



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 10 SEPTEMBER 2020

Senate Chamber, 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 Emma Rogan MLA
Ms Rachel Woods MLA

* This Member attended the meeting via video conferencing.

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)
Mr Peter Madine (Assistant Assembly Clerk)
Mrs Allison Mealey (Clerical Officer)

The meeting commenced at 10.05 a.m. in public session.

1. Apologies

There were no apologies.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 3 September 2020.

3. Matters Arising

Item 1 – Domestic Abuse and Family Proceedings Bill – Informal Meetings and Summary of submissions received from individuals

The Committee noted the notes of three informal meetings with individuals which were held in June to discuss their experiences of domestic abuse to help the Committee's consideration of the Domestic Abuse and Family Proceedings Bill. The Committee also noted a summary of the key issues raised in written submissions from individuals in response to the Committee's call for evidence on the Bill.

Item 2 – Forward Work Programme - September 2020

The Committee noted the Forward Work Programme for September 2020.

Agreed: The Committee agreed to advise the Clerk of any issues that they wished to raise with the Chief Constable in addition to EU Exit justice related issues in advance of the oral evidence session scheduled for 24 September 2020.

4. Domestic Abuse and Family Proceedings Bill – Informal Deliberations

The Committee considered the clauses of the Domestic Abuse and Family Proceedings Bill and additional information provided by the Department of Justice in relation to clauses 3, 8, and 9 and potential amendments to clauses 11, 22 and 26 following the oral evidence session with officials on 3 September 2020.

Agreed: The Committee agreed to request additional information/clarification from the Department of Justice in relation to clauses 1, 5, 9, 13, 22 and 26.

Agreed: The Committee agreed to consider a potential amendment to clause 9 to strengthen it.

Agreed: The Committee agreed to defer consideration of Clauses 11 and 17 until the wording of the proposed amendment to child protection provisions currently being discussed with the Department of Health is available.

Agreed: The Committee agreed to consider the additional information provided by the Department in relation to Clauses 22 and 26 at the meeting on 17 September and to request that the Department provides the wording of the proposed amendment to require court rules to make specific provision in relation to special measures in family and civil proceedings for victims of domestic abuse and other offences as soon as possible.

Mr Dunne left the meeting at 11.42 a.m.

Agreed: The Committee agreed to consider a possible amendment to clause 25(1) to change ‘may’ to ‘will’ or ‘must’ in relation to the provision of guidance by the Department.

The Committee agreed that the meeting would move into closed session to receive advice from the Assembly Bill Clerk on the Domestic Abuse and Family Proceedings Bill in accordance with normal protocol.

The meeting moved into closed session at 11.56 a.m.

Ms Stephanie Mallon, Assembly Bill Clerk, attended the meeting to provide advice on the Domestic Abuse and Family Proceedings Bill and potential amendments to clauses 9 and 25.

Agreed: The Committee agreed that the Department should be asked to confirm whether the Minister is content to bring forward amendments to clauses 9 and 25 to address the concerns of the Committee and if so to provide the text of the draft amendments as soon as possible.

Agreed: The Committee agreed that the Bill Clerk should also provide draft amendments to clauses 9 and 25 for its consideration.

The Chairperson thanked Ms Mallon for her advice and she left the meeting.

The meeting moved into public session at 12.16 p.m.

Ms Rogan left the meeting at 12.16 p.m.

5. SL1: Draft Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2020

The Committee considered a proposal to make a Statutory Rule under section 14(7) of the Justice Act (Northern Ireland) 2016 to add Universal Credit to the list of benefits from which payments can be taken under the system of collection and enforcement of unpaid fines and other financial penalties introduced by Part 1 of the Act.

Agreed: The Committee agreed to request further information from the Department of Justice on the legislative safeguards in place regarding the level of deductions that can be made; the position if other deductions from benefits are being made, for example to repay loans; and the criteria used to evidence hardship.

Ms Rogan rejoined the meeting at 12.19 p.m.

6. PSNI Retention and Disposal Schedule

The Committee considered the PSNI Retention and Disposal Schedule which is required to be laid before the Northern Ireland Assembly under Section 8(2) of the Public Records Act (Northern Ireland) 1923, and in accordance with the Rules of the Disposal of Documents Order 1925, by the Public Records Office of Northern Ireland. The Schedule specifies the minimum requirements for the retention and disposal of PSNI records and information.

Agreed: The Committee agreed to request confirmation that the Northern Ireland Policing Board has seen the PSNI Retention and Disposal Schedule and any views/comments the Board made.

7. Use of Live Link Technology for Police Detention/Interviews – Results of the Targeted Consultation and Proposed Way Forward

The Committee considered further information provided by the Department of Justice in response to the concerns it raised regarding the Department's intention to proceed with the use of live links technology for police interviews given the number of respondents to the consultation that objected to its use, and the request for information on what equality screening of the proposals had been undertaken.

Agreed: The Committee agreed to request information from the Department on the views of the organisations on the proposed safeguards and whether they mitigated the concerns they had raised.

8. Legal Aid Update on progress to implement Northern Ireland Audit Office and Public Accounts Committee recommendations

The Committee considered an update from the Department of Justice on work that has been undertaken by the Legal Services Agency to address Northern Ireland Audit Office and Public Accounts Committee recommendations and the qualifications to the Agency Annual Accounts.

Agreed: The Committee agreed to request further information on a number of issues and to consider scheduling an oral evidence session when the additional information is received.

9. Penalty Notices for Disorder – Changes to Departmental Guidance

The Committee considered a letter from the Minister of Justice advising that she has approved a revision of the Department of Justice's guidance in relation to the Penalty Notice Scheme introduced in the 2011 Justice Act to extend the use of Penalty Notices for Disorder.

Agreed: The Committee agreed to request further information from the Department on the views of Victim Support NI on the revisions and clarification of the date from which the new thresholds will apply.

10. Closure of Covid-19 Interim Payment Scheme for Legal Aid Suppliers

The Committee noted information provided by the Department of Justice on the Covid-19 Interim Payment Scheme for suppliers of legal aid work and the rationale for the decision to close the Scheme, without any extension, on 7 August 2020.

11. Recruitment and Retention Allowances for County Court Judges

The Committee noted information provided by the Department of Justice on the position regarding the payment of a recruitment and retention allowance to eligible County Court Judges in Northern Ireland for the financial year 1 April 2019 to 31 March 2020 in accordance with the Lord Chancellor's determination, which will require approval from the Executive Office given the lack of a statutory basis for the Department to make the payments.

12. Correspondence

- i. The Committee considered an update from the Department of Justice on the development of an action plan to address the findings and recommendations of the Criminal Justice Inspection Northern Ireland Report on Child Sexual Exploitation.

Agreed: The Committee agreed to consider scheduling an oral evidence session when the action plan is received.

- ii. The Committee considered a proposal from the Northern Ireland Judicial Appointments Commission to reschedule the engagement event planned for May 2020 but postponed due to Covid-19 restrictions to May/June 2021.

Agreed: The Committee noted the new timescale for the event and agreed it was content to receive further details in due course.

The Committee noted the following

- iii. The Investment Strategy Northern Ireland – Department of Justice's Procurement Activity Report August 2020.
- iv. A response from the Department of Justice providing further information on its five-year Digital Justice Strategy.

13. Chairperson's Business.

None.

14. Any Other Business

- i. The timing of the weekly Committee meeting was raised and the Committee noted that the Chairperson's Liaison's Group would be considering the scheduling of all committee meetings at its next meeting.
- ii. The difficulties that students of the Institute of Professional Legal Studies are facing in securing placements at law firms due to the consequences of the Covid-19 pandemic was raised.

Agreed: The Committee agreed to write to the Minister of Justice regarding what action can be taken by the Department of Justice and others to resolve this issue.

15. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 17 September 2020 at 10.00 a.m. in Room 29, Parliament Buildings.

The meeting was adjourned at 1.08 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice