



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

WEDNESDAY 12 NOVEMBER 2014  
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Stewart Dickson MLA  
Mr Sammy Douglas MLA  
Mr Tom Elliott MLA  
Mr Paul Frew 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)  
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Chris Hazzard MLA

*The meeting commenced at 2.07 p.m. in public session.*

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 5 November 2014**

The Committee approved the draft minutes of the meeting held on 5 November 2014.

#### **3. Matters Arising**

- i. The Committee noted correspondence from the Committee for Finance and Personnel regarding the process for preparing a coordinated report by Assembly Committees on the Draft Budget 2015-16. The Chairman advised the Committee that a date for a briefing by departmental officials on the draft 2015/16 Budget was currently being

finalised and that a workshop on budget scrutiny would be scheduled for the same day.

- ii. The Committee noted that the Department of Justice had laid a Legislative Consent Memorandum in relation to the Modern Slavery Bill in the Assembly and that it would be considered by the Committee at the meeting on 19 November 2014.
- iii. The Committee noted correspondence from the Department of Justice advising of the Home Secretary's announcement of the appointment of Mr Kevin Hyland as the designate Anti-Slavery Commissioner.

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

- iv. The Committee noted correspondence from the Department of Justice indicating that it had advised a number of individuals who had written that the consultation on the draft Police Pensions Regulations 2015 had been extended to 12 November and that any concerns individual police officers may have should be reflected in the response to be provided by the Police Federation for Northern Ireland.

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

- v. The Committee noted a copy of a complaint by a Mr Glenn to the Department of Justice in relation to the consultation on the proposals to change the PSNI Pension Scheme. The Chairman advised the Committee that as previously agreed, arrangements had been made to hold an informal meeting with Mr Glenn and other police officers on 24 November 2014.
- vi. The Committee noted that the Department of Justice had laid a Legislative Consent Memorandum in relation to the Serious Crime Bill in the Assembly.

*Agreed:* The Committee agreed that an oral briefing was not required and the LCM should be placed on the agenda of a future meeting for consideration.

#### **4. The Justice Bill – Oral Evidence from the Children's Law Centre**

Ms Natalie Whelehan, Policy Officer and Mr John Patrick Clayton, Assistant Policy Officer, the Children's Law Centre joined the meeting at 2.13 p.m.

*Mr Stewart Dickson joined the meeting at 2.16 p.m.*

Ms Whelehan and Mr Clayton outlined the key issues in the Children's Law Centre's written evidence on the Justice Bill.

A detailed question and answer session followed covering issues including: potential drawbacks of a single jurisdiction for the County Courts and Magistrates' Courts; the reasons why the single jurisdiction proposals may have a differential adverse impact upon children; measures to mitigate against the potential adverse impact upon children; the current position regarding the proposed administrative framework; the barriers to children's participation in court; support for child victims and witnesses; the need for Clauses 28 and 30 to reflect rights relating to the best interests of the child; mechanisms to ensure that the criminal justice statutory agencies comply with the Victim Charter; whether there should be particular reference to victims and witnesses who are children in the Victim Charter; the definition of a victim in the Charter; the impact of the disclosure

of criminal record information in relation to children and young people; the importance of young people making informed decisions about whether to accept a diversionary disposal; understanding the disclosure implications of diversionary disposals; provisions to have a criminal record ‘wiped clean’ when a child reaches the age of 18; AccessNI new filtering arrangements; the recommendation of the Youth Justice Review that diversionary disposals should not be disclosed; the definition of a child; what offences committed by young people should continue to be disclosed in a criminal record check; the purpose of the proposed independent review mechanism and how this could address some of the issues relating to disclosure; whether the extension of live link facilities could have a detrimental impact on the participation and understanding of a child in court proceedings; whether the Lord Chief Justice’s Practice Direction would provide sufficient protection to safeguard the participation of children in court proceedings; the application of Violent Offences Prevention Orders (VOPO) on all eligible offenders regardless of age and whether such an order should not apply to under 18s; the restriction of the application of Violent Offender Orders in England and Wales to persons ages 18 or over; the protection offered by a VOPO; and whether a Sexual Offences Prevention Order applies to persons under 18.

*3.12 p.m. Mr Tom Elliott left the meeting.*

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the Children’s Law Centre for their attendance and they left the meeting.

## **5. The Justice Bill – Oral Evidence from the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)**

Ms Olwen Lyner Chief Executive, Ms Anne Reid, Jobtrack Senior Practitioner and Ms Julia Kenny, Policy and Research Coordinator, NIACRO joined the meeting at 3.20 p.m.

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

Ms Lyner outlined the key issues in NIACRO’s written evidence on the Justice Bill.

*3.31 p.m. Mr Patsy McGlone left the meeting.*

A detailed question and answer session followed covering issues including: the impact of prosecutorial fines upon those who do not have the financial capability to pay; alternatives to prosecutorial fines; whether prosecutorial fines could be more restorative nature and make use of Supervised Activity Orders; whether a definition of low level summary offences should be set out in the legislation; the assessment of a person’s financial capability to pay a fine; the payback scheme operating in Scotland; NIACRO’s recommendation that the definition of a ‘victim’ is expanded to include ‘indirect victims’; whether the use of criminal records checks are being monitored to ensure consistency and fairness; measures to gauge the extent to which the new filtering arrangements have achieved the purpose of increased protection in Northern Ireland; whether AccessNI should be more customer focused and the application of the Rehabilitation of Offenders legislation in England and Wales and whether the Rehabilitation of Offenders Legislation in Northern Ireland requires revision.

The briefing was recorded by Hansard.

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

## **6. The Justice Bill – Oral Evidence from the Northern Ireland Human Rights Commission**

Mr Les Allamby Chief Commissioner, Dr David Russell, Deputy Director and Mr Colin Caughey, Policy Worker, Northern Ireland Human Rights Commission joined the meeting at 3.56 p.m.

Mr Allamby outlined the key issues in the Northern Ireland Human Rights Commission's written evidence on the Justice Bill.

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

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

A detailed question and answer session followed covering issues including: whether the Bill should be amended to reflect that a Prosecutor must have regard to the financial circumstances of an offender when considering a prosecutorial fine; the Independent Monitoring Mechanism regarding the relevancy of information to be provided in an enhanced criminal record certificate and how this would work in practice; whether the extension of live link facilities could have a detrimental impact on the participation and understanding of a child in court proceedings; the need for safeguards to ensure 'informed consent' has been given; the application of VOPOs to persons aged under 18; measures to ensure informed decisions can be taken in relation to early guilty pleas; the need for a mechanism to monitor the outworkings of the provisions in the Bill regarding use of live links and encouraging earlier guilty pleas once introduced to assess the impact; and whether Domestic Violence Protection Orders similar to those in England and Wales should be included in the Bill.

Mr Allamby agreed the Human Rights Commission would provide its opinion on the application of VOPOs to persons aged under 18 to the Committee.

The briefing was recorded by Hansard.

The Chairman thanked the representatives of the Northern Ireland Human Rights Commission for their attendance and they left the meeting.

## **7. Attorney General for Northern Ireland's Draft Human Rights Guidance for the Youth Justice Agency on Conditions of Detention**

The Committee considered the Attorney General for Northern Ireland's Draft Human Rights Guidance for the Youth Justice Agency on Conditions of Detention as required by Section 8 of the Justice (Northern Ireland) Act 2008 and noted that the Attorney General's Office had liaised with Youth Justice Agency officials in the development of the guidance.

*Agreed:* The Committee agreed that it was content with the draft guidance.

*4.37 p.m. Mr Stewart Dickson left the meeting.*

## **8. Amendments to the Firearms (Northern Ireland) Order 2004 Relating to the Record Keeping Requirement Established by Directive 2008/51/EC**

The Committee noted an Assembly research paper providing an overview of EU Directive 2008/51/EC and its impact on Northern Ireland and a joint submission on the Directive received from the Gun Trade Guild NI and Countryside Alliance Ireland.

The Committee considered proposals by the Department of Justice to make amendments to the Firearms (Northern Ireland) Order 2004 to transpose the requirements of Article 4 of Council Directive 91/477EEC , as amended by Directive 2008/51/EC relating to firearms record keeping requirements.

*Agreed:* The Committee agreed that it was content with the proposal for the PSNI to maintain the electronic records in a centralised system and the intention of the Department of Justice to request that the Home Office bring forward the amendments in its legislation and the Department had no authority to legislate on prohibited weapons.

## **9. Consultation on Revised PACE Codes of Practice A – H**

The Committee considered information provided by the Department of Justice on proposals to conduct a 12-week consultation on revised Police and Criminal Evidence Codes of Practice A – H.

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

## **10. October 2014 Monitoring Round Outcome**

The Committee considered information provided by the Department of Justice on the outcome of the October 2014 Monitoring Round and the allocation to the various spending areas.

*Agreed:* The Committee agreed to schedule an oral briefing by senior departmental officials on the rationale for the various allocations and in particular the allocations to the PSNI and the Legal Services Commission for legal aid.

## **11. Correspondence**

- i. The Committee considered correspondence from the Minister of Justice providing an update in relation to a provision in the Public Service Pension Act (Northern Ireland) 2014 relating to the payment of RUC widows' pensions.

*Agreed:* The Committee agreed to request a further update from the Department in two week's time and if no substantive progress had been made, officials would be requested to attend to discuss the matter.

- ii. The Committee noted correspondence from the Department of Justice advising that the Northern Ireland Office had made new regulations entitled The Control of Explosives Precursors etc Regulations (Northern Ireland) 2014 which came into force in September 2014 and which revoke the Explosives (Northern Ireland) Order 1972 and make minor consequential amendments to other legislation for which the Department of Justice and the Department of Enterprise, Trade and Investment have responsibility.
- iii. The Committee noted the publication of the quarterly statistics bulletins by the Northern Ireland Courts and Tribunals Service.
- iv. The Committee noted correspondence from the Department of Justice in relation to the Analysis of Sick Absence in the Northern Ireland Civil Service for 2013/14.
- v. The Committee noted a response from the Minister for Social Development regarding a complaint from Members of the Lough Neagh Rescue about the Charity Commission for Northern Ireland.
- vi. The Committee noted correspondence from the Committee for Finance and Personnel in relation to a Proposed Legislative Consent Motion on Public Service Pension Schemes.
- vii. The Committee considered a copy of correspondence from Evangelical Alliance to the Department of Justice in relation to concerns regarding the viability of the ‘Criminal Law on Abortion’ consultation.

*Agreed:* The Committee agreed to request a copy of the Department’s response to Evangelical Alliance.

- viii. The Committee noted an invitation from Keep Northern Ireland Beautiful to attend its Diamond Jubilee celebration on 20 November 2014.

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

- ix. The Committee noted the Criminal Justice Inspection Northern Ireland Report ‘*Serious and Organised Crime: An inspection on how the Criminal Justice System deals with Serious and Organised Crime in Northern Ireland*’.
- x. The Committee noted correspondence from the Minister of Justice providing a copy of the stocktake report of the implementation of the Roe House Agreement and the Northern Ireland Prison Service response to the Report.

*Agreed:* The Committee agreed to schedule an oral briefing by the Independent Assessment Team who carried out the stocktake report and the Director General of the Prison Service on the report and the Prison Service response.

## **12. Chairman’s Business**

None.

## **13. Any Other Business**

None.

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

The next meeting will take place on Wednesday 19 November 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

*The meeting was adjourned at 4.57 p.m.*

**Mr Paul Givan MLA**  
**Chairman, Committee for Justice**