



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 14 JANUARY 2015
Room 21, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)
Mr Stewart Dickson MLA
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 Alison Ferguson (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Raymond McCartney MLA (Deputy Chairman)

The meeting commenced at 2.02 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 10 December 2014

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

3. Matters Arising

- i. The Committee noted responses from the Department of Justice and the Northern Ireland Human Rights Commission (NIHRC) to the Committee's request for further information regarding the NIHRC's legal action against the Department in relation to abortion law in Northern Ireland.

Agreed: The Committee agreed to request that the Minister of Justice keep the Committee informed of further developments in relation to this matter.

2.05 p.m. Mr Sammy Douglas joined the meeting.

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

- ii. The Committee noted the Forward Work Programme for January and February 2015 and considered updates from the Minister of Justice on the 2015-2016 Budget and the Desertcreat Community Safety Training College.

Agreed: The Committee agreed to request a copy of the responses to the Department's consultation on the budget proposals and further information on the position in relation to funding of the Railway Street Addiction Service in Ballymena.

4. The Justice Bill – Proposed Amendment by Jim Wells MLA – Oral Evidence from the Regulation and Quality Improvement Authority (RQIA)

Mr Glenn Houston, Chief Executive and Mrs Kathy Fodey, Director of Regulation and Nursing, RQIA joined the meeting at 2.07 p.m.

2.11 p.m. Mr Tom Elliott joined the meeting.

Mr Houston outlined the key issues in RQIA's written evidence on the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

A detailed question and answer session followed covering issues including: the role of the RQIA; whether the RQIA can scrutinise and question clinical decision making; RQIA's role in relation to independent clinics including the Marie Stopes Clinic; the powers of inspection and regulation of abortion clinics in England and Wales; RQIA's view that the amendment may have possible unintended consequences; how the amendment could be changed to address these; why RQIA viewed the amendment as problematic; the wording of the 1967 Abortion Act; what lawful activities the RQIA believes the amendment would criminalise; the use of abortion drugs outside a clinical setting; what information the RQIA had regarding how many abortions had been carried out in the Marie Stopes clinic; whether RQIA could confirm that any abortions that take place in the Marie Stopes clinic are being carried out within the law as it currently stands in Northern Ireland; what other premises in Northern Ireland offered terminations outside the NHS; the information required to be provided by private clinics; whether RQIA had received legal advice on the amendment; the actions of the RQIA if it suspects a breach in criminal law; whether RQIA's role is different for private and public facilities; the level of RQIA's powers of investigation; whether the RQIA had ever received a complaint in relation to the operations of the Marie Stopes Clinic; and the outcome of the last RQIA inspection of the Marie Stopes Clinic in Belfast.

2.54 p.m. Mr Chris Hazzard left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from RQIA for their attendance and they left the meeting.

5. SL1: Police Pension Regulations (Career Average Revalued Earnings) – Oral evidence from the Department of Justice

Ms Rosemary Crawford, Deputy Director, Policing, Policy and Strategy Division, Ms Lorraine Montgomery, Policing Policy and Strategy Division and Ms Antonia Hoskins, Police Powers and Human Resources Policy Branch, Department of Justice joined the meeting at 2.58 p.m.

Mr Sammy Douglas declared an interest as a member of his family is a serving PSNI officer.

Ms Crawford outlined the purpose and content of the proposed Statutory Rule relating to Police Pensions.

A detailed question and answer session followed covering issues including: the cost to the Executive if the proposed police pension changes were not made; anticipated savings as a result of the proposed changes; whether the Department had taken into account the unique circumstances facing police officers in Northern Ireland with regard to the nature of the duties and the equipment and protective gear worn; whether the age exemptions granted to firefighters should be extended to police officers; the concerns raised in relation to the consultation process by individual officers; the equality implications given the proposals would disproportionately affect younger and newer recruits which had a higher proportion of females and Catholics; what engagement the Department had undertaken with the Equality Commission; the current retirement age for police officers; the impact on pension if a police officer chooses to retire earlier than the stated pension age; whether the Department had explored alternative suggestions to the pension proposals as they currently stand; the level of discontent for the scheme within policing; the representation of the Police Federation in the consultation process; whether it was possible to alter the scheme by amending the regulations; whether the regulations were subject to negotiation; the timing of the consultation and negotiations on the regulations; the flexibility requested by the Police Federation regarding transitional arrangements; and the scope for the PSNI to allocate different job roles to older officers if necessary.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed to request further information from the Department of Justice on a range of issues relating to the proposed Regulations.

Agreed: The Committee agreed to request information from the Police Federation regarding its participation in the consultation and negotiations on the changes to Police Pensions, the issues it raised and when they were raised.

Agreed: The Committee agreed to forward a copy of the Department's response to the police officers who attended the informal meeting with the Committee.

6. The Justice Bill – Proposed Amendments by the Department of Justice and the Attorney General for Northern Ireland

The Committee considered correspondence from the Department of Justice regarding proposed amendments to the Justice Bill relating to sexual offences against children. The Committee also considered further information from the Attorney General for Northern

Ireland regarding his proposed amendment and noted there would be an opportunity to explore any issues regarding it during the oral evidence sessions scheduled for later in the month.

Agreed: The Committee agreed that it was content with the Minister of Justice's proposed amendments in relation to sexual offences against children.

7. SR The Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015

The Committee considered draft Statutory Rule The Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015 which will make transitional and consequential provision in relation to the police pension scheme.

Agreed: The Committee for Justice considered draft Statutory Rule The Police Pensions (Consequential Provisions) Regulations (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

3.44 p.m. Mr Patsy McGlone left the meeting.

8. SR 2014/320 The Criminal Justice (European Protection Order)(Northern Ireland) Regulations 2014

The Committee considered Statutory Rule 2014/320 The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014 which gives effect to Directive 2011/99/EU on the European Protection Order, the policy objective of which is to provide for the mutual recognition between EU Member States of protection measures such as restraining orders in criminal proceedings.

Agreed: The Committee for Justice considered Statutory Rule 2014/320 The Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014 and agreed that it was content with the Rule.

9. SL1: Civil Legal Services (Appeal) Regulations 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to establish a procedure for appeals against decisions on applications for funding for civil legal aid and to provide for the establishment and composition of independent appeal panels.

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

10. SL1: Civil Legal Services (Cost Protection) Regulations 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to make provision for the circumstances in which costs protection will apply and when it will not apply in civil cases in which legal aid has been a feature.

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

11. SL1: The Insolvency (Amendment) Rules (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice for a Statutory Rule to introduce a number of procedures that will make improvements in the administration of insolvencies.

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

12. SL1: The Justice (Northern Ireland) Act 2004 (Amendment of Section 8(4)) Order

3.55 p.m. Mr Chris Hazzard joined the meeting.

The Committee considered a proposal by the Attorney General for Northern Ireland to make a Statutory Rule 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.

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

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

The Committee noted the pilot procedure agreed by the Committee on Procedures that would take place to progress this item of business in Plenary.

13. Creation of a New Criminal Offence of Police Corruption for PSNI Officers – Consultation Responses and Next Steps

The Committee considered further information requested from the Department of Justice by the Committee on the proposed creation of an offence of police corruption for PSNI officers similar to that currently being introduced by the Home Secretary in England and Wales and which is intended to supplement the existing offence of misconduct in public office and noted the response by the key stakeholders to the proposal.

Agreed: The Committee agreed to schedule a briefing by departmental officials on the proposal and to discuss the matter with the Attorney General when he attended on 4 February 2015.

14. Proposals for the Reconstitution of the Northern Ireland Policing Board

The Committee considered the Minister of Justice's proposed new approach for the appointment of independent members for the next reconstitution to the Northern Ireland Policing Board in May 2015 and revised remuneration rates for members.

Agreed: The Committee agreed that the Minister of Justice should attend a meeting to discuss the matter.

4.15 p.m. Mr Edwin Poots left the meeting.

15. The Pre-Lisbon Policing and Criminal Justice Matters – 2014 Opt-Out

The Committee noted an update from the Department of Justice regarding the UK's Opt-out of pre-Lisbon Police and Criminal Justice Measures and the current position in relation to re-joining 35 of the 130 measures including the European Arrest Warrant.

16. Joint Consultation on Proposals for the Mines Regulations (Northern Ireland) 2015 by the Department of Enterprise, Trade and Investment and the Department of Justice

The Committee noted correspondence from the Department of Justice advising of the Health and Safety Executive's intention to conduct a consultation on consolidating legislation relating to mining operations in Northern Ireland.

Agreed: The Committee agreed to consider the matter further when the results of the consultation are available.

17. UK-wide Consultation on Implementation of Directive 2013/29/EU on the Harmonisation of the Laws of Member States relating to the making available on the market of Pyrotechnic Articles and Directive 2014/58/EU on the traceability of Pyrotechnic Articles

The Committee noted correspondence from the Department of Justice advising that the Department for Business, Innovation and Skills issued a UK-wide consultation in December 2014 regarding the implementation of two EU Directives which should make pyrotechnic articles in the EU safer by making the relevant legislation easier for users to understand and apply and also make it easier to trace pyrotechnic articles throughout the supply chain thereby improving market surveillance and safety.

18. Correspondence

- i. The Committee noted a response from the Department of Justice providing further information on the £7.2 million shortfall in its Savings Delivery Plans for 2013-14.
- ii. The Committee noted a response from the Department of Justice to its request for confirmation as to whether any bids had been submitted by the Department in relation to Financial Transaction Capital.
- iii. The Committee noted the publication of Research and Statistical Bulletin 16/2014 '*Perceptions of Crime: Findings from the 2013/14 Northern Ireland Crime Survey*'.
- iv. The Committee noted the publication of Research and Statistical Bulletin 20/2014 '*First Time Entrants to the Criminal Justice System in Northern Ireland 2012/13*'.
- v. The Committee noted correspondence from the Department of Justice providing a copy of the Northern Ireland DNA Database Governance Board Report 2012-2014.
- vi. The Committee noted correspondence from the Department of Justice providing a copy of the six monthly update on the Northern Ireland Human Trafficking and Exploitation Action Plan for 2014-15.
- vii. The Committee noted correspondence from the Department of Justice advising of the Secretary of State's intention to bring forward secondary legislation which will enable the electronic notification of public processions and related protests in Northern Ireland.

- viii. The Committee considered correspondence from the Committee for Finance and Personnel regarding the current position in relation to outstanding Post Project Evaluations by Departments.

Agreed: The Committee agreed to forward a copy of the Committee for Finance and Personnel's correspondence to the Department of Justice for comment on its outstanding Post Project Evaluations.

- ix. The Committee noted a copy of correspondence from the Committee for the Office of the First Minister and deputy First Minister to the Minister of Justice in relation to the Northern Ireland Public Services Ombudsperson Bill and the provisions relating to the Northern Ireland Judicial Appointments Ombudsman.

- x. The Committee noted the Strategic Investment Board Investment Strategy for Northern Ireland Procurement Activity Report for November 2014 on Department of Justice Capital Projects.

Agreed: The Committee agreed that it was content with the new format of the Activity Report.

- xi. The Committee noted a copy of correspondence from a Mr McKee to the Department of Social Development and the Attorney General for Northern Ireland in relation to the Charity Commission.

- xii. The Committee noted a copy of correspondence from a Mr Carlin to the Office of the Lord Chief Justice in relation to a possession order.

- xiii. The Committee considered correspondence from a Mr McMaster in relation to a complaint concerning the Police Ombudsman.

Agreed: The Committee agreed to forward Mr McMaster's correspondence to the Police Ombudsman and the Chief Constable to request that they respond directly to Mr McMaster on the issues raised relevant to their responsibilities and provide the Committee with copies of their responses.

- xiv. The Committee noted that a copy of the Report on Funds in Court in Northern Ireland Statement of Accounts 2013-2014 was available in the Committee Office.

- xv. The Committee considered a copy of correspondence from a Mr White to the Department of Justice in relation to the use of interviews under caution by the Department of Social Development.

Agreed: The Committee agreed to forward Mr White's correspondence to the Committee for Social Development for consideration of the matters raised given the matter is the responsibility of the Department of Social Development.

19. Chairman's Business

- i. The Chairman advised the Committee that arrangements had been made to hold an informal meeting with the Anti-Slavery Commissioner Designate, Mr Kevin Hyland, on 20 January 2015 during his visit to Northern Ireland.

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

- ii. The Chairman advised Members that he and the Deputy Chairman had received an invitation from Foyle Women's Aid to a conference in Brussels on the results of the 'Family Justice Centers in Europe' project funded by the EU to prevent and combat violence against children, young people and women and to protect victims and groups at risk and to celebrate their place in the new European Justice Centre Alliance Foundation, Unfortunately neither were able to attend but he indicated that he would write to Foyle Women's Aid on behalf of the Committee congratulate them on their association with the new Foundation and to wish them well with the ongoing project.

20. Any Other Business

None

21. Date and Time of next meeting

The next meeting will take place on Wednesday 21 January 2015 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 4.25 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice