



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

16 September 2021

Meeting Location: Senate Chamber, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Mr Peter Weir MLA

Present by Video or Teleconference:

Ms Sinéad Ennis MLA (Deputy Chairperson)

Ms Jemma Dolan MLA

Mr Robin Newton MLA

Ms Rachel Woods MLA

Apologies: Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)



Northern Ireland
Assembly

In Attendance by Video or Teleconference:

Mrs Clairita Frazer (Assistant Clerk)

Mrs Allison Mealey (Clerical Officer)

The meeting commenced at 2:01 p.m. in open session.

Agreed: The Committee agreed that the oral evidence session should be reported by Hansard.

The Chairperson, Mervyn Storey MLA, welcomed Sinéad Ennis MLA to her first meeting as Deputy Chairperson of the Committee.

The Chairperson again placed on record the Committee's appreciation of the work carried out in the Committee by the previous Deputy Chairperson, Linda Dillon MLA, since its establishment in January 2020.

1. Apologies

As above.

Robin Newton MLA joined the meeting at 2:04 p.m.

The Chairperson informed the Committee that, under Standing Order 115(6), Emma Rogan MLA had delegated authority to Sinéad Ennis MLA to vote on her behalf. Jemma Dolan MLA had indicated that she would have to leave the meeting early and had also delegated authority to Sinéad Ennis MLA to vote on her behalf in her absence.



Northern Ireland
Assembly

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 9 September 2021.

3. Matters Arising

Item 1 – Further Response from the Department of Justice on the Review of Hate Crime Legislation in Northern Ireland

The Committee noted a further response from the Department of Justice providing additional information on a range of issues relating to the Review of Hate Crime legislation in Northern Ireland following the oral evidence session with Judge Marrinan on 8 July 2021.

Agreed: The Committee agreed to request clarification regarding the funding position and length of contract for the Hate Crime Advisory Service from the Department of Justice.

Agreed: The Committee agreed that the oral evidence session with officials from the Department of Justice Hate Crime Unit on the implementation of the Review findings and recommendations should be scheduled in December 2021.

Peter Weir joined the meeting at 2:08 p.m.

Item 2 – Committee Forward Work Programme - September 2021

The Committee noted an updated Committee Forward Work Programme for September and early October reflecting the changes agreed at last week's meeting.



Northern Ireland Assembly

Item 3 – Justice (Sexual Offences and Trafficking Victims) Bill

The Chairperson advised the Committee that the Committee Stage of the Justice (Sexual Offences and Trafficking Victims) Bill had commenced on 14 September 2021 and the closing date for submissions to the Committee’s Call for Evidence was 24 September 2021.

The Committee noted the comments made by the Minister of Justice during the Second Stage debate on the Bill regarding the elements that had been removed from the Bill prior to its introduction featuring in a new Miscellaneous Provisions Bill early in the next mandate if non-legislative solutions cannot be identified in the meantime.

Agreed: The Committee agreed to request details of the nature of the work being undertaken on this, what it covers and the associated timescales from the Department of Justice.

Item 4 – Troubles Permanent Disablement Payment Scheme

The Chairman advised the Committee that a meeting would take place in the near future between the Clerk to the Committee and the Clerk to the Committee for the Executive Office regarding where responsibility lies for various aspects of the Troubles Permanent Disablement Payment (TPDP) Scheme and an update would be provided next week.

Agreed: The Committee agreed to request information on what work is being carried out to raise awareness of the TPDP Scheme with those eligible to apply who live outside Northern Ireland and details of the number of applications received to date including a breakdown of how many are from people from Northern Ireland and how many from people outside Northern Ireland.



Northern Ireland
Assembly

4. Proposals for a New Victim and Witness Strategy and the Establishment of a Victims of Crime Commissioner for Northern Ireland - Results of the Consultations and Proposed Way Forward

The following officials joined the meeting via StarLeaf at 2:13 p.m.

Julie Wilson, Deputy Director, Victim Support and Judiciary Division,
Department of Justice

Amanda Logan, Grade 7, Victim Support and Judiciary Division, Department
of Justice

Debbie Corry, Deputy Principal, Victim Support and Judiciary Division,
Department of Justice

The officials provided an overview of the results of the consultations and proposed way forward in relation to a new Victim and Witness Strategy and the Establishment of an Interim Victims of Crime Commissioner for Northern Ireland.

Sinéad Bradley MLA joined the meeting at 2:50 p.m.

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

The oral evidence session was reported by Hansard.

Jemma Dolan MLA left the meeting at 3:22 p.m.

The Chairperson thanked the officials for their attendance.



Northern Ireland Assembly

Agreed: The Committee agreed that it was content with the proposed Victims and Witness Strategy.

Agreed: The Committee agreed to request further information on a number of issues discussed in relation to the advertisement and the Commissioner designate post.

5. SR 2021/211 The Northern Ireland Police Fund (Amendment) Regulations 2021

The Committee considered SR 2021/211 The Northern Ireland Police Fund (Amendment) Regulations 2021 which will amend the Northern Ireland Police Fund Regulations 2016 to ensure compliance with the judgement in *McKee & Others vs the Charity Commission* and provide that the Board of the Police Fund may delegate any of its functions to a committee of the Board or to one or more members of the Board or its staff.

The Committee noted that the Examiner of Statutory Rules had indicated that she had no issues to raise with regard to the technical aspects of the Rule.

Agreed: The Committee considered SR 2021/211 The Northern Ireland Police Fund (Amendment) Regulations 2021 and had no objection to the Rule.

6. SR 2021/212 The Police Rehabilitation and Retraining Trust (Amendment) Regulations (Northern Ireland) 2021

The Committee considered SR 2021/212 The Police Rehabilitation and Retraining Trust (Amendment) Regulations (Northern Ireland) 2021 which will amend the Police Rehabilitation and Retraining Trust (Northern Ireland) 2014 Regulations to ensure compliance with the judgement in *McKee & Others vs the Charity Commission* and provide that the Board of the Police Rehabilitation and Retraining Trust may delegate any of its functions to a committee of the Board or to one or more members of the Board or its staff.



Northern Ireland Assembly

The Committee noted that the Examiner of Statutory Rules had indicated that she had no issues to raise with regard to the technical aspects of the Rule.

Agreed: The Committee considered SR 2021/212 The Police Rehabilitation and Retraining Trust (Amendment) Regulations (Northern Ireland) 2021 and had no objection to the Rule.

7. SL1: The Proposed Crown Court and Magistrates' Court (Amendment) Rules (Northern Ireland) 2022 – Domestic Abuse Proceedings

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to make amendments to the Crown Court and Magistrates' Court Rules relating to the new domestic abuse offence or any other offence aggravated by domestic abuse created in the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. The amendments will make it clear that the nature of the personal connection should be stated in any notice served by the prosecutor under section 6 or 19 and that, in respect of a challenge, the defence should reply by a prescribed format. The Rules will also make it clear that objections should be heard during the course of the trial unless the trial judge formally directs otherwise.

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

8. SL1: The Magistrates' Courts (Civil Jurisdiction and Judgments Act 1982) (Amendment) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to reinsert provisions in the Magistrates' Courts Rules supporting the procedure for maintenance applications under the Lugano Convention, such as recognition and enforcement of maintenance orders, which were omitted in court rule amendments made when the UK left the Convention on its withdrawal from the EU.



Northern Ireland Assembly

The Committee noted further information from the Department of Justice regarding when the outcome of the UK's application to re-join the Lugano Convention would be available and the rationale for bringing forward this rule before the outcome of the application is known

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

9. SL1: The Crown Court (Amendment No. 2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to reinsert provisions in the Crown Court Rules in respect of referrals to the Court of Justice of the EU in certain limited circumstances which were omitted in amendments made in preparation for withdrawal from the EU.

The Committee noted further information from the Department of Justice on the circumstances under which the Crown Court may make referrals to the Court of Justice of the EU.

Some Members indicated that they were not content with the proposal for the Statutory Rule however this was not the view of all Members.

The Committee did not have a unanimous view on the proposal for the Statutory Rule.

10. SL1: The Court of Judicature (Amendment No. 2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, subject to the negative resolution procedure, to reinsert provisions in the Court of Judicature Rules that govern the practice and procedure in the High Court and Court of Appeal supporting the procedure for applications under the Lugano Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, which were omitted in court rule amendments made when the UK left the Convention on its



Northern Ireland Assembly

withdrawal from the EU, and in respect of referrals to the Court of Justice of the EU which were omitted in amendments made in preparation for withdrawal from the EU and which are required for certain limited circumstances.

The Committee noted further information from the Department of Justice on the circumstances under which the High Court and the Court of Appeal may make referrals to the Court of Justice of the EU.

Some Members indicated that they were not content with the proposal for the Statutory Rule however this was not the view of all Members.

The Committee did not have a unanimous view on the proposal for the Statutory Rule.

11.SL1: The County Court (Amendment No. 2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which will be subject to the negative resolution procedure, to reinsert provisions in the County Court Rules that govern the practice and procedure supporting the procedure for applications under the Lugano Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, which were omitted in court rule amendments made when the UK left the Convention on its withdrawal from the EU and in respect of referrals to the Court of Justice of the EU which were omitted in amendments made in preparation for withdrawal from the EU and which are required for certain limited circumstances.

The Committee noted further information from the Department of Justice on the circumstances under which the County Court may make referrals to the Court of Justice of the EU.

Some Members indicated that they were not content with the proposal for the Statutory Rule however this was not the view of all Members.

The Committee did not have a unanimous view on the proposal for the Statutory Rule.



Northern Ireland
Assembly

**12. Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 -
Implementation of Section 28 (Domestic Abuse Waiver for Legal Aid) -
Update**

The Committee considered a further update from the Department of Justice on implementation of the Domestic Abuse Waiver for Legal Aid which indicated that the waiver for legal aid for victims of domestic abuse in responding to Article 8 Children Order proceedings will be commenced at the same time as the domestic abuse offence and provided further information on stakeholder engagement being undertaken to consider the evidential test.

Agreed: The Committee agreed to request additional information on a range of issues and a further update paper from the Department of Justice in January 2022.

Peter Weir MLA left the meeting at 3:51 p.m.

**13. Department of Justice 2021-22 June Monitoring Round and 2020-21
Provisional Outturn – Update**

The Committee considered further information provided by the Department on the funding pressures in the current financial year and the information gathering exercise for the Budget 2022-25 process.

The Committee noted that the Department of Justice's submission to the Department of Finance on the 2022-25 Budget Information Gathering exercise had been received and would be considered at the Committee meeting on 30 September 2021 when departmental officials would attend to discuss this process and the October Monitoring Round position.

Agreed: The Committee agreed to write to both the Department of Justice and Department of Finance regarding the financial impact and potential pressures arising from changes to the Personal Injury Discount Rate.



Northern Ireland Assembly

Peter Weir MLA rejoined the meeting at 3:57 p.m.

14. Youth Justice Issues including the Development of a Joint Secure Care and Justice Campus – Update

The Committee considered responses from the Department of Justice on specific concerns raised by the Committee and the Children's Commissioner in her assessment of the NI Audit Office Report on Managing Children who offend – a Follow-Up Review and to the issues and concerns raised in relation to youth justice in general and the development of a secure care and justice campus by children's organisations as well its position in relation to a research report charting the implementation of the Youth Justice Review recommendations with a specific focus from 2015 onwards.

Agreed: The Committee agreed to request further information and clarification from the Department of Justice on a number of issues.

Agreed: The Committee agreed to forward a copy of the response from the Department of Justice to the issues and concerns raised in relation to youth justice in general and the development of a secure care and justice campus to the Children's organisations who attended the informal meeting with Members on 5 July 2021.

Agreed: The Committee agreed to forward a copy of both responses from the Department of Justice to the Children's Commissioner for information and any further views/comments she may wish to provide.

Agreed: The Committee agreed to request a written update on progress on the development of the secure care and justice campus in January 2022.



Northern Ireland
Assembly

15. Report into the Legislative Error in the Sexual Offences (Northern Ireland) Order 2008 - Update on Implementation of the Recommendations

The Committee noted an update provided by the Department of Justice on progress to implement three recommendations in the Report into the Legislative Error in the Sexual Offences (Northern Ireland) Order 2008, relevant to the Police Service of Northern Ireland, the Public Prosecution Service and the Office of the Lord Chief Justice and a copy of the enhanced guide to tackling recurring policy issues in legislation published by the Office of Parliamentary Counsel.

16. Committee Forward Work Programme - October to December 2021

The Committee considered a list of items of business that the Department of Justice intends to bring forward before the end of the year and the indicative timescales.

Agreed: The Committee agreed to schedule the work items requested by the Department of Justice in October.

Agreed: The Committee agreed to schedule an oral evidence session with departmental officials to discuss the issues raised in the evidence received on the Protection from Stalking Bill on Thursday 14 October 2021.

Agreed: The Committee agreed to give further consideration to the capacity to schedule work items outlined by the Department for November and December once oral evidence sessions on the Justice (Sexual Offences and Trafficking Victims) Bill have been agreed.

17. Correspondence

- i. The Committee considered a response from the Minister of Justice on a number of issues relating to the Northern Ireland Courts and Tribunals Service (NICTS) including information on the NICTS Estate Strategy and good practice adopted during the Covid-19 pandemic.



Northern Ireland
Assembly

Agreed: The Committee agreed to request further information regarding the position relating to remote hearings in criminal courts if the Covid Regulations or the arrangements under the Coronavirus Act 2020 were to be discontinued or repealed and what contingency plans are in place to deal with the situation.

- ii. The Committee considered a response from the Department of Justice on the Financial Reporting (Departments and Public Bodies) Bill.

Agreed: The Committee agreed to forward the response to the Committee for Finance.

- iii. The Committee considered the Official Statistics bulletin: “Case Processing Time for Criminal Cases Dealt with at Courts in Northern Ireland in 2020/21”.

Agreed: The Committee agreed to request a briefing paper from the Department of Justice setting out further details on the current processing times for each stage of criminal cases and what new actions are being taken or being considered given the scale of the delays.

- iv. The Committee considered a response from the Department of Justice detailing progress to review the status and governance arrangements for the Probation Board in accordance with strategic recommendation one in the Criminal Justice Inspection Northern Ireland Report on Probation Practice in Northern Ireland.

Agreed: The Committee agreed to request an update from the Department of Justice on any views or conclusions the Review of Arm’s Length Bodies has reached in respect of other justice bodies.

- v. The Committee considered correspondence from JMK Solicitors regarding a Department of Justice consultation on whether there is a need for legislation to require court approval for all legal cases involving an award of damages to minors and the form the legislation may take.

Agreed: The Committee agreed to ask the Department of Justice when the results of the consultation will be available and the impact of this on any legislative change as a result of the Damages (Return on Investment) Bill.



Northern Ireland
Assembly

The Committee noted the following:

- vi. Responses from the Minister of Justice and Department of Justice providing additional information following the oral evidence session with officials from the Tackling Paramilitary Activity, Criminality and Organised Crime Team at the meeting on 1 July 2021.
- vii. A response from the Department of Justice providing further information and clarification on the Operation Encompass pilot project.
- viii. A response from the Department of Justice providing further information following the oral evidence session with officials on the action plan to address the findings and recommendations of the Criminal Justice Inspection Northern Ireland Report on Child Sexual Exploitation in NI.
- ix. A response from the Department of Justice confirming the allocation of capital funding to the Police Retraining and Rehabilitation Trust to assist in delivering the recommendations arising from the Review of Support Services for Retired Prison Staff.
- x. An update from the Probation Board of Northern Ireland on progress to deliver the action plan to address the recommendations in the Criminal Justice Inspection Report on Probation Practice in Northern Ireland.
- xi. A response from the Committee for Agriculture, Environment and Rural Affairs providing an update on the legislative proposals to address anti-social behaviours that fall within the remit of the Department of Agriculture, Environment and Rural Affairs.
- xii. Correspondence from the Committee for Finance on its consideration of an EU Regulation pertaining to electronic systems for the exchange and storage of import/export information.
- xiii. Pivotal Public Policy Forum Report: Pivotal Tracker – Policy Priorities for Northern Ireland.



Northern Ireland
Assembly

18. Chairperson's Business

None.

19. Any Other Business

Item 1 – Research Paper on Online Trolling and Abuse

An update on the current position regarding the research paper commissioned by the Committee on Online Trolling and Abuse in the context of the Protection from Stalking Bill was provided to Members.

Item 2 – CJINI Review of Care and Supervision Units in the NI Prison Service

The review of the Care and Supervision Units in the NI Prison Service being undertaken by Criminal Justice Inspection Northern Ireland at the request of the Minister of Justice was raised.

Agreed: The Committee agreed to request an update on the timescale for the completion of the Review and the publication of the Report.

20. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 23 September 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4:11 p.m.



Northern Ireland
Assembly

Mervyn Storey MLA
Chairperson, Committee for Justice
23 September 2021