



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

9 September 2021

Meeting Location: Senate Chamber, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Mr Doug Beattie MLA

Ms Jemma Dolan MLA

Mr Peter Weir MLA

Present by Video or Teleconference:

Ms Sinéad Bradley MLA

Ms Rachel Woods MLA

Apologies: Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Robin Newton MLA

Ms Emma Rogan 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)

Mrs Allison Mealey (Clerical Officer)

The meeting commenced at 2:04 p.m. in open session.

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

The Chairperson, Mervyn Storey MLA, informed Members that Sinéad Ennis MLA had replaced Linda Dillon MLA as Deputy Chairperson of the Committee.

The Chairperson placed on record the Committee's appreciation of the work carried out by Linda in the Committee since its establishment in January 2020 and wished her well with her appointment to the NI Policing Board.

1. Apologies

As above.

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

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 8 July 2021.



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3. Matters Arising

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

The Committee noted a response from the Department of Justice providing additional information on its response to the findings and recommendations of the Review of Hate Crime Legislation in Northern Ireland including an anticipated timeline for delivery of key milestones for legislative change.

Item 2 – Committee Forward Work Programme - September 2021

The Committee considered a request from the Department of Justice to make changes to the Forward Work Programme for September 2021.

Agreed: The Committee agreed the changes to the Forward Work Programme for September 2021.

4. Damages (Return on Investment) Bill - Consideration of Key Issues raised in the written and oral evidence

The Committee noted further information provided by the Forum of Injury Lawyers, the Institute and Faculty of Actuaries and the Minister of Health on the Damages (Return on Investment) Bill.

Agreed: The Committee agreed to write to the Minister of Finance to request information on any Barnett consequential funding provided by the Treasury as a result of the state backed indemnity scheme for GPs in England and Wales.

The Committee noted information provided by the Department of Justice on the potential to make Periodical Payment Orders compulsory, particularly in cases involving government backed bodies, and the basis for its stated view that



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consideration cannot be given to the likely wider implications and impacts when scrutinising the Bill and proposed new framework to set the discount rate.

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

Laurene McAlpine, Deputy Director, Civil Justice Policy, Department of Justice

Jane Maguire, Head of Family Justice Policy Branch, Department of Justice

Martin Moore, Policy Advisor, Department of Justice

The officials provided evidence on the issues raised in the written and oral evidence received by the Committee on the clauses and schedules of the Damages (Return on Investment) Bill and answered Members' questions.

Sinéad Bradley MLA left the meeting at 2:47 p.m.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to respond to the Minister of Health correspondence regarding the implications of the current discount rate and the proposed framework in the Damages (Return on Investment) Bill.

The Committee noted that informal deliberations on the provisions of the Bill would be undertaken at the Committee meeting on 23 September 2021.

5. Justice (Sexual Offences and Trafficking Victims) Bill - Principles of the Bill

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

Brian Grzymek, Deputy Director, Criminal Justice Policy and Legislation,
Department of Justice



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Lorraine Ferguson, Head of Criminal Policy Unit, Department of Justice

The following officials joined the meeting via StarLeaf at 3:11 p.m.

Ronnie Pedlow, Organised Crime Branch, Department of Justice

Alison Redmond, Organised Crime Branch, Department of Justice

Sinéad Bradley MLA rejoined the meeting at 3:11 p.m.

Mr Grzymek provided an overview of the principles and provisions of the Bill and a number of amendments the Minister intends to bring forward to the Bill.

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

Doug Beattie MLA left the meeting at 3:30pm.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed that it was content to support the principles of the Bill.

The Chairperson advised the Committee that he would reflect the views of the Committee during the Second Stage debate on the Bill which is scheduled for Monday 13 September 2021.



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

The Committee considered additional information provided by the Department of Justice on a range of issues relating to the proposed Legislative Consent Motion (LCM) on the Police, Crime, Sentencing and Courts Bill including those raised by the Northern Ireland Human Rights Commission and a potential further provision relating to the use of audio and visual links in criminal proceedings which may be included in the LCM.

Agreed: The Committee agreed to seek further information on the provisions relating to the use of audio and/or visual links in criminal proceedings including the likely impact on the timescale for the LCM and clarification of the current risk management processes to identify and manage sex offenders who move between UK jurisdictions.

Agreed: The Committee agreed to refer the response from the Department of Justice to the NI Human Rights Commission for information and any further comments it wishes to make.

Agreed: The Committee agreed to write to the Committee on Procedures regarding the short timeframe provided under Standing Order 42A(7) for a Committee to complete its report on a Legislative Consent Motion.

7. SR 2021/173 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2021

The Committee considered SR 2021/173 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2021 which will add the new advisory service ASSIST NI to the list of prescribed bodies with whom the PSNI can share relevant information about victims of domestic and sexual abuse crimes for the purpose of providing support services.



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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 considered SR 2021/173 The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2021 and had no objection to the Rule.

Agreed: The Committee agreed to request further information on the full list of prescribed bodies and the limitations on the type of information that may be shared under the provisions of the Rule.

8. SR 2021/183 The Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) (Amendment) Rules 2021

The Committee considered SR 2021/183 The Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) (Amendment) Rules 2021 which will provide the Department with discretion to assign the lead statutory responsibility for the management of Terrorist Risk Offenders (TROs) on licence to a body other than the Probation Board for Northern Ireland, with whom sole statutory responsibility currently rests.

The Committee noted information provided by the Department of Justice setting out details of the finalised definitional criteria for TROs.

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 considered SR 2021/183 The Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) (Amendment) Rules 2021 and had no objection to the Rule.



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9. Proposed Transfer of Functions Order - Transfer of the Appeals Service and Rent Assessment Panel to the Department of Justice from the Department for Communities

The Committee considered information provided by the Department of Justice on a proposal to transfer the Appeals Service and Rent Assessment Panel from the Department for Communities to the Department of Justice from 1 April 2022.

Agreed: The Committee agreed to seek further information from the Department of Justice on a number of issues relating to the proposed Transfer.

Agreed: The Committee agreed to write to the First Minister and deputy First Minister regarding the importance of ensuring accessibility of Tribunal Panels to people accessing benefits.

10. Special Educational Needs and Disability Tribunal (Amendment) Regulations (Northern Ireland) – Proposed Consultation

The Committee considered information provided by the Department of Justice on a proposed public consultation on proposed amendments to the Regulations governing the procedure of the Special Educational Needs and Disability Tribunal (SENDIST).

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.

Agreed: The Committee agreed to seek clarification regarding some aspects of the consultation.

Peter Weir MLA left the meeting at 4:34 p.m.



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11. CJINI Report on the Care and Treatment of Victims and Witnesses by the Criminal Justice System in Northern Ireland - Update on Implementation of Action Plan to address findings and recommendations

The Committee considered an update on progress to implement the action plan to address the findings and recommendations of the Criminal Justice Inspection Northern Ireland Report on the Care and Treatment of Victims and Witnesses by the Criminal Justice System in Northern Ireland.

Agreed: The Committee agreed to request a further update from the Department of Justice in March 2022.

12. Legal Aid for Mediation in Non-Family Civil Cases – Post Consultation Report and Proposed Next Steps

The Committee considered information provided by the Department of Justice on the results of the consultation on the proposed protocols and arrangements for legal aid for mediation in non family civil cases.

Agreed: The Committee agreed that it was content to note the outcome of the consultation, the changes made to the original proposals following the consultation by the Department and the intention to issue a General Authority on the protocols and arrangements for legal aid for mediation in non family civil cases.

13. The Troubles Permanent Disablement Payment Scheme – Update

The Committee considered a response from the Department of Justice to the issues and concerns raised by the Victims' Representative Groups with the Committee in relation to the Troubles Permanent Disablement Payment (TPDP) Scheme.

Agreed: The Committee agreed to request further information on several issues.

Agreed: The Committee agreed to forward the Department of Justice's response to the Victims' Representative Groups for information.



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Agreed: The Committee agreed to invite the Director of the Victims and Survivors Division in the Executive Office to attend the meeting on 7 October 2021 with Department of Justice officials given that some issues under consideration may fall more appropriately to the Executive Office.

Agreed: The Committee agreed to request an informal meeting with the Chair and Members of the Victims' Payments Board to discuss the arrangements for monitoring the operation of the Scheme.

The Committee noted a response from the First Minister and deputy First Minister outlining the current position regarding the funding of the Scheme payments and information provided by the Committee for Finance on the Strategic Outline Case for the Scheme and the Scheme administrative costs.

14. Correspondence

- i. The Committee considered correspondence from the Minister of Justice regarding a delay to the operational date for the new Domestic Abuse Offence.

Agreed: The Committee agreed to request regular updates on progress on this matter.

- ii. The Committee considered correspondence from the Department of Justice providing a copy of the 2020/21 Annual Report of the Independent Reviewer of Criminal Record Information.

Agreed: The Committee agreed to request information on the timescale for implementation of the two recommendations within the Report from the Department of Justice.

- iii. The Committee considered correspondence from the Department of Justice regarding an online firearms trading site data breach affecting customers in Northern Ireland.



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Agreed: The Committee agreed to request an update on the data breach investigation from the PSNI.

- iv. The Committee considered correspondence from the Department of Justice setting out the current position regarding protests outside premises providing abortion services and other healthcare services.

Agreed: The Committee agreed to forward a copy of the response to the Committee for Health for information.

- v. The Committee considered a response from the Department of Justice on the likely impacts of the Private Member's Climate Change Bill on the Department, its Agencies and Non Departmental Public Bodies.

Agreed: The Committee agreed to send the response to the Committee for Agriculture, Environment and Rural Affairs.

- vi. The Committee considered a response from the Director of Public Prosecutions providing further information following his attendance at the committee meeting on 17 June 2021 and setting out proposals for his attendance at the Committee in future.

Agreed: The Committee agreed the proposals for the attendance of the Director of Public Prosecutions at future Committee meetings.

- vii. The Committee considered the Criminal Justice Inspection Northern Ireland (CJINI) Report on "Effective Penalty Enforcement – A Review of the Impact of Current Fine Default Strategy and Services".

Agreed: The Committee agreed to seek confirmation that the Department of Justice and the Northern Ireland Court and Tribunals Service have accepted all the CJINI recommendations and information on the timescales for implementation.

- viii. The Committee considered a response from the Chief Inspector of Criminal Justice Inspection Northern Ireland setting out her views on the Department of



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Justice Action Plan to address the recommendations in the CJINI Report on Child Sexual Exploitation in Northern Ireland: An Inspection of the Criminal Justice System's Response.

Agreed: The Committee agreed to send the Chief Inspector's response to the Department and request that account is taken of her views when taking forward the Action Plan.

- ix. The Committee considered the Call for Evidence from the Committee for Agriculture, Environment and Rural Affairs on the Climate Change (No.2) 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.

- x. The Committee considered an update from the Executive Office on the work being taken forward in relation to the Violence against Women and Girls Strategy.

Agreed: The Committee agreed to write to the Executive Office to request a further update and the timeframe for a consultation on the draft Strategy.

- xi. The Committee considered a proposal from the Northern Ireland Judicial Appointments Commission to hold a previously cancelled briefing and discussion event on Thursday 2 December 2021.

Agreed: The Committee agreed that it was content with the proposed date for the event and that the Committee meeting should commence at 3.00 p.m. on that day.

- xii. The Committee considered a request from Family Mediation Northern Ireland to present its briefing paper on the need to increase the use of family mediation services in Northern Ireland.



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Agreed: The Committee agreed that an informal meeting with Family Mediation Northern Ireland, to which all Committee Members would be invited to attend, should be arranged.

The Committee noted the following:

- xiii. Correspondence from the Minister of Justice and the Committee for Finance regarding the long-term absence rate of Northern Ireland Prison Service Grade Staff during 2020/21.
- xiv. The Director of Legal Aid Casework Report for 2020/21, the Business Consultancy Service (BCS) Report “Review of Processes, Governance and Structures in Legal Services Agency Northern Ireland” and the 2020/21 Report on Official Error in Legal Aid Payments.
- xv. A response from the Department of Justice providing details of the resources allocated to implement the actions to address the recommendations in the CJINI Thematic Inspection Report of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System.
- xvi. Correspondence from the Department of Justice providing the Northern Ireland Courts and Tribunals Service Business Plan 2021/22.
- xvii. A copy of a response from the Department of Justice to the Committee for Health regarding correspondence from the Committee for the Administration of Justice on the current health protection regulations and the right to protest.
- xviii. A response from the Department of Justice providing further information on the timescale for proposed legislation to tackle anti-social behaviour.
- xix. Correspondence from the Department of Justice advising of the date of laying of the Security Industry Authority Annual Report and Accounts for 2020/21.
- xx. A response from the Department of Justice providing further information on the work in relation to the financial eligibility waiver for victims of domestic abuse.



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- xxi. A response from the Department of Justice on the Parental Bereavement (Leave and Pay) Bill which had been forwarded to the Committee for the Economy on receipt as agreed by the Committee at its meeting on 8 July 2021.
- xxii. Correspondence from the Department of Justice providing the Publication Schedule for the NI Courts and Tribunals Service Quarterly Statistical Bulletins.
- xxiii. A response from the Department of Justice regarding the impact of cuts in funding to NI Alternatives and Community Restorative Justice Ireland as a result of budgetary decisions by the Tackling Paramilitarism, Criminality and Organised Crime Programme Board and the updated position.
- xxiv. An update from the Department of Justice on implementation of the CJINI Thematic Inspection Report of Public Protection Arrangements in Northern Ireland recommendations and performance indicators/metrics.
- xxv. Correspondence from the Department of Justice regarding the Reports of the Appointed Person for Northern Ireland under Sections 195I, 29I and 303F of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 for 2017/18, 2018/19, 2019/20 and 2020/21.
- xxvi. Correspondence from the Department of Justice regarding the death of a prisoner in custody.
- xxvii. A response from the Northern Ireland Policing Board providing an update on the recording of data on Section 75 groups by the PSNI.
- xxviii. A copy of a response from the Lord Chief Justice's Office to Rachel Woods MLA providing further information in relation to the implementation of the Gillen Review recommendations in Serious Sexual Offences Cases in NI and other issues following his attendance at the meeting of the Committee on 24 June 2021.



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- xxix. Notification from the Committee for Finance of the publication of its Report on an Independent Fiscal Council for Northern Ireland.
- xxx. A response from the Committee for Agriculture, Environment and Rural Affairs advising that an update on the work being undertaken by the Department of Agriculture, Environment and Rural Affairs to review legislative proposals to address antisocial behaviour had been requested.
- xxxi. The Committee for Health Call for Evidence on the Adoption and Children Bill.
- xxxii. The Investment Strategy Northern Ireland – Department of Justice’s Procurement Activity Reports for July 2021 and August 2021.
- xxxiii. The Office of the Northern Ireland Executive in Brussels Report for April – June 2021.
- xxxiv. A response from the Women’s Policy Group providing comments on the Department’s response to the concerns and issues raised and the recommendations for improvement in relation to the Domestic Disclosure Scheme in the evidence presented by the Group to the Committee on the Protection from Stalking Bill.
- xxxv. Department of Justice Annual Report and Accounts for the year ended 31 March 2021.
- xxxvi. Forensic Science Northern Ireland Annual Report and Accounts for the year ended 31 March 2021.
- xxxvii. Criminal Justice Inspection Northern Ireland Annual Report and Accounts for the year ended 31 March 2021.
- xxxviii. Northern Ireland Courts and Tribunals Service Annual Report and Accounts for the year ended 31 March 2021.
- xxxix. Northern Ireland Judicial Appointments Commission Annual Report and Accounts for 2016/17, 2017/18, 2018/19 and 2019/20.



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- xl. Northern Ireland Prison Service Annual Report and Accounts 2020-21.
- xli. Probation Board for Northern Ireland Annual Report and Accounts for the year ended 31st March 2021.
- xl.ii. Legal Services Agency Northern Ireland Annual Report and Accounts for the year ended 31 March 2021.
- xl.iii. Northern Ireland Policing Board Annual Report and Accounts together with the Assembly Accountability and Audit Report for the Period 1 April 2020 – 31 March 2021.
- xl.iv. Office of the Police Ombudsman for Northern Ireland Annual Report and Accounts for the year ended 31 March 2021.
- xl.v. Youth Justice Agency Annual Report and Accounts for the year ended 31 March 2021.
- xl.vi. Police Service of Northern Ireland Annual Report and Accounts for the year ended 31 March 2021.
- xl.vii. Police Service of Northern Ireland Police Pension Accounts Annual Report and Accounts for the year ended 31 March 2021.
- xl.viii. Independent Anti-Slavery Commissioner Annual Report 2020-2021.
- xl.ix. Public Prosecution Service Annual Report and Accounts 2020-21.
 - I. Security Industry Authority Annual Report and Accounts for 2020/21.
 - ii. Parole Commissioners for Northern Ireland Annual Report 2020/21.
 - lii. National Crime Agency Annual Report and Accounts 2020-21.



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15. Chairperson's Business

The Chairperson advised the Committee that he and the Deputy Chairperson had received invitations to attend the Law Society Council Dinner on 24 September 2021.

16. Any Other Business

None.

17. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 16 September 2021 at 2.00 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4:57 p.m.



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Mervyn Storey MLA

Chairperson, Committee for Justice

16 September 2021