



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 30 APRIL 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
Mr Alban Maginness MLA
Mr Jim Wells MLA

In Attendance: Mr Peter Hall (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Sinead Kelly (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Stewart Dickson MLA
Mr Patsy McGlone MLA

The meeting commenced at 2.05 p.m. in closed session.

1. Legal Advice on the use of Section 44 powers in the context of the On the Runs Administrative Scheme and Letters

Mr Jonathan McMillen, Legal Advisor, attended the meeting to provide legal advice on the use of Section 44 powers in the context of the On the Runs Administrative Scheme and Letters and answered Members' questions.

The Chairman thanked Mr McMillen and he left the meeting.

The meeting moved into public session at 2.26 p.m.

2. Apologies

Apologies are detailed above.

2.27 p.m. Mr Raymond McCartney left the meeting.

3. Draft minutes of the meeting held on 10 April 2014

The Committee approved the draft minutes of the meeting held on 10 April 2014.

4. Matters Arising

- i. The Committee considered a response from the Secretary of State for Northern Ireland to the Committee's invitation to attend a meeting to discuss the On the Run Administrative Scheme and Letters and noted that the Secretary of State will appear before the Northern Ireland Affairs Committee as part of its inquiry and will consider the Committee's request once this obligation has been fulfilled.
- ii. The Committee noted correspondence from the Minister of Justice and the Minister of Health, Social Services and Public Safety on Lord Morrow's proposed new Clause 10A of the Human Trafficking and Exploitation Bill which makes provision for an exit strategy for those who wish to leave prostitution.

2.29 p.m. Mr Alban Maginness joined the meeting.

5. Potential Legislative Consent Motion – Anti Slavery Commissioner

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Division, and Ms Julie Wilson, Head of Human Trafficking Team, Department of Justice joined the meeting at 2.29 p.m.

Mr Rogers outlined the results of the consultation on the Department of Justice's proposal to extend the Anti-Slavery Commissioner's powers to Northern Ireland.

A question and answer session followed covering issues including: the reasons why the Department believes that a UK Anti-Slavery Commissioner is a more effective option than the creation of a Northern Ireland Rapporteur as proposed within the Human Trafficking and Exploitation (Further Support and Provision for Victims) Bill; whether the proposed Anti-Slavery Commissioner would be more effective in engaging with the Republic of Ireland than a Northern Ireland Rapporteur; the benefits of a consistent approach across the different jurisdictions; the implications for the creation of a separate Rapporteur for Northern Ireland; the potential relationship between a Northern Ireland Rapporteur and the Anti-Slavery Commissioner; and the financial implications of both options.

2.38 p.m. Mr Alban Maginness left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

6. Legal Aid and Coroners' Courts Bill – Timetable for Committee Stage of the Bill

The Committee considered proposals for handling the Committee Stage of the Legal Aid and Coroners' Courts Bill and noted a summary of the submissions received and the key issues raised by respondents on the Bill.

Agreed: The Committee agreed the organisations to be invited to the oral evidence event which will take place on Wednesday 14 May 2014 in the Long Gallery, Parliament Buildings.

Agreed: The Committee agreed to invite the Department of Justice to give oral evidence on the Bill at the meeting on 28 May 2014.

Agreed: The Committee agreed to publish the written evidence in relation to the Bill on the Committee webpage.

Agreed: The Committee agreed to forward correspondence from the Attorney General for Northern Ireland regarding his proposed amendment to the Bill to the respondents who have commented on this proposal.

The Committee considered a motion to extend the Committee Stage of the Legal Aid and Coroners' Courts Bill.

Question put and agreed:

That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 20 June 2014, in relation to the Committee Stage of the Legal Aid and Coroners' Courts Bill (NIA 33/11-15).

7. SL1: Attorney General for Northern Ireland's Draft Guidance for the Public Prosecution Service on the Exercise of its Functions 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 Public Prosecution Service on the exercise of its functions in a manner consistent with international human rights standards.

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

8. SL1: Attorney General for Northern Ireland's Draft Guidance for the Northern Ireland Prison Service on the Exercise of its Functions in Relation to Conditions of Imprisonment 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 conditions of imprisonment in a manner consistent with international human rights standards.

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

9. SL1: The Police Rehabilitation and Retraining Trust Regulations (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by section 11 of the Financial Provisions Act (Northern Ireland) 2014 to provide for the constitution, functions, procedures and financing of the Police Rehabilitation and Retraining Trust.

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

10. SL1: The Northern Ireland Police Fund Regulations (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by section 11 of the Financial Provisions Act (Northern Ireland) 2014 to provide for the constitution, functions, procedures and financing of the Northern Ireland Police Fund.

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

11. SL1: The Taxis Act (Northern Ireland) 2008 (Retention and Disposal of Seized Motor Vehicles, Equipment and Items) Regulations (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by the Taxis Act (Northern Ireland) 2008 to provide for the arrangements by which the seizure of vehicles and equipment will be regulated where it is suspected that the vehicle is being operated as a taxi without proper licence.

2.53 p.m. Mr Jim Wells joined the meeting.

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

12. SL1: The Police and Criminal Evidence (1989 Order) (Codes of Practice) (Temporary Modification to Code A) Order (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice for a Statutory Rule to be made under powers conferred by Article 66 (6A) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) to make provision for temporary modifications to Code of Practice A (exercise by police officers of statutory powers of stop and search) to facilitate the continued use of electronic technology for the recording of a search of a person or vehicle by a police officer.

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

13. Update on Policy Proposals for the Future Regulation of the Private Security Industry

The Committee considered correspondence from the Department of Justice regarding its proposals for the future regulation of the private security industry in Northern Ireland and

advising that it was not yet in a position to provide the final costs of business licencing and the fees associated with its introduction.

14. Committee on Procedures Inquiry into the extent to which Standing Orders should permit the Attorney General for Northern Ireland to participate in proceedings of the Assembly

The Committee considered correspondence from the Committee on Procedures in relation to its Inquiry into the extent to which Standing Orders should permit the Attorney General for Northern Ireland to participate in proceedings of the Assembly.

3.08 p.m. Mr Jim Wells left the meeting.

Agreed: The Committee agreed to advise the Committee on Procedures that it finds it difficult to envisage a role in which it could act on behalf of the Attorney General in proposing or responding to debates in plenary, however recognises that there is a wider gap in relation to the mechanisms for managing cases where statutory rules are laid by the Attorney General that needs to be addressed.

15. Section 8 Guidance for Criminal Justice Organisations on Human Rights Standards - Addition of the PSNI

The Committee considered the Attorney General for Northern Ireland's proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (Northern Ireland) Act 2004 and further correspondence from the Northern Ireland Policing Board in relation to this matter.

Mr Elliott indicated that he opposed the inclusion of the PSNI on the list of organisations to which Section 8 guidance applies.

Agreed: The Committee agreed it was content to support the Attorney General for Northern Ireland's proposal to include the PSNI on the list of organisations to which Section 8 guidance applies.

3.21 p.m. Mr Jim Wells joined the meeting.

16. UK Response to European Court of Human Rights Judgements on Inquest Delay – Revised Input

The Committee noted information provided by the Department of Justice in relation to its revised contribution to the response by the UK Government to the Council of Europe Committee of Ministers on the individual and general measures being taken to respond to the European Court of Human Rights Judgements on Inquest Delay.

17. Correspondence

- i. The Committee noted a response from the Minister of Justice to the Committee's request for further information on the practice of recording telephone calls in PSNI stations in Northern Ireland.

ii. The Committee noted correspondence from the Department of Justice outlining the current position regarding the EU Public Participation Directive and infraction proceedings that have been taken by the European Commission against the United Kingdom relating to the obligation under the EU Public Participation Directive to ensure that the public has access to a review procedure to challenge decisions affecting environmental matters which is ‘not prohibitively expensive’.

iii. The Committee considered correspondence from the Department of Justice regarding the review of the National Referral Mechanism by the Home Secretary.

Agreed: The Committee agreed that a response highlighting the issues raised regarding the National Referral Mechanism during the Committee Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill should be prepared for consideration.

iv. The Committee considered a response from the Department of Justice to the Committee’s request for comments on the Committee for the Office of the First Minister and deputy First Minister’s Inquiry into the Barosso Taskforce.

Agreed: The Committee agreed to forward the Department’s response to the Committee for the Office of the First Minister and deputy First Minister for information.

v. The Committee noted correspondence from the Department of Justice regarding the procurement of drug testing for the Northern Ireland Prison Service.

vi. The Committee noted correspondence from the Department of Justice providing additional information requested by the Committee following an oral evidence session with departmental officials on 6 February 2014 on the Interim Post Consultation Report on Crown Court Fees.

vii. The Committee considered correspondence from Mr Alban Maginness MLA regarding a constituent’s experience as a victim of car crime and the PSNI’s policy in relation to the recovery of stolen cars.

Agreed: The Committee agreed to request information from the PSNI on its policy in relation to stolen cars that have been recovered and for further information on the PSNI Auto Crime Team.

3.26 p.m. Mr Tom Elliott left the meeting.

viii. The Committee noted an invitation to a NIACRO Justice Series seminar on Inclusion, Exclusion or Marginalisation - understanding the lived experience of young people who are not in education, employment or training on 6 May 2014 in Room 115, Parliament Buildings.

Agreed: The Committee agreed that Members would advise the Clerk if they wished to attend this seminar.

ix. The Committee considered correspondence from Men’s Aid NI requesting a meeting with the Committee to discuss gender bias within the justice system in Northern Ireland.

Agreed: The Committee agreed to discuss this issue with Men's Aid at an informal meeting.

18. Chairman's Business

- i. The Committee noted an update from the Department of Justice on the review of chaplaincy provision within the Northern Ireland Prison Service (NIPS) following a meeting between NIPS officials and senior church representatives on 7 April 2014.
- ii. The Chairman advised Members that he had received an invitation from the School of Law, Queens University Belfast to attend a dinner on 4 June 2014 for staff and students from Fordham Law School New York as part of the Fordham/QUB/UCD Summer School.

19. Any Other Business

A Member raised concerns regarding a potential delay in relation to the introduction of the Mental Capacity Bill.

Agreed: The Committee agreed to request an update from the Department of Justice in relation to this matter.

20. Date, Time and Place of next meeting

The next meeting will take place on Wednesday 7 May 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 3.29 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice