



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

TUESDAY 23 JUNE 2020

Room 30, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Ms Sinéad Bradley MLA
Ms Jemma Dolan MLA*
Mr Gordon Dunne MLA
Mr Paul Frew MLA
Ms Rachel Woods MLA

*This Member attended the meeting via StarLeaf

Apologies: Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Peter Madine (Assistant Assembly Clerk)

The meeting commenced at 1:02 p.m. in open session.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Ms Rogan had delegated authority to Ms Dillon to vote on her behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Tuesday 16 June 2020.

3. Matters Arising

Committee Forward Work Programme

The Committee noted an updated Committee Forward Work Programme and the rescheduling of the Department of Justice written finance update to the meeting on Tuesday 30 June 2020.

Letter from the Minister of Justice regarding the Mental Health Provisions of the Coronavirus Act 2020

The Committee noted correspondence from the Minister of Justice advising of the intention of the Department of Health to “switch off” the mental health provisions of the Coronavirus Act 2020 which provided for reductions in the number of medical reports required by the court before healthcare disposals could be made and by the Department before prisoners could be transferred to psychiatric hospitals and that increased the timescales for admitting people to hospital as they are no longer needed.

Mr Frew joined the meeting at 1.07 p.m.

A Response from OFMdfM regarding Westminster Acts Containing Provisions on Devolved Matters yet to be commenced

The Committee considered a response from the First Minister and deputy First Minister indicating that, given the very limited number of cases, the unique circumstances in which these have arisen and that such circumstances are unlikely to arise again, they do not consider a specific mechanism is required to establish the views of, and consent from, the Assembly regarding the commencement of provisions in Westminster Acts relating to devolved matters.

Agreed: The Committee agreed to write to the Committee on Procedures highlighting the issue and asking it to consider the matter and whether there is a need for a mechanism to be put in place to establish the views of, and consent from, the Assembly regarding the commencement of provisions in Acts relating to devolved matters where, if the legislation had not already completed its passage through Westminster, a LCM would be required.

Agreed: The Committee agreed to write to the Committee for Finance highlighting a similar case that is likely to come before it, outlining the handling arrangements adopted by the Minister of Justice and providing a copy of the correspondence with the First Minister and deputy First Minister and the letter to the Committee on Procedures.

4. Counter-Terrorism (Sentencing and Release) Bill - Update

The Committee considered correspondence from the Minister of Justice providing an update on recent developments in relation to the Counter-Terrorism (Sentencing and Release) Bill and the proposed approach by the UK Government.

Agreed: The Committee agreed to request further information from the Minister of Justice on a range of issues relating to this matter.

5. Domestic Abuse and Family Proceedings Bill – Report of the Assembly Examiner of Statutory Rules on the Delegated Powers

The Committee noted the advice of the Assembly Examiner of Statutory Rules on the delegated powers in the Domestic Abuse and Family Proceedings Bill.

6. Domestic Abuse and Family Proceedings Bill – Up-date on Housing Issues and Paid Special Leave for Victims of Domestic Abuse

The Committee considered correspondence from the Minister of Justice providing an update from the Minister for Communities on a range of housing issues faced by domestic abuse victims and the Minister for the Economy on a proposal to provide paid special leave for victims of domestic abuse.

Agreed: The Committee agreed to consider the issues further in the context of the Domestic Abuse and Family Proceedings Bill.

7. SR 2020/93: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2020

The Committee considered SR 2020/93: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2020 which updates the list of police stations in Northern Ireland where convicted sex offenders can attend to notify the police of their personal details.

Agreed: The Committee considered SR 2020/93: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2020 and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

8. SL1: Human Rights Guidance for the PSNI and PPS on the Application of Section 5 of the Criminal Law Act (Northern Ireland) 1967 to Victims of Serious Sexual Offences and those to whom they make disclosures

The Committee considered a proposal by the Attorney General to make a Statutory Rule to bring into operation his Human Rights Guidance for the Public Prosecution Service and the PSNI to assist consideration of investigations into or prosecutions for the offence of failing to report a serious sexual offence under Section 5 of the Criminal Law Act (Northern Ireland) 1967 on 29 June 2020.

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

9. Proposals to Amend the Legislation Governing the Retention of DNA and Fingerprints in Northern Ireland – Targeted Consultation

The Committee considered information provided by the Department of Justice on a proposed six week targeted consultation on a package of biometric provisions which would amend Schedule 2 of the Criminal Justice Act (Northern Ireland) 2013 which makes statutory provision for a new framework for the retention and destruction of DNA and fingerprints taken from persons in connection with the investigation of an offence under the Police and Criminal Evidence (Northern Ireland) Order 1989.

Agreed: The Committee agreed to request further information and advise the Department that a full public consultation with normal timescales should be undertaken on the proposed changes to the retention and destruction of DNA and fingerprints unless there is an overriding rationale for a targeted consultation.

10. Correspondence

- i. The Committee considered correspondence from the Committee for Health regarding the enforcement of the Health Protection (Coronavirus Restrictions) Regulations by the PSNI.

Agreed: The Committee agreed to respond to the Committee for Health advising that the NI Policing Board has responsibility for scrutiny of operational policing matters and suggesting it may wish to write to the Board on the issues.

The Chairperson advised Members that a briefing by the Chief Constable and senior officers on policing priorities and policy issues would be scheduled into the Forward Work Programme.

The Committee noted the following:

- ii. A copy of a letter from the Committee for the Economy to the Minister of Justice regarding the need for partnership to rebuild the economy in Northern Ireland following the Covid-19 crisis.
- iii. Correspondence from the Committee for the Economy regarding a House of Lords International Agreements Sub-Committee Inquiry into UK-US Trade Negotiations.
- iv. A copy of a response from the Department of Justice to the Committee for Education providing information it had requested on the Special Educational Needs and Disability Tribunal.

11. Chairperson's Business

The Chairperson advised the Committee that he and the Deputy Chairperson had accepted an invitation to participate in a virtual meeting with the House of Lords European Union Committee to discuss scrutiny of the Protocol on Ireland/Northern Ireland and other topical issues arising from the UK withdrawal from the EU.

12. Any Other Business

None.

13. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 25 June 2020 at 10.00 a.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 1.37 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice

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