



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

27 May 2021

Meeting Location: The Senate Chamber, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Mr Paul Frew MLA

Ms Rachel Woods MLA

Apologies: Mr Gordon Dunne MLA

Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Clairita Frazer (Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)



Northern Ireland
Assembly

In Attendance by Video or Teleconference:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 11:02 a.m. in open session.

Agreed: The Committee agreed that the oral evidence sessions on the Damages (Return on Investment) Bill and the Protection from Stalking Bill should be reported by Hansard.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Gordon Dunne MLA had delegated authority to the Chairperson, Paul Givan MLA, to vote on his behalf, Emma Rogan MLA had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf and Jemma Dolan had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf during any absence during the Committee meeting.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 20 May 2021, subject to one typographical amendment.



Northern Ireland
Assembly

3. Matters Arising

Item 1 – Damages (Return on Investment) Bill – Response from the Department of Justice

The Committee noted a response from the Department of Justice to its request for an update on engagement with the Department of Finance on the issue of costs relating to the Damages (Return on Investment) Bill and whether Treasury would provide access to the Reserve.

Item 2 – Committee Forward Work Programme for May and June 2021

The Committee noted an updated Forward Work Programme that reflected the work items agreed at the meeting on 20 May.

The Chairperson advised the Committee that the Business Committee had agreed that the Assembly summer recess would commence on 10 July therefore a committee meeting would now be scheduled on Thursday 8 July 2021.

4. Damages (Return on Investment) Bill – Oral Evidence from Health and Social Care NI

The Committee noted a paper setting out potential issues it may wish to explore during the oral evidence sessions on the Damages (Return on Investment) Bill.

The following representatives from Health and Social Care NI joined the meeting via StarLeaf at 11:06 a.m.

Mr Alphy Maginness, Chief Legal Adviser, Directorate of Legal Services,
Health and Social Care Northern Ireland

Mr Mark Harvey, Assistant Chief Legal Adviser, Directorate of Legal Services,
Health and Social Care Northern Ireland



Northern Ireland Assembly

Mr Maginness and Mr Harvey outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to write to the Minister of Health to ask what consideration has been given to a State-backed Indemnity Scheme for General Practitioners in Northern Ireland.

Agreed: The Committee agreed to write to the Department of Justice regarding Periodical Payment Orders as a method of compensation.

5. Damages (Return on Investment) Bill – Oral Evidence from the Medical Defence Union

The following representatives from the Medical Defence Union joined the meeting via StarLeaf at 11:53 a.m.

Dr Matt Lee, Executive Director, Professional Services, Medical Defence Union

Mr Thomas Reynolds, Head of Governmental & External Relations, Medical Defence Union

Dr Lee and Mr Reynolds outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

The oral evidence was followed by a question and answer session.



Northern Ireland
Assembly

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance.

6. Damages (Return on Investment) Bill – Oral Evidence from the British Medical Association Northern Ireland General Practitioners Committee

The following representative from the British Medical Association Northern Ireland General Practitioners Committee joined the meeting via StarLeaf at 12:38 p.m.

Dr Alan Stout, Chair of BMA Northern Ireland General Practitioners Committee (NIGPC), British Medical Association (NI)

Dr Stout outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate relating to GPs in Northern Ireland.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked Dr Stout for his attendance.

7. Protection from Stalking Bill – Oral Evidence from La Dolce Vita Project

The following representatives from La Dolce Vita Project joined the meeting via StarLeaf at 12:53 p.m.

Donna-Maria Logue, Founder & Director of Services, La Dolce Vita Project
Andrea O'Hagan, La Dolce Vita Project



Northern Ireland
Assembly

Ms Logue and Ms O'Hagan outlined a number of key issues in relation to the provisions of the Protection from Stalking Bill and highlighted a number of areas not currently covered in the Bill.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to write to the Department of Justice to ask what level of consultation it carries out with disability representative groups to ensure there is appropriate access to Department of Justice information and in particular on legislation for persons with disabilities.

Agreed: The Committee agreed to follow-up this issue with other Statutory Committees.

The meeting was suspended at 1:29 p.m. and resumed at 2:04 p.m.

Present: Mr Paul Givan MLA (Chairperson)

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Ms Sinéad Bradley MLA

Mr Paul Frew MLA

Ms Rachel Woods MLA



Northern Ireland Assembly

Agreed: The Committee agreed to consider agenda items 10, 11 and 12 before the oral evidence session at agenda item 8.

8. Damages (Return on Investment) 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 Damages (Return on Investment) Bill.

9. Police, Crime, Sentencing and Courts Bill - Proposed Legislative Consent Motion

The Committee considered responses from the Department of Justice and the Independent Commission for the Location of Victims' Remains (ICLVR) on the views of the Northern Ireland Human Rights Commission and Attorney General on potential implications of the provisions in the Police, Crime, Sentencing and Courts Bill that may be extended to Northern Ireland by way of a Legislative Consent Motion.

Agreed: The Committee agreed to ask the Department of Justice for details of any engagement either it or the Home Office has had with the Northern Ireland Office and the Department of Justice (Ireland) on the powers to seize evidence relating to the location of human remains outside of a criminal investigation in the Police, Crime, Sentencing and Courts Bill including the potential implications on the work of the ICLVR and whether there is a possibility of overlap in jurisdiction.

Agreed: The Committee agreed to forward the Department of Justice response to the Northern Ireland Human Rights Commission for its further views and comments.



Northern Ireland
Assembly

10. SR: The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021

The Committee considered SR The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021 which will remove the multiple conviction rule by which AccessNI is required to automatically disclose all convictions where an applicant has more than a single conviction held on their criminal record and bring the filtering scheme into line with a UK Supreme Court judgement.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule

Agreed: The Committee for Justice considered Draft Statutory Rule: The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

11. Protection from Stalking Bill – Oral Evidence from the Law Society of Northern Ireland

The following representative from the Law Society of Northern Ireland joined the meeting via StarLeaf at 2:13 p.m.

Mr Brian Archer, Law Society of Northern Ireland

Mr Archer outlined a number of key issues in relation to the provisions of the Protection from Stalking Bill and highlighted a number of issues regarding implementation of the legislation.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked Mr Archer for his attendance.



Northern Ireland
Assembly

12. Protection from Stalking Bill – Oral Evidence from The Women’s Policy Group Northern Ireland

The following representatives from the Women’s Policy Group Northern Ireland representing a range of women sector groups and LGBTQI+ groups joined the meeting via StarLeaf at 2:49 p.m.

Ms Rachel Powell, Women's Sector Lobbyist, Women's Resource and Development Agency

Ms Elaine Crory, Representative, Women's Resource and Development Agency

Ms Powell and Ms Crory outlined the results of the primary research undertaken by the Group on the experiences of victims of stalking and highlighted a number of key issues in relation to the provisions of the Protection from Stalking Bill.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

Ms Jemma Dolan MLA joined the meeting at 2:57 p.m.

Agreed: The Committee agreed to refer the research findings in relation to Clare’s Law to the Department of Justice for a response on how it intends to address the issues raised.

Ms Rachel Woods MLA left the meeting at 3:19 p.m.

The Chairperson thanked the representatives for their attendance.

13. SL1: The Disclosure of Victims’ and Witnesses’ Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule to add the new advocacy support service for victims of domestic and sexual abuse to the prescribed list of



Northern Ireland Assembly

bodies with whom the PSNI can share relevant information about victims of domestic and sexual crimes for the purpose of providing support services.

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

Agreed: The Committee agreed to write to the Department of Justice regarding the need for the voluntary organisations involved in the delivery of support services to have access to adequate and recurring funding.

14. Department of Justice Budget 2021-22 - Committee Draft Response

The Committee considered a draft Committee response on the Department of Justice 2021-22 final Budget allocation.

Agreed: The Committee agreed the response as drafted and to submit it to the Committee for Finance.

Agreed: The Committee agreed to send a copy of the response to the Minister of Justice and the Assembly Research Services for information.

Agreed: The Committee agreed to seek clarification regarding the position in relation to funding for the separated regime within the Northern Ireland Prison Service.

15. Digital Justice Strategy 2020-2025 - Progress Update

The Committee noted an update provided by the Department of Justice on progress to deliver the Year 1 priority projects within the Digital Justice Strategy 2020-25.

Agreed: The Committee agreed to advise the Department of Justice that it wishes to continue to receive regular updates on progress and information on any changes or additions made to the Strategy.



Northern Ireland Assembly

16. Implementation of Standard Legal Aid Fees in Public and Private Family Law Cases - Proposed Consultation

The Committee considered information provided by the Department of Justice on a proposed consultation on the introduction of standard legal aid fees in public and private family law cases.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results and proposed way forward are available.

17. Correspondence

- i. The Committee considered a response from the Department of Justice regarding the scoping work, analysis and public consultations undertaken in relation to possible departmental amendments to the Justice Bill.

Agreed: The Committee agreed to request a timeframe for the Justice Bill from the Minister of Justice.

- ii. The Committee considered a response from the Department for Justice providing information on the planned actions to implement the outstanding recommendations highlighted in the Criminal Justice Inspection Northern Ireland (CJINI) Report of the Follow-Up Review on the Implementation of the Recommendations in the Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System.

Agreed: The Committee agreed to request details of the resources being targeted/allocated to ensure actions to deliver the recommendations are progressed and an update on progress to implement the report recommendations in six-months' time.



Northern Ireland Assembly

- iii. The Committee considered a response from the Department of Justice to several of the recommendations in the Northern Ireland Affairs Committee (NIAC) report on Cross Border Cooperation on Policing Security and Criminal Justice after Brexit.

Agreed: The Committee agreed to request the Department's response to the other conclusions and recommendations in the report and how it will ensure that Northern Ireland's interests are recognised.

- iv. The Committee considered correspondence from the Committee for Finance on the establishment of an independent Fiscal Council for Northern Ireland and the potential role and powers for such a Council.

Agreed: The Committee agreed that Members should forward any views to the Clerk to enable a draft response to be prepared for consideration at the meeting on 3 June 2021.

The Committee noted the following:

- v. Notification of the publication of a Report providing a summary of responses to the public consultation on the Development of an Adult Restorative Justice Strategy for Northern Ireland by the Department of Justice.
- vi. An update in relation to the scheduling of a roundtable event to be hosted by the NI Judicial Appointments Commission on its strategy and objectives for the next five years.

18. Chairperson's Business

None.

19. Any Other Business

None.



Northern Ireland
Assembly

20. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 3 June 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 3:33 p.m.

Paul Givan MLA

Chairperson, Committee for Justice

3 June 2021