



**Northern Ireland  
Assembly**

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

TUESDAY 12 MAY 2015  
Room 21, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sammy Douglas MLA  
Mr Paul Frew MLA  
Mr Seán Lynch MLA  
Mr Patsy McGlone MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)  
Mr Keith McBride (Senior Assistant Assembly Clerk)  
Mrs Sinead Kelly (Assistant Assembly Clerk)  
Ms Leanne Johnston (Clerical Supervisor)  
Ms Marianne Doherty (Clerical Officer)

Apologies: Mr Tom Elliott MLA

*The meeting commenced at 12.34 p.m. in public session.*

**1. Apologies**

As above.

**2. Draft Minutes**

The Committee approved the draft minutes of the meetings held on 23 April 2015 and 28 April 2015.

**3. Matters Arising**

The Committee noted a Forward Work Programme for May to July 2015 and a number of items to be scheduled before summer recess.

The Committee considered outline proposals for a visit to London in June 2015 to meet with a range of individuals and organisations to discuss innovative approaches and proposals to modernise the justice system in England and Wales.

*Agreed:* The Committee agreed to undertake a visit to London in June 2015 to meet with individuals and organisations to discuss innovation in the justice system in England and Wales.

**4. SR 2015/195 The Civil Legal Services (General) Regulations (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/195 The Civil Legal Services (General) Regulations (Northern Ireland) 2015 which provides for procedures for making decisions about funding of civil legal services, imposes conditions which must be satisfied by an individual applying for funding, and establishes procedures for review of decisions and withdrawal of funding.

*Agreed:* The Committee for Justice considered Statutory Rule 2015/195 The Civil Legal Services (General) Regulations (Northern Ireland) 2015 and has no objection to the Rule.

**5. SR 2015/196 The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/196 The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 which provides the procedures for solicitors and the Legal Aid Assessment Office to conduct financial eligibility assessments when individuals make an application for civil legal services.

*Agreed:* The Committee for Justice considered Statutory Rule 2015/196 The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 and has no objection to the Rule.

**6. SR 2015/198 The Civil Legal Services (Costs) Regulations (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/198 The Civil Legal Services (Costs) Regulations (Northern Ireland) 2015 which makes provision for costs to be awarded to parties at the end of a civil case in which legal aid has been a feature.

*Agreed:* The Committee for Justice considered Statutory Rule 2015/198 The Civil Legal Services (Costs) Regulations (Northern Ireland) 2015 and has no objection to the Rule.

**7. SR 2015/200 The Civil Legal Services (Statutory Charge) Regulations (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/200 The Civil Legal Services (Statutory Charge) Regulations (Northern Ireland) 2015 which makes provision for the receipt and application of property and costs recovered on behalf of a funded client, and the scope and operation of the statutory charge.

*Agreed:* The Committee for Justice considered Statutory Rule 2015/200 The Civil Legal Services (Statutory Charge) Regulations (Northern Ireland) 2015 and has no objection to the Rule.

**8. SR 2015/201 The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/201 The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 which sets out remuneration arrangements for the fees payable to the legal profession and other expenses associated with civil legal aid, such as expert witnesses.

*Agreed:* The Committee for Justice considered Statutory Rule 2015/201 The Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 and has no objection to the Rule.

**9. SL1: The Lands Tribunal for Northern Ireland – Tribunal Fees for Non-Domestic Rating Valuation Appeals**

The Committee considered further information provided by the Department of Justice in relation to a proposal for a Statutory Rule to amend the fees charged in the Lands Tribunal for Northern Ireland for non-domestic rating valuation appeals and for all admin services.

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

**10. Revised PACE Code D and Transitional and Saving Provisions Order and Qualifying Offences (Amendment) Order – Outcome of Consultation**

The Committee considered information provided by the Department of Justice on the results of a consultation on revisions to PACE Code D, the Transitional and Savings Provisions Order and the Qualifying Offences (Amendment) Order which are required for implementation of the new biometric retention framework provided for by the Criminal Justice Act (Northern Ireland) 2013.

*Agreed:* The Committee agreed that it was content to note the results of the consultation and to consider the SL1s on the Orders and draft PACE Code D at the meeting on 28 May 2015.

**11. Statutory Guidance for Chief Officers of Police on providing information for inclusion in Enhanced Criminal Records Certificates – Draft Consultation Document**

The Committee considered a proposal by the Department of Justice for a focused consultation rather than a public consultation on draft Statutory Guidance that Chief Officers of Police must have regard to when determining whether to disclose information on Enhanced AccessNI checks.

*Agreed:* The Committee agreed that it was content with the proposal for a focused consultation based on a two stage process on the draft

Statutory Guidance and to consider the guidance further when the results of the consultation are available.

## **12. Financial Penalty Default, Collection and Enforcement Legislation – Proposed Equality Assessment and Regulatory Impact Assessment Consultations**

The Committee noted the Department of Justice’s proposed consultation documents on an Equality Assessment and a Regulatory Impact Assessment of the Financial Penalty Default, Collection and Enforcement legislation.

## **13. Correspondence**

- i. The Committee considered a response from the Department of Justice providing clarification on the current number of vacant posts compared to the target staffing levels in the prisons and further information on the training curriculum for new recruits following the oral briefing by NI Prison Service officials on 4 March 2015.

*Agreed:* The Committee agreed to write to the Department and again request information on what changes there have been to the new training programme taking into account the experience of the 2012 training programme and the level of practical “on the job” training provided.

- ii. The Committee noted a response from the Department of Justice providing further information on the findings of the 2011 survey in relation to modes of travel by those attending court and case progression and disposal rates in Enniskillen Courthouse following the oral briefing by NI Courts and Tribunals Service officials on proposals to rationalise the court estate on 18 March 2015.

- iii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice will make an oral statement to the Assembly on Tuesday 19 May on Children in the Justice System: A Scoping Study and an Update on the Sentencing Framework.

- iv. The Committee considered a response from the Department of Justice providing an up-date on the processing of enhanced checks for the renewal of taxi licences and AccessNI performance data in relation to all checks and noted the on-going delays and failure to meet some targets.

*Agreed:* The Committee agreed to request monthly updates in relation to AccessNI performance to assess progress in addressing the backlog.

- v. The Committee noted correspondence from the Department of Justice advising of the dates for publication of a number of bulletins in relation to the Northern Ireland Courts and Tribunals Service (NICTS) Quarterly Judicial Statistics.

- vi. The Committee considered a response from the Department of Justice in relation to the name change of Hydebank Wood Young Offenders Centre.

*Agreed:* The Committee agreed to write to the Department and again request an explanation as to why the Committee was not informed prior to the name change.

- vii. The Committee noted a copy of the Investment Strategy for Northern Ireland – Department of Justice’s Procurement Activity Report for April 2015.
- viii. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of correspondence from the Department of Finance and Personnel in relation to the implementation of Departmental Savings Delivery Plans for 2014-15.
- ix. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of a response from the Department of Finance and Personnel in relation to concerns highlighted by the Association of Personal Injury Lawyers in respect of bereavement damages in Northern Ireland.
- x. The Committee noted correspondence from the Northern Ireland Judicial Appointments Commission advising of the appointment of Ms Noreen Sweeny to the Office of Master (Family) in Northern Ireland.
- xi. The Committee noted a response from the PSNI to complaints by a Mr and Mrs McLaughlin regarding the handling of alleged incidents involving livestock.
- xii. The Committee considered a Law Centre NI paper on forced labour in Northern Ireland.

*Agreed:* The Committee agreed to forward a copy of the paper to the Committee for Employment and Learning as a number of the recommendations fall within the responsibilities of the Department for Employment and Learning.

*Agreed:* The Committee agreed to request the Department of Justice’s comments on the first recommendation within the Law Centre NI paper which falls within its responsibilities.

#### **14. Chairman’s Business**

None.

#### **15. Any Other Business**

None.

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

An informal meeting will take place on Thursday 14 May 2015 in the Senate Chamber, Parliament Buildings at 2.00 p.m.

*The meeting was adjourned at 12.53 p.m.*

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