



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

2 December 2021

Meeting Location: The Senate Chamber, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Mr Robin Newton MLA

Mr Peter Weir MLA

Present by Video or Teleconference:

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Ms Rachel Woods MLA

Apologies: Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Clairita Frazer (Assistant Assembly Clerk)

Mr Stephen Corr (Clerical Supervisor)



Northern Ireland
Assembly

In Attendance by Video or Teleconference:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

The meeting commenced at 2:05 p.m. in public session.

Peter Weir MLA declared an interest in relation to agenda item 7 as he is registered as a non-practising member of the Bar of Northern Ireland.

Agreed: The Committee agreed that the oral evidence session on the Justice (Sexual Offences and Trafficking Victims) 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, and Emma Rogan MLA had delegated authority to Jemma Dolan MLA to vote on their behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 25 November 2021.



Northern Ireland Assembly

3. Matters Arising

Item 1 – Justice (Sexual Offences and Trafficking Victims) Bill – Proposed Amendments

The Committee considered correspondence from the Department of Justice providing the text of two proposed amendments to the Justice (Sexual Offences and Trafficking Victims) Bill to widen the existing abuse of position of trust provision and to address perceived issues of clarity and consistency regarding the application of the existing case law position in relation to the rough sex defence.

Agreed: The Committee agreed to seek clarification from the Department on a number of issues relating to the amendments.

Agreed: The Committee agreed to forward the text of the abuse of position of trust amendment to the National Society for the Protection of Cruelty to Children, Barnardo's and the NI Commissioner for Children and Young People for views and comments.

Item 2 – Committee Forward Work Programme

The Committee noted an updated work programme for December 2021 and correspondence from the Department of Justice confirming the position on a number of work items.

Item 3 – Law Commission for England and Wales – Summary of Consultation Paper on Intimate Image Abuse

The Committee noted a copy of the Summary of the Law Commission's Consultation Paper on Intimate Image Abuse which had been referred to in the oral evidence session with Victim Support NI on the Justice (Sexual Offences and Trafficking Victims) Bill at the meeting on 25 November 2021.



Northern Ireland
Assembly

Item 4 – Legislative Consent Motion for the Police, Crime, Sentencing and Courts Bill

The Committee considered correspondence from the Minister of Justice requesting its views on proceeding with a Legislative Consent Motion (LCM) in relation to the provision in the Police, Crime, Sentencing and Courts Bill regarding the extraction of data from mobile devices on the basis that it would extend to Northern Ireland but not be commenced until the Code of Practice had been finalised and not without the agreement of the Assembly.

The Committee noted the information provided and that the Minister was seeking the approval of the Executive in relation to the LCM.

4. Justice (Sexual Offences and Trafficking Victims) Bill – Oral Evidence from the Women’s Aid Federation

The following representatives from the Women’s Aid Federation joined the meeting at 2.20 p.m.

Sonya McMullan, Regional Services Manager, Women’s Aid Federation

Karen Devlin, Representative, Women’s Aid Federation

Ms McMullan outlined a number of key issues in relation to the provisions of the Justice (Sexual Offences and Trafficking Victims) Bill and other issues.

Robin Newton MLA joined the meeting at 2:30 p.m.

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

The oral evidence session was reported by Hansard.



Northern Ireland
Assembly

Ms McMullan agreed to provide further information on one issue discussed during the evidence session.

The Chairperson thanked the representatives for their attendance.

5. Report on the Responses to the Consultation on Non-Fatal Strangulation Legislation and Proposed Way Forward – Oral Evidence from Departmental Officials

The following officials joined the meeting at 2:57 p.m.

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

Angela Bell, Head of Branch, Sentencing Policy Unit, Department of Justice

Brian Grzymek provided an overview of the responses to the consultation and the Department's proposed way forward regarding non-fatal strangulation legislation.

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

The officials agreed to provide the Committee with a list of respondents to the consultation.

The Chairperson thanked the officials for their attendance.

The Committee placed on record its sympathy following the death of a member of staff within the Office of Legislative Counsel and asked officials to pass on their condolences to his colleagues within the Department.

The Committee noted the results of the consultation and the proposed way forward.

6. Department of Justice Budget 2022-25 – Resource Bids

The Committee considered information provided by the Department of Justice on the resource bids submitted to the Department of Finance in relation to the forthcoming budget 2022-25.



Northern Ireland
Assembly

Agreed: The Committee agreed to request further information on a range of issues from the Department in advance of the oral evidence session with departmental officials on 16 December 2021.

7. Results of the Consultation on Recommending the Policy of Publishing Annual Payments to Suppliers of Legal Aid

The Committee considered information provided by the Department of Justice on the outcome of the consultation on options for the re-establishment of the policy of the Legal Services Agency of publishing, on an annual basis, details of the payment of public funds to those suppliers who deliver services funded by legal aid, and the proposed way forward.

Agreed: The Committee agreed that it was content to note the outcome of the consultation and the Minister of Justice's proposals for publication of the information.

8. Criminal Justice Inspection Northern Ireland Report of the Follow-Up Review on the Implementation of the Recommendations in the Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System - Update

The Committee noted an update provided by the Department of Justice on progress to implement the outstanding recommendations of the Criminal Justice Inspection Follow-Up Review and earlier Thematic Inspection of the Handling of Domestic Violence and Abuse Cases by the Criminal Justice System.



Northern Ireland
Assembly

9. Criminal Justice Inspection Northern Ireland Report of the Follow-Up Review on the Implementation of the Recommendations in the Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System - Update

The Committee considered an update provided by the Department of Justice on progress to implement the outstanding recommendations of the Criminal Justice Inspection Follow-Up Review and earlier Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System.

Agreed: The Committee agreed to request further information on the position regarding the research and other work being undertaken in respect of jury directions from the Department.

10. Consultation on Review of Probation Board Northern Ireland Status and Governance

The Committee considered information provided by the Department of Justice on a targeted consultation to be held on proposals for changes following the Review of Probation Board NI Status and Governance.

Agreed: The Committee agreed to request information on the rationale for undertaking a targeted consultation and to ask the Department to consider undertaking a full public consultation on the proposals.

11. Correspondence

- i. The Committee considered correspondence from the Criminal Justice Inspection Northern Ireland regarding the timescale for publication of its Report on the Review into the Operation of Care and Supervision Units (CSUs) in the NI Prison Service.



Northern Ireland
Assembly

Agreed: The Committee agreed that arrangements for a joint oral evidence session with the Committee for Health on the responses from the Department of Justice and Department of Health to the Regulatory and Quality Improvement Authority Report of a Review of Services for Vulnerable Persons Detained in NI Prisons in February 2022 should be taken forward.

Agreed: The Committee agreed to schedule a briefing on the role of the Independent Monitoring Board in relation to CSUs following publication of the CJINI Report.

- ii. The Committee considered a copy of correspondence from the Eating Disorder Forum to Paula Bradshaw MLA requesting assistance in obtaining clarity on the position regarding the official recording of deaths attributed to eating disorders for both public information and for bereaved families who receive a death certificate outlining the cause of death.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice for a response.

- iii. The Committee considered correspondence from an individual regarding a complaint about the handling of an investigation by the Police Ombudsman for Northern Ireland.

Agreed: The Committee agreed to advise that the individual should contact one of their constituency MLAs for advice and also draw attention to the Police Ombudsman's Customer Complaints Policy.

The Committee noted the following:

- iv. A response from the Department of Justice providing the further information requested by the Committee on a number of actions in the Year Six Action Plan for the Stopping Domestic Violence and Abuse Strategy.



Northern Ireland Assembly

- v. Notification from the Department of Justice of the publication of the Official Statistics Bulletin on 'Adult and Youth Reoffending in Northern Ireland 2018/19'.
- vi. Correspondence from the Department of Justice regarding the Charities Bill.
- vii. The Northern Ireland Courts and Tribunal Service Investment Account – Statement of Accounts for the Year Ended 31 March 2021.
- viii. A copy of correspondence from the Committee for Finance to the shadow Civil Justice Council regarding the Defamation Bill and enhanced discretionary powers for judges in defamation cases.
- ix. An invitation from the Committee and Member Support Office to an online session on personal security facilitated by the PSNI as part of the Member Development Programme.
- x. The Investment Strategy Northern Ireland – Department of Justice Procurement Activity Report for November 2021.
- xi. A response from the Lady Chief Justice regarding the Damages (Return on Investment) Bill and Periodical Payment Orders.

12. Chairperson's Business

The Committee considered a request from the PSNI to host an event in the Long Gallery, Parliament Buildings in January 2022 on its draft strategy to tackle Violence and Intimidation Against Women and Girls.

Agreed: The Committee agreed to host the event and seek further information on who can attend.



Northern Ireland
Assembly

13. Any Other Business

None.

14. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 9 December 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4:03 p.m.

Mervyn Storey MLA
Chairperson, Committee for Justice
9 December 2021