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Room 242
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Dear Christine

POLICE, CRIME, SENTENCING AND COURTS BILL – PROPOSED LCM

Thank you for your letter of 10 September seeking further information on the proposed LCM.

In relation to the proposed provision on the use of audio and visual links in criminal proceedings, I can advise that after consideration of the options, we are no longer proposing to include this provision in the Westminster Bill.

Two legislative routes were initially identified which could facilitate the retention of powers for the courts and tribunals to continue to utilise remote hearings, even when the sunset clause within the Coronavirus Act 2020 takes effect on 25 March 2022. These were using the Police, Crime, Sentencing, and Courts (PCSC) Bill or a local route. The timing required to have fully resolved policy and instructions to Legislative Counsel made the feasibility of inclusion of any provisions within the PCSC Bill highly challenging.

Section 89(2) of the Coronavirus Act lists a number of exceptions to the sunset clause at s89(1). The whole of Part Two of the Act, which covers s85 to 102, is excepted. Section 89(9) and (10) provides Northern Ireland Departments with subordinate legislative powers to extend the period of time these provisions can have effect. It is recognised that where

such powers have been provided, it is preferable to use them rather than primary legislation. The Minister has concluded this is a preferable route. Section 90 provides for a six month extension of any selected provision and allows for the creation of more than one six month extension of the Schedule 27 provisions. This is important given the period required to bridge the gap between 25 March 2022 and completing the legislative process in the Assembly. This will allow the current arrangements to remain in place until a local legislative solution can be introduced to the Assembly and advanced to Royal Assent following the Assembly elections in May 2022.

You also sought information on the management of sex offenders, particularly when they move between different jurisdictions within the UK. I have also taken the opportunity of highlighting the arrangements that exist when they move between ROI and NI.

In essence the Public Protection Arrangements for Northern Ireland (PPANI) provide the framework for the management of sex offenders. These arrangements bring together a number of agencies including Probation, Police, Social Services, the Prison Service and the Housing Executive to provide effective assessment and management of risks posed by certain individuals convicted of sexual offences. Agencies work together to minimise the likelihood of people committing further offences and to protect the public from harm. The Multi Agency Public Protection Arrangements (MAPPA) provide the same processes in Scotland, England and Wales.

The Sexual Offences Act 2003 requires certain individuals who have been convicted of sexual offences to be subject to Notification Requirements with the police. Such individuals are required to notify if they change address, stay at another address for 7 days or more and if they are travelling outside of the UK for 3 days or more.

The Sexual Offences Act 2003 also introduced a number of civil preventative orders. These include Foreign Travel orders (which prohibit those convicted of sexual offences against children from travelling overseas); Risk of Sexual Harm Orders (which contain prohibitions restricting the activities of those involved in grooming children for sexual activity) and Sexual Offences Prevention Orders (which contain prohibitions restricting the activities of those who are at risk of causing serious sexual harm to members of the public).

There are situations where an individual convicted of sexual offences and subject to statutory supervision may seek or require to be transferred from one jurisdiction within the UK to another. The Probation Board for Northern Ireland (PBNI) has Practice Standards setting out the measures to be taken in advance of such transfers taking place to ensure that the risk posed by the individual can be safely managed. This involves the

completion of a report in respect of where the individual intends to live and the addition of requirements/prohibitions to manage their risk in the community.

If an individual managed under MAPPA in Scotland, England or Wales is accepted as a transfer by PBNI, links are made between MAPPA and PPANI and all relevant information shared and a risk management meeting convened to ensure all relevant information is shared so that individuals can be effectively supervised.

PBNI and the Probation Service Ireland have a Memorandum of Understanding on the sharing of information relating to individuals convicted of sexual offences who move between jurisdictions by providing a framework for the sharing of information and coordinating and strengthening the supervision and management of sex offenders in both jurisdictions.

If an individual moves jurisdiction without the approval of their Supervising Probation Officer, enforcement procedures are instigated.

I hope the Committee finds this information helpful.

CLAIRE McCORMICK DALO