

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Christine Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw Stormont
Belfast BT4 3XX

16 June 2021

Dear Christine,

**PROPOSAL FOR LEGISLATIVE CONSENT MOTION – POLICE, CRIME,
SENTENCING AND COURTS BILL**

The Committee has received oral and written briefings on the proposal to bring forward a Legislative Consent Motion (LCM) to give effect to certain provisions included in the Police, Crime, Sentencing and Courts (PCSC) Bill.

I can now advise that the Executive has agreed to the following provisions being included in the LCM:

- amendments to the **Crime (Overseas Production Orders) Act 2019**;
- the measure placing the **National Driver Offender Retraining Scheme** on a statutory footing;
- Application of section 29 of the **Petty Sessions (Ireland) Act 1851** (which includes provision for the execution of process of English courts in Northern Ireland) to the provisions in the Bill enabling a judge in England and Wales to make an order authorising the police to obtain information about the location of human remains outside of a criminal investigation; and
- the amendments relating to the enforcement in Northern Ireland of orders made in

Scotland under Part 2 of the **Sexual Offences Act 2003**
and amendments to that



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Act to enable a court in Northern Ireland to vary an order made under Part 2 by a court in Scotland.

The Executive did not agree to the inclusion of the measure relating to the extraction of information from mobile devices. The Executive may return to the issue once the Code of Practice has been drafted and consulted on. Consequently, the Home Office has been asked to consider amending the commencement provisions of the Bill to facilitate implementation in Northern Ireland at a later date should the Executive agree to reconsider this issue when more information is available.

The Home Office has advised that it will also be tabling an amendment to the Bill at Committee Stage to amend the Proceeds of Crime Act (POCA) 2002. The amendment will bring electronic money institutions (such as Revolut) and electronic payment institutions (such as PayPal) within the scope of the POCA account freezing and forfeiture powers in respect of Northern Ireland. This particular amendment to POCA has already been made for England and Wales and Scotland, in the Financial Services Bill which received Royal Assent on 29 April 2021. As there was insufficient time to bring forward an LCM to the Assembly for the Financial Services Bill, the Minister had laid a memorandum before the Assembly on 26 March to set out the timing issues and to indicate that she would request that the UK Government prioritise the identification of another suitable Westminster Bill to achieve this amendment, as soon as practicable, and that once identified she would formally seek to secure the consent of the Assembly. The Executive has also agreed to this measure being included in the LCM.

The PCSC Bill is currently at House of Commons Committee Stage. The Minister intends to lay the Legislative Consent Memorandum at the Assembly during w/c 30 August 2021 for debate in September.

**CLAIRE MCCORMICK
DALO**