



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

23 September 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)
Ms Sinéad Ennis MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Mr Peter Weir MLA

Present by Video or Teleconference:

Ms Sinéad Bradley MLA
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 Clairita Frazer (Assistant Clerk)



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In Attendance by Video or Teleconference:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Mrs Allison Mealey (Clerical Officer)

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

Agreed: The Committee agreed that the Committee's Informal Deliberations on the Damages (Return on Investment) Bill should be reported by Hansard.

1. Apologies

As above.

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.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 16 September 2021, subject to one amendment to correct a typographical error.



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3. Matters Arising

Item 1 – Examiner of Statutory Rules Report

The Committee noted the Examiner of Statutory Rules Second Report published on 17 September 2021 which was relevant to SR 2021/211 The Northern Ireland Police Fund (Amendment) Regulations 2021 and SR 2021/112 The Police Rehabilitation and Retraining Trust (Amendment) Regulations (Northern Ireland) 2021.

Item 2 – Committee Forward Work Programme - September and October 2021

The Committee noted an updated Committee Forward Work Programme for September and October 2021 reflecting the changes agreed at last week's meeting.

Item 3 – Troubles Permanent Disablement Payment Scheme

The Chairperson updated the Committee on the discussions taking place to establish where responsibilities lie in relation to the Troubles Permanent Disablement Payment Scheme between the Department of Justice and the Executive Office and the respective scrutiny roles of the Justice Committee and the Executive Office Committee.

4. Damages (Return on Investment) Bill – Committee Informal Deliberations

Doug Beattie MLA joined the meeting at 2:16 p.m.

Robin Newton MLA joined the meeting at 2:17 p.m.

The Committee noted a response from the Minister for Finance regarding whether funding would be available from Treasury if a state backed GP Indemnity Scheme was introduced in Northern Ireland.



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The Committee noted correspondence from the Association of British Insurers seeking further information and requesting the removal of the further 0.5% margin of adjustment at paragraph 10 of the Schedule in the Bill on the basis that it exceeds the aim and principle of 100% compensation.

The Committee considered the Clauses and Schedule of the Damages (Return on Investment) Bill.

Peter Weir MLA joined the meeting at 2:31 p.m.

The following official was available via Starleaf and provided clarification of several issues during the discussions:

Martin Moore, Policy Adviser, Department of Justice

Agreed: The Committee agreed to write to the Minister of Health for further information regarding approaches to HM Treasury for funding for any potential Northern Ireland GP Indemnity Scheme.

Agreed: The Committee agreed that it did not wish to bring forward any amendments to the Clauses or Schedule of the Bill at this stage but it may wish to return to the issue of the further margin of adjustment provided for at paragraph 10 in the Schedule and also the use of Periodical Payment Orders.

Agreed: The Committee agreed a number of specific issues and areas that it wished to cover in the Bill Report.

Robin Newton MLA left the meeting at 2:58 p.m.

Peter Weir MLA left the meeting at 3:12 p.m.

The Chairperson advised the Committee that the Formal Clause by Clause consideration of the Bill would take place at the meeting on Thursday 7 October 2021.



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5. Protection from Stalking Bill - Update

The Committee noted that departmental officials were scheduled to attend the meeting on Thursday 14 October 2021 to discuss the issues raised in the evidence received on the Protection from Stalking Bill. A written response outlining the comments/position of the Department of Justice on the issues raised had been received and would be provided to Members in advance of the evidence session.

The Committee considered a response from the Department of Justice regarding the Examiner of Statutory Rule's suggestion to place on the face of the Bill a requirement to lay the guidance provided for in Clause 17 about the exercise of the Chief Constable's functions under the provisions of the Bill relating to Stalking Protection Orders or Interim Stalking Protection Orders before the Assembly.

Agreed: The Committee agreed that it was content for the Department of Justice to bring forward an amendment to implement the Examiner's proposal and to request sight of the text of the amendment from the Department as soon as possible and preferably before the meeting on 14 October.

Agreed: The Committee agreed to ask the Department if it intended to bring forward any further amendments to the Bill and if so to provide the text of the proposed amendments as soon as possible and preferably before the meeting on 14 October.

Peter Weir MLA rejoined the meeting at 3:18 p.m.

The Committee considered a response from the Department providing further information and clarification of several issues raised following consideration of the research paper it had commissioned on Online Trolling and Abuse.

Agreed: The Committee agreed that Members would provide details of any further issues they wished to raise with the Department during the oral evidence session on 14 October 2021 in advance of that meeting.

The Committee noted the current position regarding the informal meetings with victims of stalking which are due to be completed by mid-October.



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The Committee noted correspondence from an individual outlining his personal experience with the Metropolitan Police and his views regarding how Stalking Protection Orders can be misused and journalists face prosecution for doing their job in the public interest.

6. Police, Crime, Sentencing and Courts Bill – Proposed Legislative Consent Motion

The Committee considered further information from the Department of Justice outlining that the additional provision on the use of audio and visual links in criminal proceedings will not be included in the Legislative Consent Motion (LCM), setting out how courts will continue to be able to utilise remote hearings and providing further information on the management of sex offenders, the framework for which is provided by the Public Protection Arrangements for Northern Ireland.

Agreed: The Committee agreed to request further clarification of the position regarding the powers for the courts to utilise remote hearings and any contingency plans if primary legislation is not in place before the extension period runs out.

7. Update on Progress of the Public Services Pensions and Judicial Offices Bill and associated Legislative Consent Motion

The Committee considered correspondence from the Committee for Finance requesting views on the Legislative Consent Memorandum for the Public Services Pensions and Judicial Offices Bill which will give effect to changes in public sector pensions in line with the McCloud judgement and make reforms to judicial pension schemes. The LCM also includes provisions on the mandatory retirement age of devolved tribunal judges, the appointment to and removal from sitting in retirement and the payment of allowances where no statutory provision currently exists.

Agreed: The Committee agreed that a draft response to the Committee for Finance should be prepared outlining the scrutiny that the Committee has undertaken on the



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legislative changes in relation to the reform of judicial pensions and mandatory retirement age that are covered in the LCM.

8. SL1: The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to amend The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) Rules (Northern Ireland) 2009 which prescribe the remuneration payable to solicitors and counsel for criminal legal aid in Magistrates' Court cases and County Court appeals.

The Committee noted that the Department had undertaken a targeted consultation on the proposed Rule.

Agreed: The Committee agreed to request full details of the responses received to the targeted consultation launched in July 2021 including any post-consultation report and clarification of the reasons for the large increase in the fee for remuneration for counsel in appeals against sentence to the County Court from the Department.

Sinéad Ennis MLA left the meeting at 3:29 p.m.

9. SL1: Rules of the Court of Judicature (Northern Ireland) (Amendment No. X) Rules 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to amend the Rules of the Court of Judicature to reflect the processes and requirements for Unexplained Wealth Orders and Interim Freezing Orders, which were inserted into the Proceeds of Crime Act 2002 by the Criminal Finances Act 2017 and came into operation in Northern Ireland on 28 June 2021.



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

Sinéad Ennis MLA rejoined the meeting at 3:30 p.m.

10.SL1: The Magistrates' Courts (Detention and Forfeiture of Seized Cash) (Amendment) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to amend the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003 to clarify that a copy of an application for release of detained cash, to set aside the forfeiture of cash made under a forfeiture notice or for compensation shall be sent to the Serious Fraud Office.

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

11.SL1: The Magistrates' Courts (Detention and Forfeiture of Listed Assets) Rules (Northern Ireland) 202X

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to create a new set of magistrates' court rules to reflect the court processes, including court forms, for dealing with applications relating to the search, seizure, detention and forfeiture of listed assets in respect of new powers which were inserted into the Proceeds of Crime Act 2002 by the Criminal Finances Act 2017 and came into operation in Northern Ireland on 28 June 2021.

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



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12.SL1: The Magistrates' Courts (Freezing and Forfeiture of Money in Bank and Building Society Accounts) Rules (Northern Ireland) 202X

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to create new magistrates' courts rules to reflect the court processes and requirements for applications for the freezing and forfeiture of money in relevant bank and building society accounts in respect of the powers inserted into the Proceeds of Crime Act 2002 by the Criminal Finances Act 2017 and came into operation in Northern Ireland on 28 June 2021.

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

13.SL1: The Magistrates' Courts (Proceeds of Crime Act) 2002 (Confiscation) (Amendment) Rules (Northern Ireland) 202X

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to amend The Magistrates' Courts (Proceeds of Crime Act 2002) (Confiscation) (Amendment) Rules (Northern Ireland) 2003 to reflect the amendments made to the Proceeds of Crime Act 2002 by the Criminal Finances Act 2017, which came into operation in Northern Ireland on 28 June 2021, extending the power for a court to order that a defendant's money seized by police or HMRC officers that has to be paid into a bank or building society be paid to the court in satisfaction of a confiscation order to money seized by any law enforcement officer under any power relating to a criminal investigation and to money however it is held and not just in a bank or building society.

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

Robin Newton MLA rejoined the meeting at 3:36 p.m.



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14.SL1: The Making Available on the Market and Supervision of Transfers of Explosives (Amendment) (EU Exit) Regulations (Northern Ireland) 2021

The Committee considered further information provided by the Department of Justice clarifying the position in relation to GB and Northern Ireland with regard to a proposed Statutory Rule, which will be subject to the draft affirmative resolution procedure, to amend the “Making Available on the Market and Supervision of Transfers of Explosives 2016 Regulations”. The 2016 Regulations implement EU Directive 2014/28/EU, the overall purpose of which is to ensure that civil explosives can only be placed on the EU market if they are safe.

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.

15. Annual Renewal of the Secretary of State’s Direction under Section 1A(7) of the Prisons Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010

The Committee noted the intention of the Minister of Justice to renew, without amendment, the Secretary of State’s Direction, under Section 1A(7) of the Prisons Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, which sets out arrangements for how Department of Justice officials, when dealing with operational prison matters which remain in the reserved field, are to be treated as Officers of the Secretary of State, for a further twelve months from October 2021.



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16. EU Exit and Justice Related Issues - Update

The Committee considered a written update from the Department of Justice on EU Exit issues and how new justice arrangements are working in a number of key areas across law enforcement, security and criminal justice.

The Committee also considered copies of correspondence between Robin Walker MP, Minister of State for Northern Ireland, and Simon Hoare MP, Chair of the Northern Ireland Affairs Committee, regarding the Government's response to that Committee's report on cross-border cooperation on policing, security and criminal justice after Brexit.

Agreed: The Committee agreed to request further information on a number of issues from the Department of Justice and an update on the outcome of the first meeting of the Specialised Committee on Law Enforcement which is expected to be held in October 2021.

17. Correspondence

- i. The Committee considered correspondence from the Minister of Education providing information requested by the Committee on how young people are being educated about child sexual exploitation.

Agreed: The Committee agreed to request an update from the Department of Justice on the cross-sectoral work being taken forward on Relationship and Sexuality Education (RSE) provision in schools.

- ii. The Committee considered correspondence from the Committee for Communities providing a letter from the Department for Communities regarding the Transfer of the Appeals Service and Rent Assessment Panel to the Department of Justice and drawing the Committee's attention to the recommendations relating to the scrutiny of appeals in the "Personal Independent Payment (PIP) Second Independent Review of the Assessment Process Report 2020."



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Agreed: The Committee agreed to request the views/comments of the Department of Justice on the recommendations relating to the scrutiny of appeals within the PIP Second Review of the Assessment Process Report 2020.

- iii. The Committee considered the Call for Evidence from the Committee for Finance on the Defamation Bill.

Agreed: The Committee agreed to request information and comments from the Department of Justice on any relevant provisions in the Bill and the likely implications for the Department and justice agencies and Non-Departmental Public Bodies.

The Committee noted the following:

- iv. Notification from the Department of Justice of the publication of the National Statistics Bulletin: 'Northern Ireland Prison Population 2020-21'.

18. Chairperson's Business

None.

19. Any Other Business

None.

20. Date, Time and Place of the next meeting

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



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The meeting was adjourned at 3:51 p.m.

Sinéad Ennis MLA
Deputy Chairperson, Committee for Justice
30 September 2021