



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

7 October 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Mr Robin Newton MLA

Present by Video or Teleconference:

Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Ms Rachel Woods MLA

Apologies: Ms Emma Rogan MLA

Mr Peter Weir MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)



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In Attendance by Video or Teleconference:

Mrs Clairita Frazer (Assistant Clerk)

Mr Stephen Corr (Clerical Supervisor)

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

Agreed: The Committee agreed that the two oral evidence sessions and the Committee's formal Clause by Clause consideration of the Damages (Return on Investment) Bill should be reported by Hansard.

The Chairman welcomed Stephen Corr to the Justice Committee team.

1. Apologies

As above.

The Chairperson informed the Committee that, under Standing Order 115(6), Peter Weir MLA had delegated authority to the Chairperson to vote on his behalf and Emma Rogan MLA had delegated authority to the Deputy Chairperson, Sinéad Ennis MLA, to vote on her behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 30 September 2021.



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3. Matters Arising

Item 1 – Department of Justice response regarding the likely impact of the new legislative framework for the Personal Injury Discount Rate

The Committee noted a response from the Department of Justice confirming that the other Executive Departments had been made aware of the financial implications arising from the recent change to the Personal Injury Discount Rate (PIDR) and the proposed legislative changes.

Item 2 – Committee Forward Work Programme

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

Item 3 – Protection from Stalking Bill - Oral Evidence Session with Department of Justice officials on 14 October 2021

The Chairperson advised that, as agreed by the Committee at the meeting on 23 September, Members could provide details of any particular issues they wished to raise with Department of Justice officials during the oral evidence session on 14 October 2021 on the Protection from Stalking Bill in advance of the meeting.

4. Troubles Permanent Disablement Payment Scheme – Oral Evidence session with Capita representatives

The following representatives joined the meeting at 2:07 p.m.

Mr Antony King, Managing Director, Client Partner, Capita Health and Welfare



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Mr Brendan Flynn, NI Client Engagement Director, Capita Health and Welfare

Dr Shah Faisal, Chief Medical Officer, Capita Health and Welfare

The Chairperson reminded the Committee that an informal meeting with the President of the Victims' Payments Board, Justice Gerry McAlinden, and the Secretary to the Board, Mr Paul Bullick, had taken place on Wednesday 6 October in conjunction with Members of the Committee for the Executive Office and a note of the key issues discussed would be provided to all Committee Members for information.

Mr King outlined the role of Capita in respect of the Troubles Permanent Disablement Payment (TPDP) Scheme and the work undertaken on the assessment process.

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

Robin Newton MLA joined the meeting at 2:26 p.m.

The representatives agreed to provide further information on one issue discussed during the session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance and welcomed their offer of further engagement with the Committee as the Scheme progresses.

5. Troubles Permanent Disablement Payment Scheme – Oral evidence session with Departmental Officials

The following officials joined the meeting via Starleaf at 3:09 p.m.

Dr David Lennox, Deputy Director, Corporate Engagement and Communications Division, Department of Justice



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Mr Paul Bullick, Secretary, Victims' Payment Board

Mr Gareth Johnston, Acting Director of Strategic Policy, Equality and Good Relations, The Executive Office

The officials provided an overview of the governance arrangements for the Scheme and outlined progress since the Scheme opened on 31 August 2021.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

6. Damages (Return on Investment) Bill - Formal Clause-by- Clause Consideration

The Committee considered further information provided by the Department of Justice on the requirements placed on the court by the Damages Act 1996 and related Court Rules regarding Periodical Payment Orders (PPOs).

Agreed: The Committee agreed to write to the Lady Chief Justice to ask her to consider holding a judicial studies training event around the use of PPOs and to ask the Court Rules Committee to add to those factors that the court is required to take into account when considering whether or not to make a PPO.

The Committee noted correspondence from the Department of Finance regarding the extent of funding pressures for Executive Departments arising from the change in the personal injury discount rate and the position on discussions with Treasury to secure additional funding.

The Committee noted correspondence from the Forum of Insurance Lawyers and from BLM Solicitors requesting that the further margin of adjustment of 0.5% in paragraph 10(2)(b) of the Schedule to the Bill be removed.

The Committee discussed its position regarding the 0.5% further margin of adjustment at paragraph 10(2)(b) of the Schedule.



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The Committee commenced its formal clause by clause consideration of the Damages (Return on Investment) Bill.

Clause 1 – Assumed return on investment

The Committee considered Clause 1 as drafted.

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

Clause 2 – Process for setting rate of return

The Committee considered Clause 2 as drafted.

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

Agreed: The Committee agreed to consider the Schedule before Clause 3, as the Schedule pertains directly to Clause 2.

Schedule – Schedule C1 to the Damages Act 1996, as inserted

The Committee considered Schedule C1 to the Damages Act 1996, as drafted.

Agreed: The Committee agreed that it was content with the Schedule as drafted.

Clause 3 – Ancillary provision

The Committee considered Clause 3 as drafted.

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

Clause 4 – Interpretation

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 – Commencement

The Committee considered Clause 5 as drafted.

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

Clause 6 – Short Title

The Committee considered Clause 6 as drafted.

Agreed: The Committee agreed that it was content with Clause 6 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 Damages (Return on Investment) Bill was concluded and the draft report on the Bill would be prepared for consideration at the meeting on 21 October 2021.

7. Justice (Sexual Offences and Trafficking Victims) Bill - Proposed Timetable

The Committee noted information on the written submissions received in response to the call for evidence on the Justice (Sexual Offences and Trafficking Victims) Bill.

The Committee considered a provisional timetable for the Committee Stage of the Justice (Sexual Offences and Trafficking Victims) Bill.

Agreed: The Committee agreed that it was content with the proposed timetable for the Committee Stage of the Bill.



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The Committee considered a motion to extend the Committee Stage of the Justice (Sexual Offences and Trafficking Victims) Bill until 28 January 2022.

Question put and agreed:

“That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 January 2022, in relation to the Committee Stage of the Justice (Sexual Offences and Trafficking Victims) Bill (NIA 29/17-22).”

8. SR 2021/257 The Postal Administration Rules (Northern Ireland) 2021

The Committee considered SR 2021/257 The Postal Administration Rules (Northern Ireland) 2021 which is being made under the Insolvency (Northern Ireland) Order 1989 as applied by the Postal Services Act 2011. The 2011 Act puts in place a special postal administration regime designed to ensure the continuance of the universal postal service in the event that a company providing that service is at risk of entering insolvency proceedings and the Rule provides the procedure for the special postal administration regime.

The Committee noted that the Examiner of Statutory Rules had indicated that there is a minor drafting error that the Department of Justice will address, but she is content that the Rule will not otherwise be drawn to the special attention of the Assembly.

Agreed: The Committee considered SR 2021/257 The Postal Administration Rules (Northern Ireland) 2021 and had no objection to the Rule.

9. Legal Aid Update on Progress to Implement NIAO and PAC Recommendations and Action Plan to address Fraud and Error

The Committee considered an update provided by the Department of Justice on the work of the Legal Services Agency to implement the recommendations in the Northern Ireland Audit Office and Public Accounts Committee reports to address fraud and error and noted the Agency’s Fraud and Error Action Plan and the action



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plan to implement the recommendations in the Business Consultancy Service final report on “A Review of Processes, Governance and Structures in the Legal Services Agency”.

Agreed: The Committee agreed that a further update on progress should be provided by the Legal Services Agency in March 2022.

10. Interim Victims of Crime Commissioner for Northern Ireland - Update

The Committee considered further information provided by the Department of Justice regarding the establishment of a Victims of Crime Commissioner Designate for Northern Ireland and the associated public appointment competition.

Agreed: The Committee agreed to note the proposed approach regarding the Victims of Crime Commissioner Designate post and to request further clarification from the Department of Justice on one aspect of the appointment process.

11. Correspondence

- i. The Committee considered correspondence from the Department of Justice providing the timescales for implementation of the recommendations in the Criminal Justice Inspection Northern Ireland (CJINI) Report on ‘Effective Penalty Enforcement – A Review of the Impact of Current Fine Default Strategy and Services’ and progress to date.

Agreed: The Committee agreed to request an update on implementation of the recommendations that fall to the Department of Justice and the NI Courts and Tribunals Service in March 2022.

Agreed: The Committee agreed to request information from the PSNI on progress to implement the recommendation within the CJINI Report for which it has responsibility.



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- ii. The Committee considered correspondence from Claire Bailey MLA offering a briefing on her Abortion Services (Safe Access Zones) Private Members Bill.

Agreed: The Committee agreed to invite Claire Bailey MLA to provide a briefing on the Bill at the meeting on 21 October 2021, assuming it passes Second Stage on 12 October 2021.

The Committee noted the following:

- iii. A response from the Department of Justice providing further information on the Special Educational Needs and Disability Tribunal (SENDIST) procedural Regulations consultation.
- iv. Correspondence from the Department of Justice providing an update on the introduction of the Advocacy Support Service, to be provided by the newly formed partnership - ASSIST NI – comprising Belfast and Lisburn Women’s Aid, Foyle Women’s Aid and Men’s Advisory Project.
- v. Notification of new guidance being implemented by the South Eastern Health and Social Care Trust regarding the provision of sexual health paraphernalia in Northern Ireland prisons.
- vi. An update from the PSNI on the reported data breach by Gun Trader UK.
- vii. An invitation from the Northern Ireland Human Rights Commission to roundtable events on its Strategic Planning Process 2022-25.
- viii. A Pivotal Public Policy Forum Report: Transforming the 14-19 Education and Skills System in Northern Ireland – Youth Voices and Solutions.
- ix. Correspondence from an individual regarding a potential UK-wide Asian Prostitution Network operating in Northern Ireland, in relation to which the PSNI were investigating.



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12. Chairperson's Business

Item 1 – Correspondence from the Chairpersons' Liaison Group - Prioritisation of Committee Work Programmes

The Committee noted a paper provided by the Chairpersons' Liaison Group outlining the current work pressures facing committees, particularly those dealing with multiple Bills, and factors to be taken into account when considering work programme priorities.

Item 2 - Informal meetings between the Northern Ireland Policing Board and the Committee Chairperson and Deputy Chairperson

The Chairperson advised the Committee that he had met with the Chair of the NI Policing Board (NIPB) to discuss how the interface between the Board and the Committee is working in this mandate.

The Committee considered correspondence from the Chair of the NIPB proposing that, to build on the existing positive working relationships, the Chairs and Deputy Chairs of the Board and Committee should meet informally approximately every six months to discuss key areas of interest.

Agreed: The Committee agreed to the proposal and that Committee Members could highlight issues for discussion prior to the meetings.

13. Any Other Business

The issue of the introduction of an animal cruelty register was raised.

Agreed: The Committee agreed to ask the Minister of Justice for an update on what input the Department of Justice has had in relation to the introduction of an animal cruelty register.



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14. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 14 October 2021 at 2.00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4:16 p.m.

Mervyn Storey MLA

Chairperson, Committee for Justice

14 October 2021