



## COMMITTEE FOR JUSTICE

### MINUTES OF PROCEEDINGS

THURSDAY 13 MARCH 2014  
Room 30, Parliament Buildings

Present: Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sydney Anderson MLA  
Mr Stewart Dickson MLA  
Mr Tom Elliott MLA  
Mr William Humphrey MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Ms Rosaleen McCorley MLA  
Mr Patsy McGlone MLA  
Mr Jim Wells MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Miss Leanne Johnston (Clerical Supervisor)  
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Paul Givan MLA (Chairman)

*The meeting commenced at 2.05 p.m. in public session.*

#### **1. Apologies**

Apologies are detailed above.

#### **2. Draft minutes of the meeting held on 6 March 2014**

The Committee approved the draft minutes of the meeting held on 6 March 2014.

#### **3. Matters Arising**

*2.07 p.m. Mr Elliott joined the meeting.*

- i. The Chairman advised Members that arrangements had been made for the Department of Justice Permanent Secretary, Mr Nick Perry, to attend a meeting of the Committee on Tuesday 25 March 2014 to discuss the On the Runs Administrative Scheme and letters.

- ii. The Committee noted correspondence from Lord Morrow indicating that he had received a request from the Minister of Finance and Personnel to include a new offence of forced marriage in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and he was content to do so.

*Agreed:* The Committee agreed to request further information from the Department of Finance and Personnel on the background to and rationale for the new offence and to provide a copy of the correspondence to the Committee for Finance and Personnel for information.

- iii. The Committee noted correspondence from the Attorney General for Northern Ireland setting out the key issues he covered in the oral evidence he provided on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

*The Committee agreed to bring Agenda Item 13 forward.*

#### **4. Chairman's Business**

The Chairman indicated that a number of Members had raised issues regarding the current position in relation to the Desertcreat Training College Capital project with him. A discussion took place on the matter and a Member advised that the issue had been discussed at the meeting of the Committee for Enterprise Trade and Investment that morning and it had agreed to write to the Committee for Justice.

*Agreed:* The Committee agreed to request an urgent written update briefing paper from the Department of Justice on the matter and an oral briefing from relevant officials should be scheduled for the following week.

#### **5. Legal Aid and Coroners' Courts Bill**

Mr Mark McGuckin, Deputy Director, Public Legal Services Division and Ms Carol Graham, Bill Manager, Department of Justice joined the meeting at 2.11 p.m.

*2.14 p.m. Mr McGlone joined the meeting.*

Mr McGuckin outlined the main principles of the Legal Aid and Coroners' Courts Bill.

A question and answer session followed covering issues including: the delay in bringing forward the provisions relating to the Coroners' Courts given the changes arose from the Review of the Criminal Justice System in 2000; whether the new structure will improve accountability and forecasting of legal aid spend; budgetary control and oversight arrangements; the transfer of staff from the Legal Services Commission to the Department of Justice; implications for staff pension entitlements; job opportunities for those outside the civil service; anticipated levels of efficiencies and cost saving opportunities; whether an application for legal aid can be made on-line; staff turnover within the Legal Services Commission; whether there will be a new management structure; the proposed new legal aid appeals process; the proposed composition of the appeals panel; whether appeals can be made in person or are always in writing; the main concerns expressed during the consultation process; the legislative timescale for the progress of the Bill; whether there is a financial benefit in bringing the Bill through by October 2014; the outcome of the consultation on a Review of the Statutory Exceptional Grant Funding Scheme and the reason for the delay in publishing the results of this consultation; and whether the provisions in the Bill will address the more root and branch

difficulties that have been identified in a number of reviews and reports in relation to the provision and cost of legal aid.

The officials agreed to provide the Committee with additional information regarding the provisions relating to the Coroners' Courts.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*Agreed:* The Committee agreed that it was content to support the principles of the Bill and the Chairman would indicate this at Second Stage.

## **6. Proposals for Handling the Committee Stage of the Legal Aid and Coroners' Courts Bill**

The Committee considered proposals to facilitate early completion of the Committee Stage of the Legal Aid and Coroners' Courts Bill.

The Committee also considered correspondence from the Attorney General for Northern Ireland requesting that the Committee considers a potential amendment to the Bill relating to his powers under the Coroners Act (Northern Ireland) 1959.

*Agreed:* The Committee agreed in principle to undertake a 10-week Committee Stage and noted the provisional timetable.

*Agreed:* The Committee agreed a media sign-posting notice, a list of key stakeholders, and a letter, which included a request for views on the Attorney General's proposal, to issue seeking written evidence following the introduction of the Bill.

*Agreed:* The Committee agreed to hold an evidence event on the Bill.

## **7. Reducing Avoidable Delay in the Criminal Justice System and Improving Services for Victims and Witnesses – Progress Report on the programmes of work**

The Chairman advised Members that Include Youth and NIACRO/Victim Support had provided a copy of their responses to the Department of Justice consultation on Statutory Time Limits in the Youth Courts to inform this evidence session.

Maura Campbell, Deputy Director, Criminal Justice Development Division and Veronica Holland, Chris Matthews, and Jean Moore, Criminal Justice Development Division, Department of Justice joined the meeting at 3.00 p.m.

Ms Campbell provided an update on progress to reduce avoidable delay in the criminal justice system.

A question and answer session followed covering issues including: what progress had been made to address avoidable delay and what are the main problems; whether the Causeway database had highlighted particular regional or case type issues or obstacles that required addressing; the proposal to make greater use of charge in youth cases; the problems identified in relation to summons cases; whether there had been a reduction in the number of young people in custody; progress on the implementation of the Youth Justice Review recommendations; the proposals in relation to introducing statutory time

limits in youth cases and issues raised regarding whether the target covers enough stages of the process and is stretching enough; whether each stage in the criminal justice process should have its own time limit; the need for further engagement with the youth justice key stakeholders; and mechanisms for assessing and measuring the impact of the process on victims and witnesses.

*3.31 p.m. Mr Maginness left the meeting.*

Ms Campbell provided an update on progress to implement the Victim and Witness Strategy and Action Plan for 2013-15.

A question and answer session followed covering issues including: whether improvements in the treatment of, and provision of services for victims and witnesses of crime is noticeable over the last 18 months; how the changes will be formally evaluated and whether the results will be published; whether there is a formal feedback system; the roll out across Northern Ireland of the Victim and Witness Care Units; how contact by telephone with victims and witnesses works; and whether there is proactive provision of information.

Departmental officials agreed to provide further information on several issues.

*3.44 p.m. Mr Wells left the meeting.*

*3.44 p.m. Mr Humphrey left the meeting.*

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*The Committee agreed to return to Agenda Item 13.*

## **8. Chairman's Business continued**

The Chairman referred back to the discussion on the Desertcreat Training College and invited Mr Patsy McGlone in his capacity as Chairman of the Committee for Enterprise, Trade and Investment, to update Members on the discussion that had taken place at the meeting of that Committee earlier in the day. Mr McGlone outlined the Committee for Enterprise, Trade and Investment's concerns regarding the economic implications if the Desertcreat Training College did not go ahead and its decision to seek an urgent joint Committee meeting with the Committee for Justice to receive a briefing on the current position.

*3.46 p.m. Mr Maginness joined the meeting.*

*Agreed:* The Committee agreed that it should sit concurrently with the Committee for Enterprise, Trade and Investment for the purpose of taking oral evidence on the current position in relation to the Desertcreat Training College from officials with responsibility for the project.

## **9. S.R. 2014/47 The Explosives (Hazard Information and Packaging for Supply)(Amendment No.2) Regulations (Northern Ireland) 2014**

The Committee considered SR 2014/47 The Explosives (Hazard Information and Packaging for Supply) (Amendment No.2) Regulations (Northern Ireland) 2014 which

will comply with EU Regulation, No 649/2012 concerning the export and import of hazardous chemicals which will apply from 1 March 2014.

*Agreed:* The Committee for Justice considered Statutory Rule 2014/47 The Explosives (Hazard Information and Packaging for Supply) (Amendment No.2) Regulations (Northern Ireland) 2014 and agreed that it was content with the Rule.

#### **10. Draft SR The Police Act 1997 (Criminal Records Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014**

The Committee considered draft Statutory Rule: The Police Act 1997 (Criminal Records Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014 which will amend the definition that sets out what is to be disclosed by AccessNI in response to an application for a criminal record certificate or an enhanced criminal record certificate and provides for the introduction of a scheme to filter out certain old and minor convictions and disposals from disclosure and includes a list of legislation which specifies offences that will never be filtered.

*Agreed:* The Committee for Justice considered draft Statutory Rule: The Police Act 1997 (Criminal Records Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2014 and agreed to recommend that it be affirmed by the Assembly.

#### **11. SR 2014/27 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2014**

The Committee considered SR 2014/27 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2014 to amend the Rehabilitation of Offenders (Exceptions) Order 1979 by introducing provisions so that some old and minor spent convictions will no longer have to be disclosed and cannot be taken into account in employment decisions in certain circumstances.

*Agreed:* The Committee for Justice considered Statutory Rule 2014/27 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

#### **12. SR 2014/28 The Police Act 1997 (Criminal Record) (Amendment) Regulations (Northern Ireland) 2014**

The Committee considered SR 2014/28 The Police Act 1997 (Criminal Record) (Amendment) Regulations (Northern Ireland) 2014 to make provision for AccessNI to disclose, in the course of issuing standard and enhanced criminal record certificates, information in relation to cautions, diversionary youth conferences and informed warnings held on the Causeway criminal history database.

*Agreed:* The Committee for Justice considered Statutory Rule 2014/28 The Police Act 1997 (Criminal Record) (Amendment) Regulations (Northern Ireland) 2014 and agreed that it was content with the Rule.

*3.55 p.m. Mr McGlone left the meeting.*

### **13. Regulations Allowing Closure of Settled Tax Credit Appeals in England, Wales and Scotland**

The Committee noted correspondence from the Minister of Justice advising of his intention to give consent to regulations made by Revenue and Customs to provide a power to close down settled tax credit appeals in England, Wales and Scotland.

### **14. Correspondence**

- i. The Committee considered a copy of a response from the Department of Justice to the Department of the Environment in relation to the Local Government Bill providing information on the areas of DoJ policy responsibility that are specified as a duty or responsibility of a council; the legislative provision that places the responsibility on a council; and whether the discharge of the function could be the responsibility of a council's executive or should be the responsibility of the full council.

*Agreed:* The Committee agreed to send a copy of the correspondence to the Committee for the Environment for information.

- ii. The Committee noted correspondence from the Department of Justice providing information on the findings of the Northern Ireland Statistics and Research Agency Report on sickness absence data for DoJ staff in the 2012/13 financial year.
- iii. The Committee noted a response from the Department of Justice regarding recent correspondence referred by it from a Mr J D McHugh.
- iv. The Committee noted correspondence from the Committee for Finance and Personnel on Post Project Evaluations at 31 December 2013 provided by the Department of Finance and Personnel.
- v. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of the Carnegie Trust Measuring Wellbeing in Northern Ireland Report.
- vi. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 2/2014 '*Northern Ireland Conviction and Sentencing Statistics 2010-2012*'.

### **15. Any Other Business**

None.

### **16. Date, Time and Place of next meeting**

The next meeting will take place on Thursday 20 March 2014 at 2.00 p.m. in Room 30, Parliament Buildings.

*The meeting was adjourned at 4.00 p.m.*

**Mr Paul Givan MLA**  
**Chairman, Committee for Justice**