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Our ref: CORR-1158-2021

Rt Hon Kit Malthouse MP
Minister for Crime, Policing and Probation

Tom Pursglove MP
Minister for Justice and Tackling Illegal Migration

14 January 2022

Dear Kit and Tom,

POLICE, CRIME, SENTENCING & COURTS BILL – GOVERNMENT AMENDMENTS FOR REPORT

I refer to your letter dated 22 November 2021 advising me of the government amendments that you intend to table at Lords Report stage. I note the timescales for response which I was unable to meet given the need to consult with colleagues on a range of matters: I know you will appreciate that this takes time.

Extraction of information from electronic devices

I note the amendment to replace the duty to make regulations about the extraction of confidential information with provision on the face of the Bill.

As you know, I was seeking agreement from the NI Executive to support an LCM for the extraction of information provisions. I am pleased to inform you that the NI Executive has agreed that an LCM can now proceed. Further to the advice in Kit's letter of 23 November

2021, the support was given on the basis that 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.

I hope this update is helpful and I will keep you informed as the LCM progresses.

Pardons and disregards for historical convictions for consensual same sex sexual activity

I strongly support the policy intent of the amendment; however, given the need to identify what offences might potentially fall within scope of an extended scheme here, it would not be feasible to follow due process and secure an LCM within the time available. I have, therefore, tasked my officials with undertaking preparatory work on a review of our current scheme, to determine what legislative changes would be required in Northern Ireland.

I understand that our respective officials are currently liaising on your proposed provisions and I would very much welcome this continued liaison as the review progresses.

Child cruelty offences

I note the planned amendments to the Bill which will increase the penalty of an offence of causing or allowing the death of a child or vulnerable adult and an offence of causing or allowing a child or vulnerable adult to suffer serious physical harm, to life imprisonment in England and Wales.

I fully appreciate the intention behind these amendments, and we would likely want to mirror the increase in penalties in due course, but there will not be time to bring forward similar amendments for Northern Ireland in this Assembly mandate. My officials will, however, begin to carry out exploratory work with key stakeholders to discuss such

changes in a Northern Ireland context. There are a number of legislative vehicles in preparation for the new mandate, including a Sentencing Bill and Miscellaneous Provisions Bill, which may be suitable to advance this change once the required policy development and public consultation has been completed.

Public Order

I do not consider that there is a need to extend the proposed public order offences to Northern Ireland given that similar powers already currently exist in Northern Ireland. I have also consulted with the Minister of Infrastructure who has agreed that there is currently no need to extend these provisions to Northern Ireland.

I am copying this letter to the Secretary of State for Northern Ireland.

Yours sincerely,

NAOMI LONG MLA Minister of Justice

Please ensure that you quote our reference number in any future related correspondence.