



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 28 MAY 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 William Humphrey MLA
Mr Seán Lynch MLA
Ms Rosaleen McCorley MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Stewart Dickson MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA

The meeting commenced at 2.06 p.m. in public session.

1. Apologies

Apologies are detailed above.

2. Draft minutes of the meeting held on 14 May 2014

The Committee approved the draft minutes of the meeting held on 14 May 2014.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for June and July 2014.
- ii The Committee noted correspondence from the Office of the Lord Chief Justice regarding the agenda for discussion with the Lord Chief Justice at the Committee meeting on 4 June 2014.

4. Legal Aid and Coroners' Courts Bill – Oral Evidence from the Department of Justice

Mark McGuckin, Deputy Director, Public Legal Services Division, Siobhan Broderick, Deputy Director, Civil Justice Policy and Legislation Division, Carol Graham, Bill Manager and Pdraig Cullen, Principle Legal Officer, Public Legal Services Division, Department of Justice joined the meeting at 2.09 p.m.

Mr McGuckin outlined each of the clauses and schedules of the Legal Aid and Coroners' Courts Bill and the Department's position in relation to the issues raised in the written and oral evidence received by the Committee.

A question and answer session followed covering issues including: the recruitment process for the Director of Legal Aid Casework and who would be eligible to apply; the independence of the Director of Legal Aid Casework; the Law Centre's proposed amendments to Clause 3 and whether they would strengthen the Bill and mitigate concerns in relation to independence; the impact of the Law Centre's proposed amendments to Clause 3; the status of the Department's directions and guidance and whether they could compromise independence or override the legislation; the Director's authority to delegate functions and to whom functions can be delegated; the Assembly controls in relation to Rules made under the legislation; the appeals mechanism; whether the appeal panel's decisions are final; and the composition of the appeals panel.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

Agreed: The Committee agreed that the Assembly Examiner of Statutory Rules should attend a meeting to discuss his advice on the delegated powers in the Legal Aid and Coroners' Courts Bill and the Department of Justice's response.

5. Legal Aid and Coroners' Courts Bill - Oral Evidence from the Attorney General for Northern Ireland

The Attorney General for Northern Ireland, Mr John Larkin Q.C. joined the meeting at 3.04 p.m.

The Attorney General outlined his proposed amendment to the Legal Aid and Coroners' Courts Bill which would provide him with the power to obtain information or documents from Health and Social Care Trusts for the purposes of considering whether or not to direct an inquest under Section 14(1) of the Coroners' Act (Northern Ireland) 1959.

A question and answer session followed covering issues including: the confines of the Attorney General's proposed amendment; the rationale for including the provision in the Legal Aid and Coroners' Courts Bill; whether there are other legislative vehicles that could be used to carry this provision; how the Attorney General would identify when it was applicable to use the power; whether use of the power would be confined to Health and Social Care Trusts; and whether counsellors could be held accountable for deaths by suicide.

The briefing was recorded by Hansard.

The Chairman thanked the Attorney General and he left the meeting.

Agreed: The Committee agreed to request advise from the Assembly Bill Clerk regarding the scope of the Legal Aid and Coroners' Courts Bill.

6. SL1: Legal Aid Reform – Proposals to Change Crown Court Remuneration Arrangements for Solicitors and Counsel Representing Defendants

Mark McGuckin, Deputy Director, Public Legal Services Division, and John Halliday and Nigel Hamilton, Public Legal Services Division, Department of Justice joined the meeting at 3.01 p.m.

The Chairman advised the Committee that correspondence had been received from the Belfast Solicitors' Association, the Bar Council and the Law Society regarding the proposals to change Crown Court Remuneration arrangements for Solicitors and Counsel representing defendants.

Mr McGuckin outlined the Department's proposals for Statutory Rules to Change Crown Court Remuneration Arrangements for Solicitors and Counsel Representing Defendants.

A question and answer session followed covering issues including: the reasons why it has not been possible to reach a satisfactory agreed position with the Law Society and Bar Council on remuneration levels for solicitors and barristers;

3.20 p.m. Mr William Humphrey left the meeting.

the nature of the cost comparisons made with England and Wales; whether levels of economic activity would be taken into account when making comparisons with England and Wales; the impact on defendants; whether the impact on employment levels was considered; whether a rural/urban impact assessment was carried out; the percentage reduction levels; the nature of the adjustment in fees; the categories of fees that have been protected; the current position in relation to the Department's discussions with the Law Society and Bar Council;

3.44 p.m. Mr Paul Givan left the meeting.

3.44 p.m. Mr Raymond McCartney took the Chair.

whether a change in fees would impact on the level and type of service provided; whether the removal of Guilty Plea 1 and 2 fees would put pressure on defendants to enter guilty pleas even when innocent;

3.47 p.m. Mr Paul Givan resumed the Chair.

the need for an holistic review of the justice system; the other areas of the justice system that could be reviewed to produce efficiencies; whether comparisons with England and Wales have been made in respect of other areas of the justice system; and how much it costs to prosecute/defend in Northern Ireland in comparison to England and Wales.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

The Chairman updated the Committee on its request for Criminal Justice Inspection Northern Ireland to provide an independent assessment of the impact of the range of legal aid reforms the Department of Justice is bringing forward or has introduced.

Agreed: The Committee agreed to defer consideration of the proposals to change the Crown Court Remuneration arrangements until the CJI assessment report is available.

Agreed: The Committee agreed that arrangements should be made for the Law Society and the Bar Council to give oral evidence on the proposals.

7. Mental Capacity Bill – Consultation Document and draft Bill (civil provisions)

The Committee noted the consultation document on the Mental Capacity Bill which included the policy proposals relating to those subject to the criminal justice system and the draft Bill relating to the civil population which had been launched by the Minister of Justice and the Minister of Health, Social Services and Public Safety on 27 May 2014.

Agreed: The Committee agreed to ask the Department of Justice when it is aiming to have the analysis of the consultation responses completed and be in a position to brief the Joint Ad Hoc Committee which will be established to scrutinise the results of the consultation and undertake the Committee Stage of the Mental Capacity Bill.

8. SR 2014/131 The Attorney General’s Human Rights Guidance (Public Prosecution Service for Northern Ireland) Order (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/131: The Attorney General’s Human Rights Guidance (Public Prosecution Service for Northern Ireland) Order (Northern Ireland) 2014 which would bring the Attorney General’s guidance for the Public Prosecution Service into operation on 9 June 2014.

Agreed: The Committee for Justice considered Statutory Rule 2014/131: The Attorney General’s Human Rights Guidance (Public Prosecution Service for Northern Ireland) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

9. SR 2014/132 The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Conditions of Imprisonment) Order (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/132: The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Conditions of Imprisonment) Order (Northern Ireland) 2014 which would bring the Attorney General’s guidance for the Northern Ireland Prison Service into operation on 9 June 2014.

Agreed: The Committee for Justice considered Statutory Rule 2014/132: The Attorney General’s Human Rights Guidance (Northern Ireland Prison Service – Conditions of Imprisonment) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

10. SR 2014/134 The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Revision of Codes C and H) Order (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/134: The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Revision of Codes C and H) Order (Northern Ireland) 2014 which would bring into operation changes to PACE Code C (Detention, Treatment and Questioning of Persons by Police Officers) and Code H (Detention, Treatment and

Questioning of Detained Terrorist Suspects) to ensure that Northern Ireland is compliant with the EU Directive on the Right to Information in Criminal Proceedings.

Agreed: The Committee for Justice considered Statutory Rule 2014/134: The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Revision of Codes C and H) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

11. Draft SR: The Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014

The Committee considered draft Statutory Rule: The Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014 which would introduce new information requirements which sex offenders, subject to notification under Part 2 of the 2003 Act, must provide to police.

Agreed: The Committee for Justice considered draft Statutory Rule: The Sexual Offences Act 2003 (Notification Requirements) Regulations (Northern Ireland) 2014 and recommended that it be affirmed by the Assembly.

12. SL1: Attorney General for Northern Ireland's Draft Guidance for the Northern Ireland Prison Service) on the Exercise of its Functions in relation to Prison Order and Discipline in a Manner Consistent with International Human Rights Standards

The Committee considered a proposed Statutory Rule to bring into operation guidance by the Attorney General for Northern Ireland for the Northern Ireland Prison Service on the exercise of its functions in relation to prison order and discipline in a manner consistent with international human rights standards.

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

13. Judicial Pensions: Proposals for Subordinate Legislation under the Public Service Pensions Act (Northern Ireland) 2014

The Committee noted information provided by the Department of Justice in relation to targeted consultation on proposals to establish a career average revalued earnings (CARE) pension scheme for the devolved judiciary.

14. Results of the Department of Justice Consultation on Human Trafficking and Slavery - Strengthening Northern Ireland's Response and Proposed Way Forward

The Committee noted the results of the Department of Justice Consultation on Human Trafficking and Slavery - Strengthening Northern Ireland's Response and the proposed legislative changes to be brought forward by the Minister of Justice.

15. Progress Report on the Reducing Offending in Partnership Initiative

The Committee noted a progress report on the Reducing Offending in Partnership Initiative which aims to reduce crime and deal with the most prolific offenders.

16. Reforms of Terms and Conditions for PSNI Police Officers

The Committee noted the agreement reached on a range of reforms to PSNI officers' terms and conditions which have been endorsed by the Police Negotiating Board and the Minister of Finance and Personnel.

17. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had issued a Closure Order to close an alley between Vulcan Gardens and Strand Walk, in East Belfast, with effect from 23 May 2014.
- ii. The Committee noted correspondence from the Department of Justice providing further information it had requested in relation to the findings of the Criminal Justice Inspection NI Report: Securing Attendance at Court: A follow-up review of inspection recommendations.
- iii. The Committee noted a copy of the Department of Justice 'Records and Information Retention and Disposal Schedules' which was laid in the Business Office on 17 April 2014.
- iv. The Committee noted a response from the Department of Justice to its request for an update on the management of drugs within the Northern Ireland Prison Service.

Agreed: The Committee agreed that an oral briefing on the management of drugs within the Northern Ireland Prison Service should be included in the Forward Work Programme.

- v. The Committee noted a copy of 'The Upper Age Limit for Jury Service in Northern Ireland: Final Regulatory Impact Assessment' which was presented to the Business Office on 13 May 2014.
 - vi. The Committee noted correspondence from the Department of Justice outlining the key issues discussed at the meeting of the Police Negotiating Board on 1 May 2014.
 - vii. The Committee considered correspondence from the Northern Ireland Federation of Shooting Sports in relation to the minimum age for holding a shotgun and the Minister's proposals to amend the legislation.
- Agreed:* The Committee agreed to advise the Northern Ireland Federation of Shooting Sports that the Department of Justice will present its final proposed changes to firearms legislation to the Committee for consideration at the meeting on 18 June 2014.
- viii. The Committee noted correspondence from the Police Federation for Northern Ireland providing a copy of its submission to the Northern Ireland Affairs Select Committee in relation to its Inquiry into the Administrative Scheme for 'On-the-Runs'.
 - ix. The Committee considered correspondence from F.A.S.T (Families Against Supergrass Trials) requesting a meeting with the Committee on the issue of Supergrass Trials.

Agreed: The Committee agreed that F.A.S.T should be invited to an informal meeting with Committee Members.

- x. The Committee noted an invitation from NIACRO to an event ‘Never Ending Sentences: Criminal Records and Young People’ on Friday 30 May 2014 in Queen's University, Belfast.

18. Chairman’s Business

- i. The Chairman advised Members that arrangements had been made for the Committee for Justice to meet informally with Members of the Oireachtas Joint Committee on Justice, Defence and Equality on 11 June 2014 to discuss the role and interaction of the Policing Board with the Committee and the Assembly as part of the Joint Committee’s review of the provisions of the Garda Síochána Act 2005 and the powers and remit of the Garda Síochána Ombudsman Commission.
- ii. The Chairman encouraged Members to respond to the 2014 Members’ Survey of Services by the closing date of 6 June 2014.

19. Any Other Business

None.

20. Date and Time of next meeting

The next meeting will take place on Wednesday 4 June 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.13 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice