

# DRAFT



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

WEDNESDAY 2 JULY 2014  
Room 29, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)  
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  
Ms Rosaleen McCorley MLA  
Mr Patsy McGlone MLA  
Mr Alban Maginness MLA  
Mr Jim Wells MLA

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

Apologies: None

*The meeting commenced at 2.07 p.m. in public session.*

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 25 June 2014**

The Committee approved the draft minutes of the meeting held on 25 June 2014.

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

- i. The Committee noted the Summary Report of the Prison Review Oversight Group following its meeting on 5 June 2014 which had been provided by the Department of Justice.

- ii. The Committee noted correspondence from the Minister of Justice advising of a leave of absence for an independent member of the Prison Review Oversight Group.
- iii. The Committee noted a response from the Department of Finance and Personnel to its request for an explanation of the DFP Classification Assessment Committee's decision to classify the RUC George Cross Widows' Association as a private sector body.

#### **4. Desertcreat Training College Capital Project – Update on Progress at June 2014**

Interim Deputy Chief Constable Alastair Finlay, Chair of the NI Community Safety College Programme Board, Brendan Smyth, Health Estates, Centre of Procurement Expertise (CoPE) and Rosemary Crawford, Deputy Director, Policing Policy and Strategy Division, Department of Justice joined the meeting at 2.11 p.m.

Interim Deputy Chief Constable Alastair Finlay provided an update on the position in relation to the Desertcreat Training College Capital Programme.

*2.23 p.m. Mr Tom Elliott joined the meeting.*

A question and answer session followed covering issues including: the original business case estimation of project costs; the business case approval limit including the 10% margin of tolerance; when further Executive approval is required for the project; whether the design review and the potential savings identified would affect functionality; the implications for the current list of bidders; the status of the preferred bidder; lessons learnt;

*2.28 p.m. Mr Raymond McCartney left the meeting.*

*2.32 p.m. Mr Sydney Anderson joined the meeting.*

the guidelines available for the management of this size of capital project; whether the facilities would be fit-for-purpose or erode the "world class" concept; the level of cooperation between the services regarding the provision of training; the non-recoverable costs if the project does not proceed; whether the project can be delivered within 10% of the approved business case limits; the cost of the project to date; the process if costs go beyond the current business case; the risk of costs growing beyond the current business case; the potential for delays in the process; issues regarding the handling of the project; whether the project was too big from the outset; whether the project had provided value for money to date; the confidence of the Programme Board regarding delivery of the project; and whether the project could survive another set-back.

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

*2.50 p.m. Mr Patsy McGlone joined the meeting.*

The briefing was recorded by Hansard.

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

**5. Withdrawal of Funding for the RUC George Cross Widows' Association – Briefing by Representatives of the RUC George Cross Widows' Association**

Janice Taylor, Chairperson, Iona Meyer, Secretary, and Danna Cochrane, Treasurer, RUC George Cross Widows' Association joined the meeting at 2.51 p.m.

The RUC George Cross Widows' Association representatives outlined the background to, and the issues regarding the withdrawal of funding for the Association by the Department of Justice.

*2.58 p.m. Mr Raymond McCartney joined the meeting.*

*3.02 p.m. Mr Jim Wells joined the meeting.*

A question and answer session followed covering issues including: the Association's request for a meeting with the Minister of Justice which had yet to take place; the applications for funding the Association had provided to the Department of Justice which had gone missing; the provision of funding by the Department of Justice to employ a consultant; drawdown of funding that had been withheld by the Department of Justice; the assistance provided by the Department of Justice to the Association in applying for funding; the implications that the loss of funding has had for the Association; examples of the types of activities that the Association carries out and the level of support and assistance it provides to its Members; the level of funding previously provided to the Association; the number of members in the Association; the reason for the reclassification of the Association by the Department of Finance and Personnel Classification Assessment Committee; the views of the wider membership of the Association regarding the funding difficulties; the relationship between the Association and departmental officials; how similar Associations in other parts of the UK are funded; and the Patten recommendation regarding funding the Association.

The briefing was recorded by Hansard.

The Chairman thanked the representatives of the RUC George Cross Widows' Association for their attendance and they left the meeting.

**6. Withdrawal of funding for the RUC George Cross Widows' Association – Briefing by Department of Justice Officials**

Rosemary Crawford, Deputy Director, Policing Policy and Strategy Division and Eamon Jones and Eithne Boyle, Policing Strategy and Support Branch, Department of Justice joined the meeting at 3.35 p.m.

Ms Crawford outlined the background to the withdrawal of funding for the RUC George Cross Widows' Association.

A question and answer session followed covering issues including: how many organisations were reclassified as a result of the review of the Department's Arm's-Length Bodies; efforts to trace the missing funding application forms from the Association; the Association's request for a meeting with the Minister of Justice and how this had been handled.

*3.58 p.m. Mr Tom Elliott left the meeting.*

*4.03 p.m. Mr Alban Maginness left the meeting.*

how the Department can facilitate a resolution to the current difficulties; what happened to the £19,000 drawdown the Association expected to receive; whether the Minister of Justice had made a special case for the Association regarding its funding following discussion with the Minister of Finance and Personnel; whether the Department had been proactive in engaging with the Association; the requirement for a detailed and costed application process in this instance; the rationale for employing a consultant to assist the Association; whether there is a commitment from the Department in principle to fund the Association; whether funding has been ring-fenced for the Association; whether activities carried out by the Association fall outside current funding criteria; an explanation of the ‘private sector’ classification; the timescale involved in processing applications for funding; the requirement for an annual funding application process; how Non – Departmental Bodies (NDPBs) are funded; consequences in terms of funding if the Association was to be reclassified again; whether funding can be granted retrospectively; whether the funding for a consultant is still available; and the requirement as part of the Patten recommendations to fund the Association.

The officials agreed to provide the Committee with further information regarding whether a special case for funding had been made.

The briefing was recorded by Hansard.

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

*Agreed:* The Committee agreed to write to the Minister of Justice urging him to find a satisfactory resolution to the funding issue as soon as possible.

## **7. Proposals for Handling the Committee Stage of the Justice Bill**

The Committee considered proposals for the handling of the Committee Stage of the Justice Bill including a draft Bill timetable, a draft media sign-posting notice, a draft letter seeking evidence on the Bill and a list of key stakeholders.

The Committee also considered correspondence from the Department of Justice providing a copy of the Delegated Powers Memorandum relating to the Bill and setting out information on a number of amendments it intended to bring forward for consideration during the Committee Stage of the Bill.

Mr Jim Wells MLA advised the Committee that he intended to bring forward an amendment to the Bill to restrict lawful abortions to National Health Service premises except in cases of urgency when access to National Health Service premises is not possible and where no fee is paid. He provided the wording of the amendment which also included an additional option to the existing legislation to provide for a period of 10 years imprisonment and a fine on conviction on indictment to be imposed and proposed that the Committee should seek views on his amendment when seeking evidence on the Bill.

The Committee discussed whether it was appropriate to seek views on individual Members’ proposed amendments to a Bill when seeking views on the Bill and a range of views were expressed.

*Agreed:* The Committee agreed to seek views on the Department of Justice’s proposed amendments, a provision to amend the Coroners Act (Northern Ireland) 1959 proposed by the Attorney General for Northern Ireland and first considered by the Committee during the Committee Stage of the Legal Aid and Coroners’ Courts Bill and the

amendment proposed by Mr Jim Wells MLA when seeking written evidence on the Bill.

*Agreed:* The Committee agreed a closing date of 12 September 2014 for receipt of written evidence.

*Agreed:* The Committee agreed a media sign-posting notice, a list of key stakeholders and a letter to issue seeking written evidence on the Bill and the proposed amendments outlined by the Department of Justice, the Attorney General for Northern Ireland and Mr Jim Wells MLA.

*Agreed:* The Committee agreed to forward a copy of the Delegated Powers Memorandum to the Assembly Examiner of Statutory Rules for his views/comments.

*4.57 p.m. Mr Raymond McCartney left the meeting.*

#### **8. Home Office Serious Crime Bill - Implications for Northern Ireland and Possible Legislative Consent Motion**

The Committee considered the content of the Serious Crime Bill introduced in Westminster in June 2014 which has the principal objective of ensuring that law enforcement agencies have effective legal powers to deal with the threat from serious and organised crime and noted the approach proposed by the Minister for Justice to seek a Legislative Consent Motion for Westminster to legislate on the devolved aspects of the Bill.

#### **9. SR 2014/174 The 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 amend a drafting error in the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 to enable the Financial Conduct Authority to take account of spent convictions when assessing the suitability of those seeking to work in previously specified positions in Electronic Money Institutions and Payment Institutions.

*Agreed:* The Committee for Justice considered Statutory Rule 2014/174 The Rehabilitation of Offenders (Exceptions) (Amendment) (No.2) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

#### **10. SR 2014/178 The Magistrates' Courts and County Court Appeals (Criminal Legal Aid) (Costs) (Amendment) Rules (Northern Ireland) 2014**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make amendments to the Magistrates' Courts and County Courts Appeals (Criminal Legal Aid) (Costs) Rule (Northern Ireland) 2009 to change the legal aid remuneration arrangements for solicitors and counsel representing defendants in the Magistrates' Courts.

*Agreed:* The Committee for Justice considered Statutory Rule 2014/178 The Magistrates' Courts and County Court Appeals (Criminal Legal Aid)

(Costs) (Amendment) Rules (Northern Ireland) 2014 and agreed that it was content with the Rule.

#### **11. Draft Statutory Rule The Lands Tribunal (Salaries) Order (Northern Ireland) 2014**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to provide for changes in the annual salary payable to the President and Member of the Lands Tribunal for Northern Ireland.

*Agreed:* The Committee for Justice considered draft Statutory Rule The Lands Tribunal (Salaries) Order (Northern Ireland) 2014 and recommended that it be affirmed by the Assembly.

#### **12. Legal Aid Reform: Post Consultation Report on Alternative Methods of Funding Money Damages Cases**

The Committee noted information provided by the Department of Justice setting out the background to a consultation on Alternative Methods of Funding Money Damages Cases and the options for reform, a summary of the views expressed by respondents to the consultation and an overview of the work now being taken forward by the Department.

*5.04 p.m. Mr Alban Maginness joined the meeting.*

#### **13. Review of the Code of Practice on the Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships - Outcome of Consultation and Proposed Way Forward**

The Committee considered information provided by the Department of Justice on the results of its consultation on the draft Code of Practice on the Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships and the revised Code of Practice which was amended following the consultation.

*Agreed:* The Committee agreed that an oral briefing on the outcome of the consultation and the revised Code of Practice should be scheduled for September 2014.

#### **14. Secretary of State's Direction under Section 1A(7) of the Prison Act (NI) 1953 as Amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010**

The Committee noted a proposal to renew, unaltered, for a further twelve months from October 2014, the Secretary of State's Direction under Section 1A(7) of the Prison Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, which specifies the Secretary of State's functions exercisable by Department of Justice officials undertaking prison or prison-related functions, and when exercising those functions, such officials are to be treated as Officers of the Secretary of State.

#### **15. Consultation on Subordinate Legislation to Implement Reform of Police Pensions and Proposals for a Career Average Revalued Earnings (CARE) Scheme**

The Committee considered proposals by the Department of Justice to consult on draft Police Pensions Regulations (Northern Ireland) 2014 which set out the detail of the design of the Career Average Revalued Earnings scheme for the new police pensions

which come into effect on 1 April 2015 and arise from the Public Service Pensions Act (Northern Ireland) 2014.

*Agreed:* The Committee agreed that it was content for the consultation on the proposed Police Pensions Regulations (Northern Ireland) 2014 to take place and it would consider the issue further when the results of the consultation are available.

#### **16. EU Regulation 606/2012 on Mutual Recognition of Protection Measures in Civil Matters: Proposal to use Westminster Regulations to Support Implementation of the Regulation in Northern Ireland**

The Committee noted a proposal by the Minister of Justice to use Westminster Regulations to support the implementation of EU Regulation No. 606/2012 Mutual Recognition of Protection Measures in Civil Matters in Northern Ireland which establishes a mechanism to allow for mutual recognition in one member state of a civil protection measure ordered in another member state, subject to the Ministry of Justice having the authority to make the regulations for Northern Ireland.

*5.08 p.m. Mr Jim Wells left the meeting.*

#### **17. Correspondence**

- i. The Committee noted a copy of correspondence from the Minister of Justice to Ms Dolores Kelly MLA in response to issues raised during Topical Questions on 10 June 2014 regarding legacy inquests and in particular, the provision of Coroners Investigators services to the Senior Coroner.
- ii. The Committee noted correspondence from the Department of Justice regarding a recent Supreme Court Judgment in relation to standard and enhanced disclosure certificates issued under part V of the Police Act 1997 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and indicating that there was nothing in the judgement to alter AccessNI's approach to disclosure of criminal record certificates following the introduction of the filtering scheme in April 2014.
- iii. The Committee noted a copy of the Forensic Science Northern Ireland Business Plan 2014 - 2015.
- iv. The Committee noted the publication of Official Statistics Bulletin 7/2014 'Perceptions of Policing, Justice and Organised Crime: Findings from the 2011/12 and 2012/13 Northern Ireland Crime Surveys'.
- v. The Committee noted the publication of Official Statistics Bulletin 9/2014 'First Time Entrants to the Criminal Justice System in Northern Ireland 2011/12'.
- vi. The Committee noted the publication of the Judicial Statistics 2013 report on criminal, civil and family business in the Northern Ireland Courts and Tribunals Service.
- vii. The Committee noted the publication of the Research and Statistical Bulletin 'Views on Alcohol and Drug Related Issues: Findings from the September 2013 Northern Ireland Omnibus Survey'.

- viii. The Committee noted a copy of the Northern Ireland Prison Service Corporate Plan 2011/16 and Business Plan 2014/15.
- ix. The Committee considered correspondence from the Committee for Employment and Learning providing a copy of a letter from the Prison Arts Foundation outlining its concerns in relation to the proposed cuts to the Prison Education budget.
  - Agreed:* The Committee agreed to write to the Department of Justice requesting further information on the prison education budget, the restructuring of education provision and the delivery of arts programmes.
- x. The Committee noted correspondence from the Committee for Enterprise, Trade and Investment providing a copy of correspondence from the Department of Enterprise, Trade and Investment regarding how information received from European Liaison Officers can best be passed to Committees.
- xi. The Committee noted a copy of the Youth Justice Agency Business Plan 2014-2015.
- xii. The Committee considered correspondence from Alcoholics Anonymous requesting joint sponsorship by the Committee for Justice and Committee for Health, Social Services and Public Safety for a provisional event it wished to hold in Parliament Buildings.
  - Agreed:* The Committee agreed to act as a joint sponsor with the Committee for Health, Social Services and Public Safety for the provisional event being organised by Alcoholics Anonymous.
- xiii. The Committee noted a copy of the Parole Commissioners for Northern Ireland Annual Report 2013-2014.
- xiv. The Committee noted correspondence from the Minister of Justice on the Department's inaugural "Valuing our People" awards event.
- xv. The Committee noted a response from the Department of Justice providing further information requested by the Committee during the briefing on the Reform of Crown Court Remuneration for Solicitors and Counsel Representing Defendants on 28 May 2014.
- xvi. The Committee noted correspondence from the Chairman of the Joint Oireachtas Committee on Justice, Defence and Equality, Mr David Stanton TD providing a copy of that Committee's interim response to the Minister for Justice and Equality, Ms Frances Fitzgerald TD, arising from its Review of the Garda Síochána Act 2005.
- xvii. The Committee noted a copy of the Northern Ireland Judicial Appointments Ombudsman Annual Report 2013-14.
- xviii. The Committee noted a copy of the Prisoner Ombudsman for Northern Ireland Annual Report 2013 -14.



- xix. The Committee noted correspondence from Mr Jim Daniell outlining his approach to the Review of the Access to Justice in Northern Ireland Part Two and the intended timetable. A briefing on the Review had been scheduled in the Forward Work Programme for the autumn.
- xx. The Committee noted further correspondence from a Mr W McMaster regarding his complaint in relation to the Office of the Police Ombudsman.
- xxi. The Committee noted further correspondence from a Mr McHugh regarding allegations of maladministration by the Northern Ireland Courts and Tribunals Service.
- xxii. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.

*5.11 p.m. Mr Jim Wells joined the meeting.*

#### **18. Chairman's Business**

The Committee considered arrangements for dealing with Freedom of Information requests during the summer recess period.

*Agreed:* The Committee agreed to delegate authority to the Chairman and Deputy Chairman to submit, during the recess period, views on the releasing or withholding of the information in any non-routine/contentious Freedom of Information requests received.

#### **19. Any Other Business**

None.

#### **20. Date and Time of next meeting**

The next meeting will take place on Wednesday 10 September 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

*The meeting was adjourned at 5.12 p.m.*

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