



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 11 JUNE 2014
Room 21, Parliament Buildings

- Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Tom Elliott MLA
Mr Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
- Apologies: Mr Stewart Dickson MLA
Mr William Humphrey MLA

The meeting commenced at 2.45 p.m. in public session.

1. Apologies

Apologies are detailed above.

2. Draft minutes of the meeting held on 4 June 2014

The Committee approved the draft minutes of the meeting held on 4 June 2014.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for June and July 2014.

2.46 p.m. Mr Raymond McCartney joined the meeting.

- ii The Committee considered a note of the informal meetings which took place on 27 May 2014 with the Northern Ireland Safety and Lifeskills Education Centre Partnership, PlayBoard and Autism NI.

Agreed: The Committee agreed to write to the Minister of Justice regarding the provision of mainstream funding for the RADAR Initiative (Risk Avoidance and Danger Awareness Resource) following completion of the pilot project and asking him to encourage the Youth Justice Agency and other relevant agencies to participate in the project and make use of the facility when it opens.

Agreed: The Committee agreed that a visit to the Northern Ireland Safety & Lifeskills Education Centre should be scheduled into the Forward Work Programme for 2015.

Agreed: The Committee agreed to write to the Minister of Justice regarding funding streams for the Young People, Autism and Justice Project once funding from the Big Lottery Fund ceases in 2015.

- iii The Committee noted correspondence from Judge D Marrinan and a Mr Young following the oral evidence session with the Lord Chief Justice on the Judicial Appointments Process and a High Court Judge Competition.

Agreed: The Committee agreed to advise Judge Marrinan and Mr Young of its intention to initiate a Review of the Judicial Appointments Policy and Process.

4. Placing the Northern Ireland Prisoner Ombudsman on a Statutory Footing – Results of the Consultation and Proposed Way Forward

Karen Pearson, Deputy Director and Anne McConkey, Head of Probation Unit, Reducing Offending Division, Department of Justice joined the meeting at 2.49 p.m.

Ms Pearson briefly outlined the results of the consultation on Placing the Northern Ireland Prisoner Ombudsman on a Statutory Footing and the Department's proposals on the way forward.

A question and answer session followed covering issues including: whether placing the Prisoner Ombudsman on a statutory footing is necessary if it is only to underline the independence of the office; whether the sharing of information is currently an issue and whether placing the Prisoner Ombudsman on a statutory footing would enhance information sharing; whether the power to investigate custody related deaths is within the current scope of the Prisoner Ombudsman; the rationale for the change in title from 'Prisoner Ombudsman' to 'Prison Ombudsman'; whether the proposals would widen the remit of the Prison Ombudsman;

2.55p.m. Mr Patsy McGlone joined the meeting.

whether the Prison Officers' Association had engaged in the consultation process; whether the duty for all parties to an investigation to cooperate is a strengthening of the current position; and

2.56 p.m. Mr Tom Elliott joined the meeting.

whether the concerns expressed by the South Eastern Health and Social Care Trust in relation to the Prison Ombudsman taking the lead on clinical issues in death in custody cases have been resolved.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

The Committee noted the results of the consultation and the Department's intention to bring forward proposals to place the Office of the Northern Ireland Prisoner Ombudsman on a Statutory Footing in the forthcoming Fines and Enforcements Bill.

5. Review of the Statutory Exceptional Grant Scheme – Results of the Consultation and Proposed Way Forward

Mark McGuckin, Deputy Director and Pdraig Cullen, Principal Legal Officer, Public Legal Services Division, Department of Justice joined the meeting at 3.01 p.m.

Mr McGuckin outlined the results of the consultation on the Review of the Statutory Exceptional Grant Scheme and the Department's proposals on the way forward.

A question and answer session followed covering issues including: the number of inquests per year; the number of applications for Exceptional Grant Funding relating to inquests; the overall cost of the Exceptional Grant Funding Scheme; whether all inquests are eligible for Exceptional Grant Funding; arrangements for representation for the family of the deceased at inquests; and whether the Department has any role in deciding whether to fund certain types of case under the Exceptional Grant Scheme.

The Department agreed to provide the Committee with further information on a number of issues.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

The Committee noted the results of the consultation on the Review of the Statutory Exceptional Grant Scheme and the Department's proposals on the way forward, some of which had been included in the Legal Aid and Coroners' Courts Bill with the remainder to be made by way of secondary legislation.

6. Legal Aid and Coroners' Courts Bill – Formal Clause by Clause Consideration

The Committee commenced its formal clause-by-clause consideration of the Legal Aid and Coroners' Courts Bill.

Clause 1 – Dissolution of the NI Legal Services Commission

The Committee considered Clause 1 as drafted.

Question: "That the Committee is content with Clause 1 put and agreed to".

Clause 2 – Designation of Director of Legal Aid Casework

The Committee considered Clause 2 as drafted and noted that some Members had expressed the view that Clause 2(1) which states "The Department must designate a civil servant in the Department as the Director of Legal Aid Casework" could be better drafted, and had indicated that they may wish to consider this further at a later stage.

Question: “That the Committee is content with Clause 2 put and agreed to”.

Clause 3 – Exercise of Functions by Director

The Committee considered Clause 3 as drafted and noted that some Members expressed some reservations about the framework in place to ensure the independence of the Director regarding decisions in individual cases, whether policy constraints could impact negatively on the exercise of that independence because a category of cases could be excluded from consideration by the Director and whether proper safeguards are in place.

Other Members were satisfied that any direction issued by the Department could not override the provisions of the relevant primary or secondary legislation and noted that the requirement to follow directions and guidance issued by the Minister already exists.

Question: “That the Committee is content with Clause 3 put and agreed to”.

Clause 4 – Designation of Functions of Director

The Committee considered Clause 4 as drafted and noted that the Appeals Panel is covered under Schedule 2.

Question: “That the Committee is content with Clause 4 put and agreed to”.

Clause 5 – Annual Report of Director

The Committee considered Clause 5 as drafted.

Question: “That the Committee is content with Clause 5 put and agreed to”.

Clause 6 – Amendment of law relating to legal aid, civil legal services and criminal defence services

The Committee considered Clause 6 as drafted.

Question: “That the Committee is content with Clause 6 put and agreed to”.

Clause 7 – Lord Chief Justice to be President of the Coroners’ Courts

The Committee considered Clause 7 as drafted.

Question: “That the Committee is content with Clause 7 put and agreed to”.

Clause 8 – Presiding Coroner

The Committee considered Clause 8 as drafted.

Question: “That the Committee is content with Clause 8 put and agreed to”.

Clause 9 – Application to the Crown

The Committee considered Clause 9 as drafted.

Question: “That the Committee is content with Clause 9 put and agreed to”.

Clause 10 – Supplementary, incidental or consequential provision

The Committee considered Clause 10 as drafted.

Question: “That the Committee is content with Clause 10 put and agreed to”.

Clause 11 - Repeals

The Committee considered Clause 11 as drafted.

Question: "That the Committee is content with Clause 11 put and agreed to".

Clause 12 - Commencement

The Committee considered Clause 12 as drafted.

Question: "That the Committee is content with Clause 12 put and agreed to".

Clause 13 – Short Title

The Committee considered Clause 13 as drafted.

Question: "That the Committee is content with Clause 13 put and agreed to".

Schedule 1 – Transfer of assets, liabilities and staff of Commission

The Committee considered Schedule 1 as drafted.

Question: "That the Committee is content with Schedule 1 put and agreed to".

Schedule 2 - Amendments

The Committee considered Schedule 2 as drafted and noted that a Member had expressed some reservations about the proposed make-up of the Appeals Panel and the intention to include lay persons as well as legally qualified persons. The Committee also noted that the detail of the appeals mechanism including the make-up and the procedures of the panels would be set out in subordinate legislation which would be forwarded for scrutiny by the Committee and the Assembly.

The Committee considered correspondence from the Department of Justice indicating its intention to bring forward two amendments to address the concerns which were raised by the Assembly Examiner of Statutory Rules, and which the Committee had agreed to support at the meeting on 4 June, which would provide for all rules made under the provisions in Schedule 2 in respect of the new Article 36A, 36B and 38A provisions in the 1981 Order, and the Article 20A provision in the 2003 Order in respect of appeal panels, to be made under the draft affirmative resolution procedure on the first and subsequent occasions.

Agreed: The Committee was content with the proposed amendments to be brought forward by the Department of Justice to ensure that all rules made under the provisions in respect of the new Article 36A, 36B and 38A provisions in the 1981 Order and Article 20A provision in the 2003 Order in respect of appeal panels should be subject to the draft affirmative resolution procedure on the first and subsequent occasions.

Question: "That the Committee is content with Schedule 2 subject to the Department of Justice's proposed amendments put and agreed to".

Schedule 3 - Repeals

The Committee considered Schedule 3 as drafted.

Question: "That the Committee is content with Schedule 3 put and agreed to".

Long Title

The Committee considered the Long Title of the Bill as drafted.

Question: "That the Committee is content with the Long Title put and agreed to".

The Chairman advised the Committee that the draft Report on the Legal Aid and Coroners' Courts Bill would be prepared for consideration at the meeting on 18 June 2014.

7. EU Regulation No.606/2012 on Mutual Recognition of Protection Measures in Civil Matters

The Committee noted the current position in relation to EU Regulation No.606/2012 on Mutual Recognition of Protection Measures in Civil Matters, and the information regarding the role of certain authorities in Northern Ireland which must be communicated to the European Commission by 11 July 2014.

8. SL1 Rehabilitation of Offenders (Exceptions) (Amendment) (No.2) Order (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to correct a drafting oversight in the Rehabilitation of Offenders (Northern Ireland) Order 1979 to enable the Financial Conduct Authority to take account of spent convictions in assessing the suitability of those seeking to work in previously specified positions of manager, director and controller of an Electronic Money Institutions or Payment Institution.

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

9. Access to Justice Review Part II

The Committee noted the Terms of Reference for the Access to Justice Review Part II which had been commissioned by the Minister of Justice and which would be undertaken by Mr Jim Daniell.

Agreed: The Committee agreed that an oral briefing from Mr Daniell on progress in relation to the Review should be scheduled into the Forward Work Programme for October 2014.

10. Refreshed Organised Crime Strategy Document – 2014/15

The Committee noted the refreshed Organised Crime Strategy Document for 2014/15

Agreed: The Committee agreed that an oral briefing on progress to deliver the Organised Crime Strategy for 2014/15 and the Organised Crime Taskforce Annual Report and Threat Assessment for 2014 should be scheduled into the Forward Work Programme in the autumn.

11. Correspondence

- i. The Committee considered a draft response to the Home Secretary's Review of the National Referral Mechanism.

Agreed: The Committee agreed that it was content for the response to issue.

- ii. The Committee noted a response from the Department of Justice providing information requested by it on the Department of Justice's 2014/15 Main Estimate.
- iii. The Committee noted a response from the Department for Justice to information it had requested during the oral briefing on proposed changes to custodial arrangements for children in Northern Ireland on the community element of current sentencing arrangements and the ratio of staff to young people in Hydebank Wood Young Offenders Centre.
- iv. The Committee noted correspondence from the Department of Justice advising that, following a request from the PSNI, the Minister of Justice had issued an Order to take possession of a section of land at the apex of the Crumlin Road and Woodvale Road, Belfast.
- v. The Committee noted correspondence from the Committee for Culture, Arts and Leisure to the Minister of Justice providing a copy of the Minister for Culture, Arts and Leisure's Legacy Report on the 2013 World Police and Fire Games.
- vi. The Committee noted further correspondence from a Mr McHugh regarding allegations of maladministration by the NI Courts and Tribunals Service.
- vii. The Committee noted correspondence from the Department of Justice providing a copy of the Home Secretary's Modern Slavery Bill which had been introduced in Westminster on 10 June 2014.

12. Chairman's Business

None.

13. Any Other Business

None.

14. Date and Time of next meeting

The next meeting will take place on Wednesday 18 June 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 3.34 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice