



**Northern Ireland  
Assembly**

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

THURSDAY 11 JUNE 2015  
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sammy Douglas MLA  
Mr Tom Elliott MLA  
Mr Paul Frew MLA  
Mr Chris Hazzard MLA  
Mr Seán Lynch MLA  
Mr Alban Maginness MLA  
Mr Patsy McGlone MLA  
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)  
Mr Keith McBride (Senior Assistant Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Ms Leanne Johnston (Clerical Supervisor)

Apologies: Mr Stewart Dickson MLA

*The meeting commenced at 2.04 p.m. in public session.*

**1. Apologies**

As above.

**2. Draft Minutes of the meeting held on 4 June 2015**

The Committee approved the draft minutes of the meeting held on 4 June 2015.

**3. Matters Arising**

The Committee noted an updated Forward Work Programme covering the period up to summer recess and considered a draft programme for the visit to London.

*Agreed:* The Committee agreed the programme for the visit to London.

#### **4. Report of the Independent Review of the Prosecution of Related Sexual Abuse and Terrorism Cases by the Public Prosecution Service**

The Director of Public Prosecutions, Mr Barra McGrory QC, Ms Pamela Atchison, Deputy Director and Mr Stephen Herron, Senior Assistant Director, Public Prosecution Service joined the meeting at 2.07 p.m.

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

Mr McGrory outlined the Public Prosecution Service's response to the findings and recommendations of the Report of the Independent Review by Sir Keir Starmer of the Prosecution of Related Sexual Abuse and Terrorism Cases by the PPS and the Review by the Attorney General for Northern Ireland of the decision by the PPS in October 2011 not to prosecute Mr Gerry Adams TD.

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

*2.24 p.m. Mr Edwin Poots joined the meeting.*

A detailed question and answer session followed covering issues including: whether the findings of the reports and other recently reported cases have damaged public confidence in the PPS; responsibility for the failings of the PPS identified in the Starmer Report; whether the senior staff criticised in the Starmer report remain in post; whether any sanctions or disciplinary proceedings have been taken against staff criticised in the Starmer Report; the reason for the delay in the publication of the Attorney General's report; the number of occasions in which the Director has had to recuse himself from involvement in prosecuting a case since his appointment; the public perception of a conflict of interest; the potential for the Director to have appeared as a witness in relation to the Adams case; whether the Director accepted the Attorney General's view that the decision not to prosecute was premature; the handling of enquiries by public representatives by the PPS; whether the PPS has mechanisms in place to ensure it responds to enquiries from public representatives within a specified period of time; the reasons for the delay in progressing the Mairia Cahill case; whether the PPS had given directions to senior counsel to oppose the application to reverse the order of the cases; the actions of senior counsel; on-going misconduct proceedings against senior counsel; whether upon discovering the decision of the court to reverse the order of the cases the PPS asked the court to re-examine that decision; the lack of strategic thinking by senior management identified in the Starmer Report; the reason for the advice given to Mairia Cahill on 14 April 2014 by counsel that her case no longer had reasonable prospect of success; what actions the PPS as taken to ensure such handling of a case will not recur; who in the PPS should have detected the failings earlier; whether the findings of the Starmer Report have caused the PPS to review decisions it has made in respect of any other cases; the number of occasions in which the decisions of the PPS have been reviewed in a similar way to the Starmer Review; the timescale for responding to the report recommendations; why all relevant statements were not made available when making decisions re the prosecution of Gerry Adams; why Gerry Adams was not called as a witness in the second trial; the credibility of Gerry Adams as a witness during the first trial; whether the PPS could have successfully prosecuted Liam Adams without the evidence provided by Gerry Adams; the use of witnesses with knowledge of familial sexual abuse; whether there was potential that other children were put at risk as a result of Mr Adams withholding knowledge of the abuse of Aine Dahlstrom;

*3.43 p.m. Mr Sammy Douglas left the meeting.*

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

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

the types of reviews that can be undertaken in relation to prosecution decisions; the number of decisions by the PPS that have been overturned following review; the changes to be made to the Code for Prosecutors recommended by the Attorney General; an explanation of the evidential test; an explanation of the ‘tensions’ that existed between the investigations into the sexual abuse case and the IRA membership case; opportunities missed by prosecutors to rectify mistakes in relation to the Mairia Cahill case; the lack of proactive case management and case plans; responsibility for making the decision regarding the ordering of cases; detail of the 14 issues of concern raised by Mairia Cahill in correspondence to the PPS; and measures to provide assurance to victims and witnesses in relation to the PPS.

The Director agreed to provide the Committee with further information in relation to PPS decisions which have been overturned upon review.

The briefing was recorded by Hansard.

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

## **5. Access to Justice Review Part II**

Mr Colin Stutt, Head of the Access to Justice Review Team joined the meeting at 4.26 p.m.

Mr Stutt outlined progress with the Access to Justice Review Part II and the emerging themes and issues.

*4.30 p.m. Mr Sammy Douglas joined the meeting.*

A question and answer session followed covering issues including: clarification of the comment regarding whether courts should move away from adversarial towards more inquisitional processes in a number of areas; whether the adversarial system costs too much; opportunities to increase digitisation of the justice system; the identification of new and innovative approaches in other jurisdictions; the impact of conditional fees in other jurisdictions; efficiencies identified by the Review; whether an overall review of the justice system is required; whether the Department of Justice should have taken such a comprehensive review forward earlier; how the Review recommendations will be prioritised for implementation; safeguarding vulnerable adults within the criminal justice system; the continuing role for legal aid for vulnerable adults particularly in relation to social security appeals; what alternatives to court the Review is considering; consideration of restorative justice models; to what extent the review is considering a public defender system; whether there are any Access to Justice issues with a Public Defender system; and whether the Review is considering court facilities and the number of court houses in Northern Ireland.

*4.53 p.m. Mr Paul Frew left the meeting.*

The Chairman thanked Mr Stutt for his attendance and he left the meeting.

*Agreed:* The Committee agreed to schedule a briefing from Mr Stutt when his report on the Access to Justice Review Part II is published.

## **6. SL1: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice for a Statutory Rule to update the list of ‘prescribed police stations’ where convicted sex offenders can attend to notify their personal details to police, as required under the statutory notification arrangements of the Sexual Offences Act 2003.

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

## **7. Update on Proposals for Legal Aid Remuneration in Civil and Family Courts**

The Committee noted information provided by the Department of Justice setting out the further work being taken forward to produce new civil legal aid fee proposals for Children and Family cases, the methodology that has been applied and the key elements of the proposed new remuneration scheme.

*Agreed:* The Committee agreed to request the views of the Bar Council and the Law Society on the proposals for revised civil legal aid remuneration in the civil and family courts.

*4.58 p.m. Mr Paul Frew joined the meeting.*

## **8. Update on the Department of Justice Legislative Programme**

The Committee noted an update from the Department of Justice on the primary and subordinate legislation it intends to bring forward before the end of the mandate.

## **9. UK Response to European Court of Human Rights Judgements on Inquest Delay – Updated Action Plan**

The Committee noted a draft revised action plan from the Department of Justice in relation to European Court of Human Rights Judgements on Inquest Delay which the United Kingdom Government is required to provide to the Council of Europe Committee of Ministers in light of the Stormont House Agreement.

## **10. Proceeds of Crime Act 2000: Codes of Practice for Northern Ireland – Proposed Consultation**

The Committee considered information provided by the Department of Justice on a proposed consultation on three draft Codes of Practice for Northern Ireland relating to the operation of Proceeds of Crime Act 2002 powers.

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

## **11. Judicial Review Time Limits – Proposed Consultation**

The Committee considered information provided by the Department of Justice on a proposed consultation on changes to the time limits for bringing a judicial review.

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

*Agreed:* The Committee agreed to advise the Department of Justice to be mindful of the difficulties facing organisations in responding to consultations over the summer months and that the consultation timescale should be extended into September to take account of this.

## 12. Correspondence

- i. The Committee considered a response from the Department of Justice in relation to the justice aspects of the Northern Ireland Public Services Ombudsman (NIPSO) Bill.

*Agreed:* The Committee agreed to forward a copy of the response to the Ad Hoc Committee undertaking the Committee Stage of the NIPSO Bill for information.

- ii. The Committee considered a response from the Department of Justice to its request for comments on the paper by the Law Centre (NI) on forced labour in Northern Ireland.

*Agreed:* The Committee agreed to forward a copy of the response to the Law Centre (NI) for information.

- iii. The Committee noted an invitation from the Minister of Justice to the launch of the Organised Crime Task Force Annual Report and Threat Assessment 2015 on Thursday 25 June in Parliament Buildings.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wish to attend the event.

- iv. The Committee noted correspondence from the Department of Justice providing a copy of the Revised Framework Document for the National Crime Agency.

- v. The Committee noted correspondence from the Lay Observer for Northern Ireland advising of the publication of his 2014 Annual Report.

- vi. The Committee noted further correspondence from a Mr and Mrs McLaughlin regarding their complaints about the Lord Chief Justice and the PSNI in relation to an animal cruelty case.

- vii. The Committee noted an invitation from the Minister of Justice to an event to celebrate developments in adult safeguarding on Wednesday 17 June in Belfast.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wish to attend the event.

## 13. Chairman's Business

- i. The Chairman referred to the Committee's plans to hold a social media event in the autumn and a discussion took place regarding the format and possible contributors.

*Agreed:* The Committee agreed that a paper on the format, participants and attendees should be prepared for further consideration.

- ii. The Chairman advised the Committee that a Justice Innovation Institute in Holland is carrying out work on a range of projects in the criminal justice field and proposed that he and Deputy Chairman visit the Institute on behalf of the Committee during summer recess to build on the information gathered at the Justice Seminars.

*Agreed:* The Committee agreed that arrangements should be drawn up for the Chairman and the Deputy Chairman to undertake a one-day visit to the Justice Innovation Institute.

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

None.

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

The next Committee meeting will take place on Thursday 18 June 2015 in Room 30, Parliament Buildings at 3.00 p.m.

*The meeting was adjourned at 5.09 p.m.*

**Mr Alastair Ross MLA**  
**Chairman, Committee for Justice**