



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 14 NOVEMBER 2013  
Room 30, Parliament Buildings

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

*The meeting commenced at 2.14 p.m. in closed session.*

#### **1. Legal Advice in relation to Section 44 Powers**

*2.19 p.m. Ms Rosaleen McCorley joined the meeting.*

Ms Tara Caul, Head of Assembly Legal Services, attended the meeting to provide legal advice on options available to the Committee to compel the attendance of a person at a Committee meeting and answered Members' questions.

The Chairman thanked Ms Caul for the advice and she left the meeting.

*Agreed:* The Committee agreed to again invite the representative to a meeting of the Committee, to be held in closed session, to discuss its request for information

relating to the investigation into the sexual exploitation of children and young people from care homes.

*The meeting moved into public session at 2.47 p.m.*

## **2. Apologies**

Apologies are listed above.

## **3. Draft minutes of the meeting held on 7 November 2013**

The Committee approved the draft minutes of the meeting held on 7 November 2013.

## **4. Matters Arising**

- i. The Committee considered an updated Forward Work Programme for November and December 2013.

*Agreed:* The Committee agreed to schedule an additional meeting on Tuesday 10 December 2013 given the likely volume of oral and written briefings that will have to be accommodated in December.

*Agreed:* The Committee agreed that a written briefing on the January 2014 Monitoring Round should be provided for the meeting on 10 December 2013.

- ii. The Committee considered a draft outline programme for the visit to Sweden as part of the Committee's consideration of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

*Agreed:* The Committee agreed the draft outline programme.

- iii. The Committee discussed the oral evidence session that took place on 7 November 2013 with His Honour Judge Desmond Marrinan on the judicial appointments process and a High Court Judge competition.

*Agreed:* The Committee agreed to request additional papers from the Northern Ireland Judicial Appointments Commission in relation to the High Court Judge competition.

*Agreed:* The Committee agreed to invite the Chairperson of the High Court Judge Competition Selection Committee to brief the Committee on the matter and answer Members' questions.

*Agreed:* The Committee agreed to invite the Northern Ireland Judicial Appointments Ombudsman to brief the Committee on his investigations of the complaints submitted by Judge Marrinan in relation to the High Court Judge competition and answer Members' questions.

*Agreed:* The Committee agreed that these oral evidence sessions should be scheduled prior to the attendance of the Lord Chief Justice on the matter.

*Agreed:* The Committee agreed that following the evidence sessions and further consideration of the issues raised by Judge Marrinan it would discuss whether to undertake an overall review of the judicial appointments process.

*2.57 p.m. Mr Stewart Dickson left the meeting.*

## **5. Desertcreat Training College Capital Project - Update on Progress**

Deputy Chief Constable Judith Gillespie, PSNI, Chair of the Programme Board, Dr Bernie Stuart, Director of Investment Directorate, Department of Health, Social Services and Public Safety, and Louise Warde Hunter, Deputy Director of Policing Policy Strategy Division, Department of Justice, joined the meeting at 2.59 p.m.

*3.01 p.m. Mr Seán Lynch left the meeting.*

Deputy Chief Constable Gillespie updated the Committee on progress on the delivery of the Desertcreat Training College Capital Project.

A detailed question and answer session followed covering issues including: issues raised by the Department of Finance and Personnel regarding the business case addendum; the likely timescale for signing off the business case addendum; whether the preferred bidder had been confirmed and whether there had been a public announcement on this; if there are any concerns regarding the preferred bidder designate; processes to check financial viability of the preferred bidder; steps being taken to ensure sub-contractors are paid; the benefits of using a project bank account; whether future PSNI recruitment plans will impact on the viability of the College; whether foundation training would be the core business of the college; projected occupancy rates and whether there are contingency plans to ensure the full utilisation of the building; the total amount paid to the project design team to date; the overall spend on the project to date; liability for potential increased cost of building materials; the projected timescale for project completion and whether this can be met; controls for timescales during the construction stage; budget contingency arrangements; liability relating to the design team's failures and recourse for this; and the date when contractors are expected to be on site.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

## **6. Review of the Criminal Records Regime in Northern Ireland – Outcome of Consultation and Proposed Way Forward**

Maura Campbell, Head of Criminal Justice Development Division, Gary Archibald, Criminal Justice Development Division, Debbie Pritchard, Protection and Organised Crime Division, Department of Justice, and Tom Clarke, Operations Manager, AccessNI joined the meeting at 3.26 p.m.

Maura Campbell briefly outlined the proposed way forward on four of the recommendations of the Review of the Criminal Records Regime in Northern Ireland carried out by Sunita Mason.

A question and answer session followed covering issues including: how the Minister of Justice intends to reconcile the variance in the recommendation made by Sunita Mason

in the Review of the Criminal Records Regime and the Youth Justice Review Team in relation to young people's records; the impact of the proposed new filtering scheme; and the possible impact on public protection if 'a clean slate' approach was adopted.

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 note the proposed way forward as set out by the Department of Justice in relation to the four recommendations in the Review of the Criminal Records Regime in Northern Ireland.

#### **7. SR 2013/249 The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013**

The Committee considered Statutory Rule 2013 No.249: The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013 which will extend unduly lenient sentencing provisions to include excise evasion on fuel and tobacco.

*Agreed:* The Committee for Justice considered Statutory Rule 2013 No.249: The Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013 and agreed that it was content with the Rule.

#### **8. Section 8 Guidance For Criminal Justice Organisations on Human Rights Standards – Addition of the PSNI**

The Committee considered the views of the PSNI and the Northern Ireland Policing Board on the proposal by the Attorney General for Northern Ireland to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (NI) Act 2004.

*Agreed:* The Committee agreed that it would consider the matter further at the meeting on 21 November 2013.

#### **9. Fine Default Judicial Reviews: Update on Developments**

The Committee noted information provided by the Department of Justice on developments following the judgement delivered by the Divisional Court in five judicial reviews (referred to collectively as the McLarnon judgement) relating to the arrangements for enforcing unpaid fines and other monetary penalties.

#### **10. Update on the EU Legislative Proposal to establish a European Public Prosecutor's Office**

The Committee noted information provided by the Department of Justice on the EU Commission's legislative proposal to establish a European Public Prosecutor's Office and the ongoing negotiation process..

#### **11. Draft Consultation on Proposals to Introduce Statutory Time Limits in the Youth Court**

The Committee considered proposals by the Department of Justice to undertake a public consultation on proposals to introduce Statutory Time Limits in the youth court as part of the Speeding Up Justice Programme.

*Agreed:* The Committee agreed that it was content for the consultation to take place and that it would consider the matter further when the results of the consultation are available.

## 12. Correspondence

- i. The Committee noted correspondence from the Department of Justice regarding a proposal for the introduction of a PSNI service medal.
- ii. The Committee noted correspondence from the Department of Justice regarding sickness absence rates within the Department.
- iii. The Committee noted correspondence from the Department of Justice providing an update on the implementation of the new Biometric Retention Framework.

*3.49 p.m. Mr Seán Lynch joined the meeting.*

- iv. The Committee noted correspondence from the Department of Justice regarding the publication of the NI Courts and Tribunals Service Quarterly Judicial Statistics for July to September 2013 on civil, criminal and family business across all court tiers.
- v. The Committee considered an invitation from the Committee for Employment and Learning to a Higher Education Showcase Event in Parliament Buildings on 19 November 2013.

*Agreed:* Members agreed to advise the Clerk if they wished to attend the event.

- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister regarding briefings for Statutory Committees by the Barroso Taskforce Desk Officers.
- vii. The Committee considered correspondence from a Mrs Shaw regarding a range of issues relating to civil proceedings over a disputed shared right of way.

*Agreed:* The Committee agreed to forward a copy of the correspondence to the Northern Ireland Courts and Tribunal's Service, the PSNI and the Public Prosecution Service and ask them to respond directly to Mrs Shaw on the issues that fall within their responsibilities.

- viii. The Committee considered correspondence from a T Jackson regarding a delay in sentencing a person who entered a guilty plea at court to causing damage to property owned by him.

*Agreed:* The Committee agreed to forward a copy of the correspondence to the Public Prosecution Service and ask them to respond directly on the issues raised.

- ix. The Committee noted correspondence from the NI Judicial Appointments Commission advising of the appointment of Ms Donna McColgan QC to the office of County Court Judge in Northern Ireland.
- x. The Committee noted the Criminal Justice Inspection Northern Ireland Report on '*An Inspection of Approved Premises in Northern Ireland*'.
- xi. The Committee considered correspondence from an individual solicitor regarding the current civil legal aid and criminal legal aid remuneration consultations being undertaken by the Department of Justice.

*Agreed:* The Committee agreed that, given the consultations are currently being undertaken by the Department of Justice, the solicitor should be advised to submit their views on the proposals to the Department.

- xii. The Committee considered an invitation from Daithí McKay MLA to the launch of his Private Members Bill for Rates Relief for Amateur Sports Clubs on 21 November 2013 in Parliament Buildings.

*Agreed:* Members agreed to advise the Clerk if they wished to attend the launch.

- xiii. The Committee considered an invitation from the Chaplain at HM Hydebank Wood to a combined Prisons' Week Service on 20 November 2013 in St Patrick's Church, Belfast.

*Agreed:* Members agreed to advise the Clerk if they wished to attend the service.

### **13. Chairman's Business**

None.

### **14. Any Other Business**

None.

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

The next meeting will take place on Thursday 21 November 2013 at 2.00 p.m. in Room 30, Parliament Buildings.

*The meeting was adjourned at 3.50 p.m.*

Mr Paul Givan MLA  
Chairman, Committee for Justice

21 November 2013