2020 – Principles of the Bill

The following officials joined the meeting by video conferencing at 2.20 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

The officials provided an overview of the principles of the Bill and its Clauses.

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

The officials agreed to provide further information on several issues.

The oral evidence session was reported by Hansard.

The Chairperson thanked Ms Mallon for her attendance and Mr Capper remained at the meeting for the next agenda item.

Agreed: The Committee agreed that it was content to support the principles of the Criminal Justice (Committal Reform) Bill.

The Chairperson advised the Committee of the Minister of Justice's intention to schedule the second stage of the Bill on Monday 16 November and indicated that he would reflect the views of the Committee during the debate.

5. Department of Justice Future Year Budgets: Budget 2021-24 – Information Gathering Exercise Update

The following officials joined the meeting via video conferencing at 3.03 p.m.:

Deborah Brown, Director, Justice Delivery Directorate, Department of Justice
Ronnie Armour, Director, Reducing Offending Directorate, Department of Justice
Julie Harrison, Director, Safer Communities Directorate, Department of Justice
Glyn Capper, Head of Justice Performance, Access to Justice Directorate, Department of Justice

The officials provided an overview of the Department of Justice's response to the Budget 2021-24 information gathering exercise.

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

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Department of Justice to request further information on a number of issues including details of the information collated as part of this future years' budget exercise on the actions already taken and the corresponding impacts to live within reducing budgets and the actions and reduction measures that may be required going forward.

6. Domestic Abuse and Family Proceedings Bill – Committee Amendments

The Committee considered correspondence from the Minister of Justice setting out her position in respect of the amendments the Committee intended to bring forward at Consideration Stage of the Domestic Abuse and Family Proceedings Bill and three alternative amendments she was proposing.

Dr Veronica Holland, Head of Violence Against the Person Branch, Department of Justice joined the meeting via video conferencing at 3.53 p.m. and answered Members' questions and requests for clarification in relation to the Minister's proposed amendments.

The Committee's attention was drawn to amendments that had been tabled by the Minister of Justice in relation to Clause 9 that the Committee had not been notified of by the Department of Justice.

The Chairperson thanked Dr Holland for her attendance and she left the meeting.

Agreed: The Committee agreed to proceed with its amendments at Consideration Stage on Tuesday 10 November 2020.

Agreed: The Committee agreed to ask the Minister not to move her alternative amendment in relation to Operation Encompass but to bring forward refinements to the Committee amendment, assuming it is made, at Further Consideration Stage.

The meeting moved into closed session at 5.05 p.m.

Ms Stephanie Mallon, Assembly Bill Clerk, joined the meeting to provide advice on the admissibility criteria for amendments at Further Consideration Stage.

The Chairperson thanked Ms Mallon for her advice and she left the meeting.

The meeting moved into public session at 5.45 p.m.

Mr Frew left the meeting at 5.45 p.m.

7. SL1: The Carriage of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to correct Northern Ireland legislation that would otherwise cease to function properly at the end of the EU Exit transition period and ensure that the Carriage of Explosives Regulations (Northern Ireland) 2010 will continue to operate as before by ensuring that the regulatory framework for the carriage of class one goods (explosives) will remain in place.

Agreed: The Committee agreed to write to the Department of Justice to request further clarity on whether the Regulations will provide continued alignment in relation to the carriage of dangerous goods or whether any gaps have been identified.

Mr Frew rejoined the meeting at 5.48 p.m.

8. Counter-Terrorism (Sentencing and Release) Bill – Update

The Committee noted the Memorandum laid by the Minister of Justice under Standing Order 42A (4) explaining why a Legislative Consent Motion was not being sought in relation to the Counter Terrorism and Sentencing Bill.

9. Coroners and Justice Act 2009 – Consideration of Commencement of Section 49(1)

The Committee noted correspondence from the Department of Justice advising that, at the request of the Minister, the Presiding Coroner, Mr Justice Huddleston, had appointed Coroner Patrick McGurgan to chair a Working Group to explore the implications for the justice system in Northern Ireland of commencing section 49(1) of the Coroners and Justice Act 2009 which would amend section 13 of the Coroners Act (Northern Ireland) 1959 allowing a coroner to hold an inquest into a death abroad where the body has been repatriated and is ‘lying’ in Northern Ireland.

10. Consent to Serious Harm for Sexual Gratification: Not a Defence – Proposed Consultation

The Committee considered information provided by the Department of Justice on a proposed eight week public consultation on the need, or otherwise, to legislate on the defence of consent to serious harm for sexual gratification commonly known as “the rough sex defence”.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation and the Department’s proposed way forward are available.

11. Correspondence

- i. The Committee considered correspondence from an individual regarding an ongoing situation with the Child Maintenance Service and Immigration Authorities.

Agreed: The Committee agreed to advise the individual to contact one of their constituency MLAs for support.

The Committee noted the following:

- ii. A response from the Minister of Justice regarding the legislative error resulting in invalid convictions for sexual offences and the introduction of legislation similar to Helen’s Law.
- iii. A response from the Department of Justice providing further information regarding the costs in relation to proposed Judicial Pension Reforms and the response to the McCloud judgement and the rationale for the 8-week consultation period.
- iv. A response from the Department of Justice providing an update on the Minister’s consideration of the introduction of a Places of Worship Protection Scheme in Northern Ireland.
- v. A response from the Department of Justice providing clarification on what directions have been given to the PSNI in relation to enforcement of the Covid-19 regulations and whether the PSNI’s ‘engage, explain and encourage’ approach is still in place.

- vi. A response from the Department of Justice providing information on how the Department intends to take forward the strategic recommendation in the CJINI report on ‘The Detention of Persons in Police Custody in Northern Ireland’ regarding bail and remand for children.
- vii. A response from the Department of Justice providing information on the rationale for not including death by suicide within the scope of the Domestic Homicide Review (DHR) process at the outset.
- viii. Correspondence from the Northern Ireland Judicial Appointments Commission providing notification of the appointment of two High Court Judges.
- ix. The Investment Strategy Northern Ireland – Department of Justice’s Procurement Activity Report for October 2020.
- x. The Access NI Revised Code of Practice for Registered Persons and other recipients of Disclosure Information.
- xi. The Police Ombudsman for Northern Ireland Annual Report and Accounts for the year ended 31 March 2020.
- xii. The Public Prosecution Service Northern Ireland Annual Report and Resource Accounts 2019-20.
- xiii. The Forensic Science Northern Ireland Annual Report and Accounts for the year ended 31 March 2020.
- xiv. A response from the Department of Finance providing further information on public sector pensions and a proposed response to the McCloud judgement.

12. Chairperson’s Business

None.

13. Any Other Business

None.

14. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 12 November 2020 at 2.00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 5.54 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice