



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

30 November 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Mr Robin Newton MLA

Ms Jemma Dolan MLA

Present by Video or Teleconference:

Ms Sinéad Bradley MLA

Ms Rachel Woods MLA

Apologies: Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Peter Weir MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Mr Stephen Corr (Clerical Supervisor)

In Attendance by Video or Teleconference:

Mrs Clairita Frazer (Assistant Clerk)



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The meeting commenced at 3:33 p.m. in public session.

Agreed: The Committee agreed that the formal Clause by Clause consideration of the Protection from Stalking Bill should be reported by Hansard.

1. Apologies

As above.

The Chairperson informed the Committee that, under Standing Order 115(6), the Deputy Chairperson, Sinéad Ennis MLA, had delegated authority to Jemma Dolan MLA to vote on her behalf.

2. Protection from Stalking Bill – Formal Clause-by-Clause Consideration

The Committee considered a further response from the Department of Justice to the Committee's position on the proposed amendments to the Protection from Stalking Bill.

The Committee noted that the Department remained of the view that no further amendment to Clause 17 is necessary and it would therefore bring forward its own amendment as previously agreed.

The Committee discussed the training amendment further in light of the Department's view regarding the timeframes for reporting on the training.

Agreed: The Committee agreed to bring forward an amendment to the Department's amendment on training to include a requirement to report on the level of participation by personnel in training that reflects the Department's view that requirements of not less than 2 years and not more than 3 years provided a more practical timeframe.



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The Committee noted the confirmation from the Department that new Clause 17C(1)(g) would capture those who are in breach of a Stalking Prevention Order (SPO) and its views on including more detailed data capture in relation to SPOs and interim SPOs.

Agreed: The Committee agreed to bring forward an amendment to the Department's amendment to Report on the Operation of the Act to provide further detail regarding SPOs and interim SPOs.

The Committee commenced its formal clause by clause consideration of the Protection from Stalking Bill.

Clause 1 – The Offence of Stalking

The Committee considered Clause 1 as drafted.

Ms Sinéad Bradley indicated that she had some reservations about the Clause and the descriptors.

Agreed: The Committee agreed that it was content with Clause 1 as drafted.

Clause 2 – The Offence of Threatening or Abusive Behaviour The

Committee considered Clause 2 as drafted.

Agreed: The Committee agreed that it was content with Clause 2 as drafted.

Clause 3 – Special Measures Directions

The Committee considered Clause 3 as drafted.

Agreed: The Committee agreed that it was content with Clause 3 as drafted.

Clause 4 – Alternative to conviction of the domestic abuse offence The

Committee considered Clause 4 as drafted.



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Agreed: The Committee agreed that it was content with Clause 4 as drafted.

Clause 5 – No right to claim trial by jury

The Committee considered Clause 5 as drafted.

Agreed: The Committee agreed that it was content with Clause 5 as drafted.

Clause 6 – Meaning of act associated with stalking and risk associated with stalking

The Committee considered Clause 6 as drafted.

Agreed: The Committee agreed that it was content with Clause 6 as drafted.

Clause 7 – Applications for orders

Clause 8 – Power to make orders

Clause 9 – Duration of orders

Clause 10 – Variations, discharges and renewals

Agreed: The Committee agreed to group Clauses 7 to 10 for the purpose of putting the question.

The Committee considered Clauses 7 to 10 as drafted.

Agreed: The Committee agreed that it was content with Clauses 7 to 10 as drafted.

Clause 11 – Interim stalking protection orders

Agreed: The Committee agreed that it was content with Clause 11 as drafted.

Clause 12 - Content of, and procedure for, orders



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Agreed: The Committee agreed that it was content with Clause 12 as drafted.

Clause 13 – Offence of breaching order

Agreed: The Committee agreed that it was content with Clause 13 as drafted.

Clause 14 – Notification requirements

Clause 15 – Method of notification and related matters

Clause 16 – Offences relating to notification

Agreed: The Committee agreed to group Clauses 14 to 16 for the purpose of putting the question.

The Committee considered Clauses 14 to 16 as drafted.

Agreed: The Committee agreed that it was content with Clauses 14 to 16 as drafted.

New clause 16A - Guidance about stalking

The Committee considered its proposed amendment to insert a new Clause 16A to provide that the Department must issue guidance about the effect of this Act and such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking in Northern Ireland:

Page 12, Line 1, before Clause 17 insert —

“Guidance about stalking

16A.— (1) The Department of Justice must issue guidance about —

(a) the effect of this Act, and

(b) such other matters as the Department considers appropriate as to criminal law or procedure relating to stalking in Northern Ireland.

(2) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.



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(3) *The Department of Justice must —*

(a) *keep any guidance issued under this section under review, and*

(b) *revise any guidance issued under this section if the Department considers revision to be necessary in light of review.*

(4) *The Department of Justice must publish any guidance issued or revised under this section.*

(5) *Nothing in this section permits the Department of Justice to issue guidance to a court or tribunal.”*

Agreed: The Committee agreed that it was content with the new Clause 16A as drafted.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 16A be added to the Bill.

Clause 17 – Guidance

The Committee considered Clause 17 and an amendment proposed by the Minister of Justice, at the request of the Committee, to provide that the guidance must be laid in the Assembly:

Clause 17, Page 12, Line 8

At end insert -

“(4) The Department must lay before the Assembly any guidance issued or revised under this section.”

Agreed: The Committee agreed that it was content with the amendment proposed by the Minister of Justice.

Agreed: The Committee agreed that it was content with Clause 17, subject to the amendment proposed by the Minister.

New clause 17A - Guidance on data collection



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The Committee considered an amendment proposed by the Minister of Justice, at the request of the Committee, to insert a new Clause 17A to provide for Guidance on Data Collection:

After Clause 17 insert -

“Operational matters

Guidance on data collection

17A.— (1) The Department —

(a) may issue guidance to the listed bodies, or any additional bodies the Department considers appropriate, about the sort of information it seeks to obtain from them for the purpose of the assessment by it of the operation of this Act, and

(b) must have regard to relevant information it obtains from the listed bodies, or from any additional bodies to whom such guidance is issued, in relation to the operation of this Act when determining the steps (if any) that could be taken by it for the purpose of ensuring the effectiveness of the operation of this Act.

(2) The listed bodies are —

(a) the Police Service of Northern Ireland, and

(b) the Public Prosecution Service for Northern Ireland.”

Agreed: The Committee agreed that it was content with the proposed new Clause 17A.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 17A be added to the Bill.

New Clause 17B – Training

The Committee considered an amendment proposed by the Minister of Justice, at the request of the Committee, to insert a new Clause 17B to provide for mandatory training:

After clause 17 insert -



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“Training

17B.– (1) It is mandatory for each listed authority, and each specified authority, to provide for those of its relevant personnel who have responsibilities for dealing with cases under this Act —

- (a) such initial training, and*
- (b) such annual or other top-up training,*

as the authority considers appropriate for the purpose of the effective discharge by those personnel of their respective responsibilities.

(2) The Chief Constable is a listed authority, and the Chief Constable’s “relevant personnel” are the personnel of the Police Service of Northern Ireland.

(3) The Director of Public Prosecutions for Northern Ireland is a listed authority, and the Director’s “relevant personnel” are the personnel of the Public Prosecution Service for Northern Ireland.

(4) The Department is a listed authority, and the Department’s “relevant personnel” are —

- (a) staff within the Northern Ireland Courts and Tribunal Service, and*
- (b) staff within any additional agency of the Department that has functions in relation to cases under this Act and that the Department selects in connection with this subsection.*

(5) A “specified authority” is a person that —

- (a) has functions in relation to cases under this Act, and*
- (b) is specified in connection with this section in regulations made by the Department;*

and a specified authority’s “relevant personnel” are persons of a description specified in regulations made by the Department.

(6) Regulations under subsection (5) are subject to negative resolution.”



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The Committee considered its proposed amendment to the Minister's amendment to provide for a requirement to report on the training:

"As an amendment to an amendment

(5A) The Department of Justice must —

(a) publish a statement setting out information held or obtained by the Department about the level of participation by the relevant personnel or (as the case may be) staff in training provided by a body in accordance with this section, and (b) do so —

(i) before the end of the period of 3 years beginning with the day on which Sections 1 and 2 come into operation, and

(ii) annually thereafter."

Agreed: The Committee agreed that it was content with its amendment, as drafted, to the Minister's amendment to provide for a requirement to report on the training.

Agreed: The Committee agreed that it was content with the proposed new Clause 17B, subject to its amendment.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 17B, as amended, be added to the Bill.

New Clause 17C – Report on Operation of the Act

The Committee considered an amendment proposed by the Minister of Justice, at the request of the Committee, to insert a new Clause 17C to report on the operation of the Act:

After clause 17 insert -

"Report on the operation of this Act

17C.– (1) The Department must prepare a report for each reporting period giving the following information (so far as available to the Department) —

(a) the number of stalking incidents reported to the police,



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- (b) the number of stalking protection orders applied for, and the number made,*
- (c) the number of crimes recorded by or on behalf of the police that are classified as an offence under section 1 or 2,*
- (d) the numbers mentioned in paragraphs (a) and (c) broken down by reference to police districts,*
- (e) the number of files submitted by or on behalf of the police to the Public Prosecution Service for Northern Ireland in relation to offences under either or both of sections 1 and 2,*
- (f) the number of cases prosecuted by the Public Prosecution Service for offences under either or both of sections 1 and 2, and —*
 - (i) the number of convictions in those cases,*
 - (ii) the average length of time in those cases from recording of a crime by or on behalf of the police to disposal of the case at court (ignoring appeal processes), and*
 - (iii) the number mentioned in sub-paragraph (i) broken down by reference to whether the conduct or behaviour concerned was engaged in by means of the internet — in a key way, or*

in some lesser but non-minimal way, or either

minimally or not at all,
- (g) information about the level of compliance with —*
 - (i) stalking protection orders and interim stalking protection orders, and*
 - (ii) the requirements of sections 14 and 15 (notification by persons subject to orders),*
- (h) information about the level of participation, by persons for whom section 17B requires training to be provided, in the required training provided for them,*



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- (i) information about how court business is arranged so as to ensure the efficient disposal of —
 - (i) cases under either or both of sections 1 and 2, and*
 - (ii) applications for stalking protection orders and applications for interim stalking protection orders,**
 - (j) information about the experience at court of —
 - (i) witnesses (other than the accused) in cases under either or both of sections 1 and 2;*
 - (ii) witnesses (other than the person against whom the order is sought) in applications for stalking protection orders and applications for interim stalking protection orders,**
 - (k) any views or assessment that the Department considers it appropriate to give in relation to the operation of this Act or its effectiveness,*
 - (l) information about any issuing, review or revision of guidance under section 17 or 17A,*
 - (m) information about any steps taken by the Department for raising public awareness of the behaviours addressed by this Act (including, in particular, awareness amongst persons targeted, or harmed or otherwise victimised, by the behaviours),*
 - (n) information about any activities undertaken by the Department in supporting the operation of this Act, and*
 - (o) any further information the Department considers appropriate.*
- (2) In subsection (1)(a) “stalking incident” means an incident (including a course of conduct) which, as reported to the police, indicates either or both of the following —*
- (a) that an offence may have been committed under section 1 or 2;*
 - (b) that the Chief Constable may have grounds for applying for a stalking protection order against a person.*
- (3) For the purposes of subsection (1) — (a) the first reporting period —*



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- (i) *begins at the end of the day on which this Act receives Royal Assent, and*
 - (ii) *is of such length, not less than 2 years and not more than 3 years, as the Department determines, and*
- (b) each subsequent reporting period is the 3 years beginning with the end of the previous reporting period.*
- (4) The Department must arrange for each report under this section to be published in such manner as the Department considers appropriate.*
- (5) The Department must lay before the Assembly each report under this section.*
- (6) The duty under subsection (1) does not apply to reporting periods ending after such time as the Department may by regulations specify, but a time may not be specified if it is earlier than the end of 10 years beginning with the end of the day on which this Act receives Royal Assent.*
- (7) Regulations under subsection (6) are subject to negative resolution.”*

The Committee considered its proposed amendment to the Minister’s amendment to provide for a more detailed obligation on data capture of SPOs and interim SPOs:

“As an amendment to an amendment

(1A) With regard to Stalking Protection Orders under section 7, the report must set out this information —`

- (a) the number of —*
 - (i) applications made for Orders*
 - (ii) the number of Orders made*
- (b) the duration of Orders, specifically the number — (i) discharged in less than the initial 2 years,*
 - (ii) completing the 2 year period without renewal, and*
 - (iii) subject to further order for a period beyond the initial 2 years*



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(c) the number subject to further Order, and

(d) information on the number of applications seeking to —

(A) vary,

(B) renew, or (C) discharge an Order.

(1B) With regard to Interim Stalking Protection Orders under section 11, the report must set out this information — (a) the number of —

(i) applications made for Interim Orders

(ii) Interim Orders made,

(b) the average duration of Interim Orders,

(c) the number of —

(i) Interim Orders which cease as a result of being replaced by a Stalking Protection Order,

(ii) the number subject to further Interim Orders, and

(iii) information on the number of applicants seeking to —

(A) vary,

(B) renew, or (C) discharge

an Order.”

Agreed: The Committee agreed that it was content with its amendment, as drafted, to the Minister’s amendment to report on the operation of the Act.

Agreed: The Committee agreed that it was content with the proposed new Clause 17C, subject to its amendment.

Agreed: That the Committee recommends to the Assembly that the proposed new Clause 17C, as amended, be added to the Bill.



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Clause 18 – Interpretation

Agreed: The Committee agreed that it was content with Clause 18 as drafted.

Clause 19 – Commencement

The Committee considered Clause 19 and an amendment proposed by the Minister of Justice to reflect the new provisions to be inserted:

Clause 19, Page 12, Line 22

“Leave out first ‘section’ and insert ‘sections 17A to”

Agreed: The Committee agreed that it was content with the amendment proposed by the Minister of Justice.

Agreed: The Committee agreed that it was content with Clause 19, subject to the amendment proposed by the Minister.

Clause 20 – Short Title

Agreed: The Committee agreed that it was content with Clause 20 as drafted.

Long Title

The Committee considered the Long Title of the Bill.

Agreed: The Committee agreed that it was content with the Long Title.

The Chairperson advised Members that the formal clause by clause scrutiny of the Protection from Stalking Bill was concluded and the draft report on the Bill would be prepared for consideration at the meeting on 9 December 2021.



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3. Police, Crime, Sentencing and Courts Bill - Proposed LCM – Retaining the Use of Audio and Visual Links in the Courts

The Committee considered information from the Department of Justice on proposals to continue the use of remote hearings in courts and tribunals by way of an extension of the Coronavirus Act 2020 provisions for Northern Ireland.

Agreed: The Committee agreed to request further information from the Department of Justice on the results of the targeted consultation and details of any other provisions of the Coronavirus Act 2020 within its remit that will end in March 2022 which may also need to be extended.

4. Statutory Authority for a Fee for a Certified/Sealed Copy of a Grant in NonContentious Probate Business Area

The Committee considered information provided by the Department of Justice regarding an issue in relation to the statutory authority for the NI Courts and Tribunals Service (NICTS) to charge the fee of £14 for a certified sealed copy of a grant within the non-contentious probate business area and noted that the NICTS is now charging a fee of £6 which is covered by legislation.

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

5. Department of Justice Business Plan 2021/22 – Progress Update

The Committee considered an update provided by the Department of Justice on progress to deliver its 2021-22 Business Plan and the partially achieved actions remaining from the 2020-21 Business Plan.

Agreed: The Committee agreed to request further information from the Department of Justice on one issue in the Business Plan relating to RSE provision.



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6. Police Pensions (Amendment) Regulations (NI) 2022 - Consultation to Fulfil the Prospective Part of the McCloud Remedy

The Committee considered information provided by the Department of Justice on a proposed consultation on the prospective remedy changes to implement the McCloud judgment and a number of technical amendments to the Police Pensions Regulations (NI) 2015.

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.

7. Consultation on Proposals to Introduce Charlotte's Law

The Committee noted the consultation to be undertaken by the Department of Justice on proposals to make legislative changes following the Review of Charlotte's Law and the intention of the Department to provide a summary of the responses received and a way forward report to the Committee in due course.

8. Correspondence

- i. The Committee considered correspondence from an individual requesting assistance from the Committee.

Agreed: The Committee agreed to advise that the individual should contact one of their constituency MLAs for support and noted that one of the Committee Members represented that particular area and may be able to assist the individual.

- ii. The Committee considered an invitation to the launch of the Commission for Victims and Survivors EU Peace IV-funded research – Better Together: Reviewing the needs of Victims and Survivors of the Troubles/Conflict on 7 December 2021.



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Agreed: The Committee agreed that Members would contact the organisers directly if they wished to attend the event.

The Committee noted the following:

- iii. Correspondence from the Clerk to the Youth Assembly regarding the themes selected for the Youth Assembly Committees.
- iv. A copy of a response from Capita to the Committee for Communities providing further information following an oral evidence session on Personal Independence Payments.
- v. Correspondence from the NI Fiscal Council advising of the publication of its first report 'The Public Finances in Northern Ireland: A Comprehensive Guide' and its response to the 2021 Spending Review.

9. Chairperson's Business

None.

10. Any Other Business

None.

11. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 2 December 2021 at 2:00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4:10 p.m.



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Mervyn Storey MLA

Chairperson, Committee for Justice

9 December 2021