



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

21 October 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Robin Newton MLA
Ms Rachel Woods MLA

Present by Video or Teleconference:

Mr Doug Beattie MLA
Ms Sinéad Bradley MLA
Ms Jemma Dolan MLA

Apologies: Mr Mervyn Storey MLA (Chairperson)
Ms Sinéad Ennis MLA (Deputy Chairperson)
Ms Emma Rogan MLA
Mr Peter Weir MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Clerk)
Mr Stephen Corr (Clerical Supervisor)



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In Attendance by Video or Teleconference:

Mrs Clairita Frazer (Assistant Clerk)

The meeting commenced at 2:22 p.m. in open session.

In the absence of the Chairperson and Deputy Chairperson, the Committee Clerk took the Chair for the appointment of an Acting Committee Chairperson for the meeting.

The Clerk invited nominations for Acting Chairperson.

Doug Beattie MLA proposed that Robin Newton MLA be appointed as the Acting Chairperson of the Committee for the meeting. Sinéad Bradley MLA seconded the proposal.

There were no other nominations received.

Agreed: The Committee agreed that Robin Newton MLA should be appointed Acting Chairperson for the meeting.

Mr Robin Newton MLA took the Chair for the meeting.

Agreed: The Committee agreed that the oral evidence session on the Abortion (Safe Access Zones) Bill should be reported by Hansard.

1. Apologies

As above.



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The Clerk informed the Committee that, under Standing Order 115(6), the Chairperson, Mervyn Storey MLA, and Mr Peter Weir MLA had delegated authority to Robin Newton MLA to vote on their behalf, and 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 14 October 2021.

3. Matters Arising

Item 1 – Report of the Examiner of Statutory Rules – 15 October 2021

The Committee noted the Report of the Examiner of Statutory Rules published on Friday 15 October 2021 which included the written advice already provided by the Examiner in relation to SR 257/2021: The Postal Administration Rules (Northern Ireland) 2021

Item 2 – Committee Forward Work Programme

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



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Item 3 – Response from the Minister of Health on the Damages (Return on Investment) Bill

The Committee noted a response from the Minister of Health regarding GP indemnity issues.

Agreed: The Committee agreed to consider agenda items 5, 6 and 7 prior to the oral evidence session on the Abortion Services (Safe Access Zones) Bill to ensure the necessary quorum for decision-making.

4. Damages (Return on Investment) Bill – Draft Committee Report

The Committee considered the draft report on the Damages (Return on Investment) Bill.

Title Page, Committee Membership and Powers Page, Table of Contents Page and List of Abbreviations Page

The Committee considered the Title Page, the Committee Membership and Powers Page, the Table of Contents Page and the Abbreviations Page as drafted.

Agreed: The Committee agreed that it was content with the Title Page, Committee Membership and Powers Page, Table of Contents Page and List of Abbreviations Page.

Introduction

The Committee considered the Introduction section of the report (paragraphs 1 to 25) as drafted.

Agreed: The Committee agreed that it was content with the Introduction section of the report.



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Consideration of the Bill Provisions Section

The Committee considered the Consideration of the Bill Provisions section of the report (paragraphs 26 to 357) as drafted.

Agreed: The Committee agreed that it was content with the Consideration of the Bill Provisions section of the report.

Other Issues raised in the evidence received by the Committee on the Bill Section

The Committee considered the Other Issues raised in the evidence received by the Committee on the Bill section of the report (paragraphs 358 to 434) as drafted.

Agreed: The Committee agreed that it was content with the Other Issues raised in the consideration of the Bill section of the report.

Clause by Clause Consideration of the Bill

The Committee considered the Clause by Clause Consideration of the Bill section of the report (paragraphs 435 to 445) as drafted.

Agreed: The Committee agreed that it was content with the Clause by Clause Consideration of the Bill Section of the report.

Appendices

The Committee considered the Appendices section of the report.

Agreed: The Committee agreed that it was content that the Appendices be included in the report.

Executive Summary

The Committee considered the Executive Summary of the report as drafted.



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Agreed: The Committee agreed that it was content with the Executive Summary.

Agreed: The Committee agreed that it was content for the Chairperson to clear the Minutes of Proceedings of this meeting for inclusion in Appendix 1 of the report. They will then be replaced by the final version of the Minutes of Proceedings once agreed by the Committee.

Agreed: The Committee agreed that it was content for the Report on the Damages (Return on Investment) Bill to be published and issued to all MLAs and the Minister of Justice.

Agreed: The Committee agreed that an electronic copy of the Bill report should be sent to all organisations and individuals who provided evidence to the Committee on the Bill.

On behalf of the Committee, the Chairperson thanked the Committee team, Hansard and other Assembly staff as well as the Department of Justice officials who assisted the Committee during its scrutiny of the Bill.

5. Justice (Sexual Offences and Trafficking Victims) Bill - Proposals for Oral Evidence Sessions

The Committee considered proposals for oral evidence sessions on the Justice (Sexual Offences and Trafficking Victims) Bill.

Agreed: The Committee agreed the organisations to be invited to give oral evidence on the Justice (Sexual Offences and Trafficking Victims) Bill at the meetings on 11, 18 and 25 November 2021.

Agreed: The Committee agreed to hold an informal meeting with an individual and an organisation regarding their experience which is relevant to a particular aspect of the Bill.



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

The Committee considered a Legislative Consent Memorandum for the Police, Crime, Sentencing and Courts Bill laid by the Department of Justice on 12 October 2021.

Agreed: The Committee agreed to request clarification from the Department of Justice on the rationale for the decision by the Executive not to extend the provision in the Bill on the extraction of data from mobile devices to Northern Ireland.

Agreed: The Committee agreed that it was content with the proposal to extend to Northern Ireland, by way of a Legislative Consent Motion, a number of provisions within the Police, Crime, Sentencing and Courts Bill relating to the Crime (Overseas Production Orders) Act, the management of sex offenders, the National Driver Offending Retraining Scheme, application of S29 of the Petty Sessions (Ireland) Act 1851 to the provisions in the Bill enabling a judge in England and Wales to make an order authorising the police to obtain information about the location of human remains outside of a criminal investigation, and the application of an amendment to the Proceeds of Crime Act 2002 to Northern Ireland to bring electronic money and payment institutions within the scope of account freezing and asset forfeiture powers in Northern Ireland.

Sinéad Bradley MLA left the meeting at 2:48 p.m.

The Committee noted that a draft report on its consideration of the Legislative Consent Memorandum would be prepared for the meeting on 4 November 2021.



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7. Abortion Services (Safe Access Zones) Bill – oral evidence session with Clare Bailey MLA

Clare Bailey MLA joined the meeting at 2:51 p.m. to outline the principles of her Private Members Bill on Abortion Services (Safe Access Zones) Bill and its provisions.

This was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked Ms Bailey for her attendance.

Sinéad Bradley MLA re-joined the meeting at 3:15 p.m.

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

The Committee considered further information provided by the Department of Justice on the results of the targeted consultation relating to 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) 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 and the reasons for the proposed increase in the fee for remuneration for counsel in appeals against sentence to the County Court.

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



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9. SL1: The Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to incorporate a number of provisions in the Psychoactive Substances Act 2016 Act within the Magistrates' Courts Rules.

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

10. SL1: The County Court (Licensing) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to amend the County Court Rules (Northern Ireland) 1981 which prescribes the forms to be used and the information to be provided in an application to a County Court under the Licensing (Northern Ireland) Order 1996 to reflect changes introduced by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.

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

11. SL1: The Magistrates' Courts (Licensing) (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 (Licensing) Rules (Northern Ireland) 1997 which prescribes the forms to be used and information to be provided with an application to a Magistrates' Court under the Licensing (Northern Ireland) Order 1996 to reflect changes introduced by the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.



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

12.SL1: The Magistrates' Courts Fees (Amendment) Order (Northern Ireland) 2021

13.SL1: The County Court Fees (Amendment) Order (Northern Ireland) 2021

The Committee considered two proposals for Statutory Rules, which are not subject to any Assembly procedure, to prescribe fees for new licencing applications arising from the Licensing and Registration of Clubs (Amendment) Act 2021.

Agreed: The Committee agreed to request further information from the Department of Justice and the Department for Communities on the proposed fees.

14.Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy - Year 6 Action Plan - Update

The Committee considered an update provided by the Department of Justice on delivery of the relevant justice actions in the Year Six Action Plan for the Stopping Domestic and Sexual Abuse Seven Year Strategy.

Agreed: The Committee agreed to seek further information on a number of the actions and request a further update on delivery of the Year 6 Action Plan in March 2022.

15.EU Exit and Justice Related Issues

The Committee noted further information provided by the Department of Justice on a range of matters related to EU Exit and Justice-related issues.



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**16. Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 -
Implementation of Section 28 (Domestic Abuse Waiver for Legal Aid) –
Update**

The Committee considered further information provided by the Department of Justice on the implementation of the Domestic Abuse Waiver for Legal Aid.

Agreed: The Committee agreed to again ask the Department of Justice to provide a copy of the Outline Business Case and a copy of the paper trail relating to the conclusion that there is no repercussive effect.

**17. Development of a Joint Secure Care and Justice Campus for Children –
Update**

The Committee noted further information provided by the Department of Justice on the development of the Joint Secure Care and Justice Campus for Children.

Agreed: The Committee agreed to forward a copy of the Department of Justice response to the representatives of the children's organisations who attended the informal meeting with Committee Members in July 2021 for information.

18. Correspondence

- i. The Committee considered the Department of Justice October Monitoring Rounds forms that had been submitted to the Department of Finance on 7 October 2021.

Agreed: The Committee agreed to ask the Department of Justice for details of the Forensic Science Northern Ireland Capital Pressure.

- ii. The Committee considered a response from the Department of Justice on the likely impact of the Defamation Bill on the Department, its Agencies and Non-Departmental Public Bodies.



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Agreed: The Committee agreed to forward the Department's response to the Committee for Finance and highlight that it will be important for the Department of Finance to keep the Northern Ireland Courts and Tribunals Service informed about plans for commencement of the Bill if passed as currently drafted given the operational implications of Clause 11.

The Committee noted the following:

- iii. A response from the Department of Justice providing clarification regarding the tender for the provision of the Hate Crime Advocacy Service from April 2022 for a period of up to five years and available funding for the service.
- iv. Correspondence from the Department of Justice advising that it has issued a survey to Registered Firearms Dealers (RFD) and other interested parties to gather evidence to inform consideration of whether there is a need to change the current RFD holding limits.
- v. The Public Accounts Committee Report on Speeding up the Justice System.

19. Chairperson's Business

None.

20. Any Other Business

None.



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21. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 4 November 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 3:45 p.m.

Mervyn Storey MLA
Chairperson, Committee for Justice
4 November 2021