



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

TUESDAY 4 FEBRUARY 2020

Room 30, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Mr Gordon Dunne MLA
Mr Paul Frew MLA
Mr Patsy McGlone MLA
Ms Rachel Woods MLA

Apologies: Mr Pat Sheehan MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)
Mr Peter Madine (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)

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

1. Apologies

As above.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Tuesday 28 January 2020.

3. SR 2016/426: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2016

The Committee considered SR 2016/426: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2016 which introduced fees to be charged in the Court Funds Office to users of the services provided, with the aim of recovering the running costs of the CFO. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2016/426: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2016.

4. SR 2017/11: The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2017

The following officials joined the meeting at 2.05 p.m.

Peter Luney, Chief Executive, Northern Ireland Courts and Tribunal Service
Louise Laverty, Director of Finance, Northern Ireland Courts and Tribunal Service
Joanne Hendry, Head of Civil Fees Project, Northern Ireland Courts and Tribunal Service
Richard Ronaldson, Head of Court Funds Service, Northern Ireland Courts and Tribunal Service

Mr Luney provided a brief overview of the following Statutory Rules and answered Members' questions:

- SR 2017/12: The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 2017
- SR 2017/14: The Magistrates' Court Fees (Amendment) Order (Northern Ireland) 2017
- SR 2017/15: The County Court Fees (Amendment) Order (Northern Ireland) 2017
- SR 2017/16: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017
- SR 2017/17: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017

The officials agreed to provide further information in relation to costs recovered.

The Chairperson thanked the officials for their attendance and they left the meeting.

The Committee considered SR 2017/11: The Court of Judicature (Non Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2107 which increased the fees charged for non-contentious probate proceedings by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/11: The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2017.

5. SR 2017/12: The Judgement Enforcement Fees (Amendment) Order (Northern Ireland) 2017

The Committee considered SR 2017/12: The Judgement Enforcement Fees (Amendment) Order (Northern Ireland) 2017 which increased the fees charged for the delivery of business in the Enforcement of Judgements Office by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the

qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/12: The Judgment Enforcement Fees (Amendment) Order (Northern Ireland) 2017.

6. SR 2017/14: The Magistrates' Court Fees (Amendment) Order (Northern Ireland) 2017

The Committee considered SR 2017/14: The Magistrates' Court Fees (Amendment) Order (Northern Ireland) 2017 which increased the fees charged for the delivery of civil and family business in the Magistrates' Court by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/14: The Magistrates' Court Fees (Amendment) Order (Northern Ireland) 2017.

7. SR 2017/15: The County Court Fees (Amendment) Order (Northern Ireland) 2017

The Committee considered SR 2017/15: The County Court Fees (Amendment) Order (Northern Ireland) 2017 which increased the fees for the delivery of civil and family business in the County Court by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/15: The County Court Fees (Amendment) Order (Northern Ireland) 2017.

8. SR 2017/16: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017

The Committee considered SR 2017/16: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017 which increased the fees charged for the delivery of civil and family business in the Court of Judicature by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/16: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2017.

9. SR 2017/17: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017

The Committee considered SR 2017/17: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017 which increased the fees charged in Family Proceedings by 10% from 1 April 2017, a further 7.5% from 1 April 2018 and another 5% from 1 April 2019 to enable the Northern Ireland Courts and Tribunals Service to move towards a full cost recovery model and updated the qualifying benefits for the purpose of exemptions from fees to recognise Universal Credit as a qualifying benefit. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2017/17: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2017.

10. SR 2018/101: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2018

The Committee considered SR 2018/101: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2018 which amends the Magistrates' Court Fees Order (Northern Ireland) 1996 so that no fee is payable for an application by an employer for a determination on what may constitute earnings for the purpose of an attachment of earnings order in relation to a debtor. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2018/101: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2018.

11. SR 2019/175: The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2019

The Chairperson reminded Members that the evidence provided by Northern Ireland Courts and Tribunals Service officials earlier in the meeting in relation to SR 2017/11, SR 2017/12, SR 2017/14, SR 2017/15, SR 2017/16 and SR 2017/17 was relevant to this Statutory Rule and to the next five agenda items.

The Committee considered SR 2019:175 The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of non-contentious probate proceedings by 5% from 1 October 2019 and introduced changes to the Exemptions and Remission Policy. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2019/175 The Court of Judicature (Non-Contentious Probate) Fees (Amendment) Order (Northern Ireland) 2019.

12. SR 2019/176: The Judgement Enforcement Fees (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/176: The Judgement Enforcement Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of business in the Enforcement of Judgements Office by 5% from 1 October 2019, introduced changes to the Exemptions and Remission Policy and increased the fee for searches of the Register of Judgements to align it with search fee charges in other areas of NICTS business. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2019:176 The Judgement Enforcement Fees (Amendment) Order (Northern Ireland) 2019.

13. SR 2019/177: The County Court Fees (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/177: The County Court Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of civil and family business in the County Court by 5% from 1 October 2019, introduced a fee for the certification, by a court officer, of the forms required to register a pending action in relation to land in the Land Registry and introduced changes to the Exemptions and Remission Policy. The Statutory Rule is not subject to Assembly procedure.

Agreed: The Committee agreed to note SR 2019/177: The County Court Fees (Amendment) Order (Northern Ireland) 2019.

14. SR 2019/178: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/178: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of family business in respect of family proceedings by 5% from 1 October 2019 and introduced changes to the Exemptions and Remission Policy. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2019/178: The Family Proceedings Fees (Amendment) Order (Northern Ireland) 2019.

15. SR 2019/179: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/179: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of civil and family business in the Magistrates' Courts by 5% from 1 October 2019 and introduced changes to the Exemptions and Remission Policy. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2019/179: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2019.

16. SR 2019/180: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/180: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2019 which increased the fees charged for the delivery of civil and family business in the Court of Judicature by 5% from 1 October 2019, introduced an increase in the fee for an application to transfer an action to the commercial list, introduced case management review hearing fees, introduced a fee for the certification of the forms required to register a pending action in relation to land in the Land Registry and introduced changes to the Exemptions and Remission Policy. The Statutory Rule is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2019/180: The Court of Judicature Fees (Amendment) Order (Northern Ireland) 2019.

17. SR 2020/10: The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/10: The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2020 which amends the Judicial Pensions Regulations (Northern Ireland) 2015 to put further interim arrangements in place for the setting of members' contributions at the existing contribution rates and earnings thresholds beyond 31 March 2020.

Agreed: The Committee considered SR 2020/10: The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2020, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

18. SR 2020/11: The County Court (Amendment) Rules (Northern Ireland) 2020

The Committee considered SR 2020/11: The County Court (Amendment) Rules (Northern Ireland) 2020 which makes a minor, technical amendment to The County Court Rules (Northern Ireland) 1981 to clarify when a fee is payable to a lawyer for preparing court-directed skeleton arguments.

Agreed: The Committee considered SR 2020/11: The County Court (Amendment) Rules (Northern Ireland) 2020, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

19. SR 2020/13: The Police Service of Northern Ireland (Amendment) Regulations 2020

The Committee considered SR 2020/13: The Police Service of Northern Ireland (Amendment) Regulations 2020 which amends the definition of the first bank holiday in

May 2020 only in relation to the Police Service of Northern Ireland Regulations 2005 and the Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 to reflect the decision by the UK Government to move the first bank holiday in May 2020 from Monday 4 May to Friday 8 May to commemorate the 75th anniversary of VE day.

Agreed: The Committee considered SR 2020/13: The Police Service of Northern Ireland (Amendment) Regulations 2020, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

20. SR 2018/128: (C. 11) The Policing and Crime Act 2017 (Commencement No.2) Order (Northern Ireland) 2018

The Committee considered SR 2018/128: (C. 11) The Policing and Crime Act 2017 (Commencement No.2) Order (Northern Ireland) 2018 which brings into force provisions in the Policing and Crime Act 2017 relating to disregards and pardons (including posthumous pardons) for specific offences (in particular, in relation to historical offences of buggery and gross indecency between men). The Statutory Rule is not subject to Assembly procedure.

Agreed: The Committee agreed to note SR 2018/128: (C. 11) The Policing and Crime Act 2017 (Commencement No.2) Order (Northern Ireland) 2018.

21. SR 2018/99: (C. 9) The Justice (2016 Act) (Commencement No. 2) Order (Northern Ireland) 2018

The Committee considered SR 2018/99: (C. 9) The Justice (2016 Act) (Commencement No. 2) Order (Northern Ireland) 2018 which brought sections 1 to 32 (excluding 17(6)) Part 1 of the Justice Act (Northern Ireland) 2016 (the 2016 Act) into operation, together with Schedules 1 and 2 where they were not already in operation, on 1 June 2018. The Statutory Rule is not subject to Assembly procedure.

Agreed: The Committee agreed to note SR 2018/99: (C. 9) The Justice (2016 Act) (Commencement No. 2) Order (Northern Ireland) 2018.

22. SR 2018/24: The Crown Court (Amendment) Rules (Northern Ireland) 2018

The Committee considered SR 2018/24: The Crown Court (Amendment) Rules (Northern Ireland) 2018 which relates to European investigation orders in the Crown Court and seeks to simplify existing mutual legal assistance measures for requesting and sharing evidence for criminal investigations between participating states. The European investigation order is an excepted matter therefore the Rule was laid in Westminster and is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2018/24: The Crown Court (Amendment) Rules (Northern Ireland) 2018.

23. SR 2018/25: The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2018

The Committee considered SR 2018/25: The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2018 which relates to European investigation orders in the Magistrates' Courts and seeks to simplify existing mutual legal assistance measures for requesting and sharing evidence for criminal investigations between participating states. The European investigation order is an excepted matter therefore the Rule was laid in Westminster and is not subject to any Assembly proceedings.

Agreed: The Committee agreed to note SR 2018/25: The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2018.

24. Date, Time and Place of Next Meeting

The next meeting will be held on Thursday 6 February at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 2.24 p.m.

Paul Givan MLA
Chairperson, Committee for Justice