

FROM THE OFFICE OF THE JUSTICE MINISTER



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Dear Christine

Justice (Sexual Offences and Trafficking Victims) Bill – Clause 8(5)

Thank you for your letter of 14 January to request confirmation of the Department's consideration of the request by the Information Commissioner to amend clause 8(5) of the Bill to more clearly indicate that the list of information contained in the clause that should not be published is not exhaustive

Officials have consulted with Legislative Counsel and can confirm that the list referred to must be construed as non-exhaustive as previously indicated.

It is the Department's and Legislative Counsel's view that the current wording, where 'include in particular' is used in clause 8(5), leaves no doubt as to the nature of the list and that the terms of clause 8(5) are perfectly clear as the provision stands.

Moreover, clause 8(5) must be read in proper context whereby the list is merely embellishing the definitive statement in clause 8(2) as to the matters which may not be published.

The words currently preceding the list in clause 8(5) are carefully chosen so as not to distort the effect of the statement in clause 8(2).



In addition, clause 8(5) is consistent with section 1(3A) of the Sexual Offences (Amendment) Act 1992.

The Department is not aware of any doubt arising to date on the non-exhaustive nature of section 1(3A) of that Act, and this too suggests that clause 8(5) is entirely in order as currently worded.

We trust that this clarification offers complete reassurance on the point, and the Committee agrees that no amendment is necessary or desirable to clause 8(5).

Officials are, however, content to make an addition to the wording of the relevant section of the Explanatory and Financial Memorandum to make it clear that the list is not exhaustive.

I trust that the Committee will find this helpful.

CLAIRE McCORMICK DALO