



Northern Ireland  
Assembly

## Committee for Justice

### Minutes of Proceedings

17 February 2022

**Meeting Location:** Room 30, Parliament Buildings, Belfast

**Present:** Mr Mervyn Storey MLA (Chairperson)  
Mr Peter Weir MLA

**Present by Video or Teleconference:**

Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Jemma Dolan MLA

Mr Robin Newton MLA

Ms Rachel Woods MLA

**Apologies:** Ms Sinéad Bradley MLA

Ms Emma Rogan MLA

**In Attendance:** Mrs Christine Darrah (Assembly Clerk)

Mrs Clairita Frazer (Assistant Assembly Clerk)

Mr Stephen Corr (Clerical Supervisor)

**In Attendance by Video or Teleconference:**



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Mrs Kathy O'Hanlon (Senior Assistant Clerk)

The meeting commenced at 2:08 p.m. in closed session in accordance with normal protocol for the Committee to receive advice from the Assembly Bill Clerk on potential amendments to the Justice (Sexual Offences and Trafficking Victims) Bill.

**1. Justice (Sexual Offences and Trafficking Victims) Bill – Potential Amendments**

Ms Stephanie Mallon, Assembly Bill Clerk, attended the meeting to provide advice on potential amendments to the abuse of trust provision in the Justice (Sexual Offences and Trafficking Victims) Bill.

Jemma Dolan MLA and Robin Newton MLA joined the meeting at 2:35 p.m.

**Agreed:** The Committee agreed to ask the Bill Clerk to prepare potential amendments to extend the scope of the provision relating to abuse of trust to cover more positions than in sporting and religious settings and to provide for a statutory review mechanism that would place a duty on the Department to regularly review the position.

The Chairperson thanked Ms Mallon for her advice.

The meeting moved into public session at 2:40 p.m.

**Agreed:** The Committee agreed that the oral evidence session with Departmental Officials on potential amendments to the Justice (Sexual Offences and Trafficking Victims) Bill should be reported by Hansard.



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### **2. Apologies**

As above.

The Chairperson informed the Committee that, under Standing Order 115(6), Emma Rogan MLA had delegated authority to the Deputy Chairperson, Sinéad Ennis MLA, to vote on her behalf

### **3. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on 10 February 2022.

### **4. Matters Arising**

#### **Item 1 – Committee Forward Work Programme – February – March 2022**

The Committee noted an updated Forward Work Programme reflecting the work items agreed at the meeting on 10 February 2022 and a change to the title of one of the written papers scheduled for the meeting on Thursday 3 March 2022.

#### **Items 2 – 5 – Department of Justice 2022-25 Draft Budget**

The Committee noted further information provided by the Department of Justice on the Northern Ireland Prison Service and the Northern Ireland Courts and Tribunals Service 2022-25 draft budget allocations following the oral evidence sessions on 3 February 2022 and further information provided by the Probation Board following the oral evidence session on its draft budget allocation on the same date.

The Committee noted updated information received from the Northern Ireland Police Fund on the implications of the draft budget 2022-25 for that organisation.



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**5. Justice (Sexual Offences and Trafficking Victims) Bill – Potential Amendments - Oral Evidence Session with Departmental Officials**

The Committee noted correspondence from the Department of Justice regarding the timing of the Further Consideration Stage of the Justice (Sexual Offences and Trafficking Victims) Bill.

The Committee noted a copy of correspondence from Professor McGlynn to the Minister of Justice regarding the concerns she had raised in relation to the Committee's proposed amendments to Clause 1 and to provide for a new offence of cyberflashing when she attended the meeting on 10 February 2022 with departmental officials.

The following officials joined the meeting at 2:45 p.m.

Brian Grzymek, Deputy Director, Criminal Justice Policy and Legislation Division, Department of Justice

Andrew Laverty, Head of Criminal Law Branch, Department of Justice

Lorraine Ferguson, Head of Criminal Policy Unit, Department of Justice

Brian Grzymek outlined the approach being considered and the work being undertaken in relation to the development of a new amendment to provide for an offence of cyberflashing and potential amendments to Clause 1 to recast the 'reasonable person' aspect of the Committee's proposed amendment and address the concerns of the Committee regarding the current construct of Clause 1.

The Chairperson advised the officials that the Committee was considering potential amendments to extend the scope of the provision in the Justice (Sexual Offences and Trafficking Victims) Bill relating to abuse of trust to cover more than sporting and religious settings such as uniformed organisations and non-statutory tutors such as music tutors and to provide for a statutory review mechanism that would place a duty on the Department to regularly review the position and the evidence of risk of harm in other settings and sought their comments.

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



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The oral evidence session was reported by Hansard.

**Agreed:** The Committee agreed that it would consider the draft text of amendments to the Justice (Sexual Offences and Trafficking Victims) Bill to be provided by the Department of Justice at the meeting on 24 February 2022.

The Chairperson thanked Lorraine Ferguson for her attendance (Brian Grzymek and Andrew Laverty remained at the meeting for the next agenda item).

**6. Reform of Rehabilitation Periods – Results of the Consultation and Proposed Way Forward – Oral evidence session with Department of Justice officials**

Brian Grzymek outlined the results of the consultation and proposed way forward in relation to the Reform of Rehabilitation Periods.

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

The officials agreed to provide further information on several issues discussed during the session.

Robin Newton MLA left the meeting at 4:40 p.m.

The Chairperson thanked the officials for their attendance.

The Committee noted the results of the consultation on the Reform of Rehabilitation Periods.

**Agreed:** The Committee agreed to consider the proposed way forward in relation to this matter when the further information was available.



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**7. Draft Supplementary Legislative Consent Motion - Police, Crime, Sentencing and Courts Bill**

The Committee considered the Legislative Consent Memorandum for a Draft Supplementary Legislative Consent Motion for the Police, Crime, Sentencing and Courts Bill laid by the Department of Justice in the Assembly on 7 February 2022.

**Agreed:** The Committee agreed that it was content in principle with the proposal to extend to Northern Ireland the provisions in Chapter 3 of Part 2 of the Police, Crime, Sentencing and Courts Bill, in so far as they relate to Northern Ireland, and that the commencement of those provisions would be conditional on Assembly agreement to consider whether the Code of Practice, following the public consultation, complies with protected rights and requirements.

The Committee noted that a draft report on the Committee's consideration of the LCM would be prepared for consideration and agreement at the meeting on 24 February 2022.

**8. SR 2022/24 The Coronavirus Act 2020 (Extension of Provision Related to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022**

The Committee considered SR 2022/24 The Coronavirus Act 2020 (Extension of Provision Related to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022 which will allow a coroner to hold an inquest into a death in prison caused by natural injury without a jury and to allow courts and statutory tribunals to receive evidence wholly or in part through the use of audio or video live links beyond 24 March 2022.

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 considered SR 2022/24 The Coronavirus Act 2020 (Extension of Provision Related to Courts, Tribunals and Inquests) Order (Northern Ireland) 2022 and recommends that it be approved by the Assembly.



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**9. SL1 - The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 – Further Information**

The Committee considered a proposal by the Department of Justice for a Statutory Rule, which is subject to the draft affirmative resolution procedure, under powers conferred by Section 26 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, to provide for an Operation Encompass model for Northern Ireland.

The Committee noted further information provided by the Department of Justice on the responses to the targeted consultation carried out on the Regulations and clarification regarding the position of older pupils up to the age of 19 attending Special Schools.

The Committee noted correspondence from the Committee for Education, the Committee for the Economy and the Committee for Agriculture, Environment and Rural Affairs indicating support for the proposal for the Statutory Rule.

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

**10.SL1 – The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022**

The Committee considered a proposal by the Department of Justice for a Statutory Rule, which is subject to the draft affirmative resolution procedure, under powers conferred by section 113(A)(7) of the Police Act 1997. This will enable the new domestic abuse offence, convictions of the domestic abuse offence (with child aggravator(s)) as well as current convictions for other offences for which there is a domestic abuse aggravator to be disclosed as part of the AccessNI disclosure process. Provision is also made in relation to the disclosure of non-court disposals for the domestic abuse offence on standard and enhanced applications.

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



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### **11.SL1 - The Insolvency (Amendment) Rules (Northern Ireland) 2022**

The Committee considered a proposal by the Department of Justice for a Statutory Rule, which is subject to the negative resolution procedure, that will amend the Insolvency Rules (Northern Ireland) 1991 to provide permanent procedural rules for the company moratorium procedure and ensure that procedural rules for all corporate insolvency procedures are contained in one instrument.

The Committee noted correspondence from the Committee for the Economy indicating that it has no objection to the proposal for the Statutory Rule.

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

### **12. Department of Justice Draft Budget 2022 – 2025 - Consideration of Committee Response**

The Committee considered a draft response to the Committee for Finance on the Department of Justice Draft Budget 2022-25 based on key issues raised in the oral and written evidence provided by the Minister and Departmental Officials and key justice organisations and stakeholders.

**Agreed:** The Committee agreed that the draft response on the Department of Justice 2022-25 Draft Budget, with no changes, should be submitted to the Committee for Finance.

**Agreed:** The Committee agreed that the response should be published on the Committee webpages along with the briefing papers and correspondence received from key justice organisations and stakeholders.

**Agreed:** The Committee agreed to publish previous Committee responses on the Department of Justice Draft and Final Budget 2021-22 and the Department of Justice Budget 2020-21 on the Committee webpages.





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Sinéad Ennis MLA left the meeting at 4:57 p.m.

**13. Development of a Joint Secure Care and Justice Campus for Children on the Woodlands/Lakewood site - Update**

The Committee noted information provided by the Department of Justice outlining progress in a number of areas of the programme to develop a Joint Secure Care and Justice Campus for Children on the Woodlands/Lakewood site.

**14. Simplifying the Legal Aid Approval Process for Engagement of Expert Witnesses in Family Proceedings in the Magistrates' Courts - Outcome of Pilot Project**

The Committee noted information provided by the Department of Justice on the initial evaluation of the pilot scheme to simplify the legal aid approval process for engagement of psychologists and psychiatrists in family proceedings in the magistrates' court and the intention to complete a formal review and, depending on the outcome, extend the scheme to other court tiers for Children Order cases and other case types with any modifications deemed necessary.

**15. Civil Legal Services (Financial) (Amendment) Regulations 2022 – Consultation**

The Committee considered information provided by the Department of Justice setting out the current position in relation to the financial implications and timescale for a proposed Statutory Rule to disregard redress payments for victims and survivors of historical child abuse in care in Scotland for the purposes of civil legal aid means testing.



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**Agreed:** The Committee agreed to seek clarification from the Department of Justice of the reasons for not progressing the Statutory Rule sufficiently in this mandate as originally envisaged.

### **16. Adult Restorative Justice Strategy and Action Plan - Update**

The Committee considered the Adult Restorative Justice Strategy and Multi-Year Action Plan developed by the Department of Justice.

**Agreed:** The Committee agreed to request additional information from the Department of Justice on a number of issues related to the Strategy and Action Plan.

### **17. Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 – Implementation of Section 28 (Domestic Abuse Waiver for Legal Aid) – Further Information**

The Committee considered further information provided by the Department of Justice on the Outline Business Case, engagement with the voluntary sector on the evidential test and the communication strategy in relation to the implementation of the Domestic Abuse Waiver for legal aid.

**Agreed:** The Committee agreed to request clarification from the Department of Justice on when the legal aid waiver will come into force.

### **18. Correspondence**

- i. The Committee considered a copy of correspondence from the Committee for Finance to the Minister of Justice regarding a proposal for a Statutory Rule to extend the Coronavirus Act provisions in respect of death certification and registration.



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**Agreed:** The Committee agreed to request a copy of the Department of Justice's response to the Committee for Finance.

- ii. The Committee considered correspondence from the Committee for the Executive Office seeking views on the Executive's draft Investment Strategy for Northern Ireland.

**Agreed:** The Committee agreed to request the views of the Department of Justice on the draft Strategy and any implications of it for the Department and justice agencies and NDPBs.

- iii. The Committee considered an invitation from the Committee for the Executive Office to attend a virtual stakeholder session on the subject of violence against women and girls on Thursday 24 February 2022.

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

The Committee noted the following:

- iv. A copy of the final Public Consultation and Call for Views on hate crime legislation in Northern Ireland.
- v. A copy of a response from the Department of Justice to the Committee for Health clarifying the arrangements for the management of cross-border kinship placements for children following the UK's withdrawal from the EU.
- vi. A response from the Department of Justice providing further information regarding the cost of refunding courts users as a result of the lack of statutory authority for the NI Courts and Tribunals Service to charge a fee of £14 for a certified sealed copy of a grant within the non-contentious probate business area.



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- vii. The Organised Crime Task Force Annual Report and Threat Assessment 2020/21.
- viii. Correspondence providing the dates of publication of the NI Courts and Tribunals Service Quarterly Official Statistics Bulletins on civil, criminal and family business across all court tiers.
- ix. Notification of the extension of the closing date for the call for views to inform the development of a Domestic and Sexual Abuse Strategy and an Equally Safe Strategy: A Strategy to tackle Violence Against Women and Girls to 21 March 2022.
- x. A response from the Department of Finance regarding the lack of a central register of deaths that occur abroad.
- xi. Correspondence from the Committee for Finance providing a copy of an Assembly Research and Information Service Public Finance Scrutiny Unit research paper on Covid-19 public funding.
- xii. A copy of a letter from the Chairperson of the House of Lords European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland to the Secretary of State for Foreign, Commonwealth and Development Affairs regarding the role of the Court of Justice of the European Union in relation to the Protocol on Ireland/Northern Ireland
- xiii. The Attorney General for Northern Ireland's Annual Report 2020/21.
- xiv. The Funds in Court in Northern Ireland Statement of Accounts for year ended 31 March 2021.
- xv. The Office of the Northern Ireland Executive in Brussels Report for October – December 2021.
- xvi. A copy of further correspondence from an individual relating to a complaint to the Police Ombudsman's Office.



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**19. Chairperson's Business**

None.

**20. Any Other Business**

The Committee considered an invitation from the Assembly Engagement Office to attend a meeting with Mr George Katrougalos, Member of Parliament in Greece and a Representative of the Parliamentary Assembly of the Council of Europe on Thursday 24 February 2022.

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

**21. Date, Time and Place of the next meeting**

The next meeting will be held on Thursday 24 February 2022 at 2:00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 5:11 p.m.



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**Mervyn Storey MLA**

**Chairperson, Committee for Justice**

**24 February 2022**