



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 19 NOVEMBER 2014
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Sammy Douglas MLA
Mr Patsy McGlone MLA

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

1. Apologies

As above.

2. Draft minutes of the meetings held on 11 and 12 November 2014

The Committee approved the draft minutes of the meetings held on 11 and 12 November 2014.

3. Matters Arising

- i. A current High Court Judge competition being undertaken by the Northern Ireland Judicial Appointments Commission (NIJAC) was raised in the context of the Committee Inquiry into the Judicial Appointments Process.

Agreed: The Committee agreed to request information regarding the appointments procedures being used and the outcome of the competition from NIJAC to inform the Inquiry.

4. October 2014 Monitoring Round Outcome

Mr Nick Perry, Permanent Secretary, Mr Glyn Capper, Deputy Director of Finance, Financial Services Division, and Mr Mark McGuckin, Deputy Director, Public Legal Services Division, Department of Justice joined the meeting at 2.07 p.m.

Mr Perry outlined the outcome of the October 2014 Monitoring Round and the allocations to the various spending areas within the Department of Justice.

A detailed question and answer session followed covering issues including: the contractual obligations relating to legal aid expenditure and the allocation of an additional £13.2 million; whether there was an option to carry forward the legal aid pressures into the next financial year; the risks associated with deferring legal aid payments; how the Department prioritised the allocation of the £29 million resulting from the October Monitoring Round and the criteria used; who makes the decision regarding how the PSNI allocation of £13 million is spent; the effect of the legal aid reforms that have been implemented and the timescale for further reforms; the legal aid projected spend and the accuracy of the forecasts; whether the Department had a figure for contractual obligations when it submitted funding bids in the October Monitoring Round; whether a proportion of the PSNI allocation will be used to fund legacy issues; the effect on wider public confidence if legacy issues are not prioritised; the net budget for the Northern Ireland Legal Services Commission;

2.27 p.m. Mr Seán Lynch joined the meeting.

2.33 p.m. Mr Edwin Poots joined the meeting.

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

2.46 p.m. Mr Stewart Dickson left the meeting.

the timescale for making legal aid payments to solicitors and barristers; the legal aid budget for the past five years; the implications of the increase in the prisoner population for the NI Prison Service budget; the reductions in the Northern Ireland Forensic Science budget; the occurrence of two-counsel representation for legal aid funded defendants; the level of legal aid spend against projected costs for this year; how the additional budget allocation to the PSNI will be spent; and the implications for the Departmental budget if it had not received additional funding in the October Monitoring Round.

The officials agreed to provide the Committee with the current spend figures for legal aid.

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

5. The Justice Bill – Oral Evidence from the Public Prosecution Service

Mr Barra McGrory QC, Director of Public Prosecutions, and Mr Ciaran McQuillan, Assistant Director, Policy and Information, Public Prosecution Service (PPS) joined the meeting at 2.58 p.m.

3.02 p.m. Mr Stewart Dickson joined the meeting.

Mr McGrory and Mr McQuillan outlined the key issues in the Public Prosecution Service's written evidence on the Justice Bill.

A detailed question and answer session followed covering issues including: the implications of a single jurisdiction for County Courts and Magistrates Courts on the delivery of services by the PPS; the potential advantages and drawbacks of the single jurisdiction proposals; the cost implications for the PPS; the need for appropriate safeguards to protect victims and witnesses; the guidelines necessary to support the single jurisdiction proposals; whether there is a requirement for committal proceedings at all; the original intention of committal proceedings; whether the changes to committal proceedings were being driven by cost saving considerations; changes to the disclosure process; how much time would be saved if committal proceedings were removed altogether; the beneficial effect on the system if changes are made to committal proceedings; the types of penalty point cases that proceed to court; the types of cases that will be referred to the PPS for consideration of prosecutorial fine; how the prosecutorial fine system would work; the benefits of including penalty points in the prosecutorial fine process; how to ensure consistency in relation to prosecutorial fines; how the penalty points system for motoring related offences operates; the potential use of prosecutorial fines for those who commit low level offences against front-line delivery public sector workers; potential budget pressures for the Victim and Witness Care Unit in 2015/16; whether the extension of live link facilities could have a detrimental impact on the participation and understanding of a child in court proceedings; whether there are implications for a defendant if the first remand hearing is made by live link;

4.00 p.m. Mr Stewart Dickson left the meeting.

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

responsibility for advising a defendant about early guilty pleas; the statistics regarding the points in the process defendants change their pleas; what safeguards are required in the system in relation to encouraging earlier guilty pleas; whether there was a role for the PPS in advising defendants in relation to early guilty pleas; the role of the judge; how a victim's voice is heard if a guilty plea is made; the application of VOPOs to persons under the age of 18; the PPS view of Domestic Violence Prevention Orders; the lack of rights of audience of employed solicitors and barristers in the courts; and whether rights of audience should be extended to PPS staff.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the Public Prosecution Service for their attendance and they left the meeting.

6. The Justice Bill – Oral Evidence from the Law Society of Northern Ireland

Ms Arleen Elliott, Junior Vice President, Mr Alan Hunter, Chief Executive, and Mr Peter O'Brien, Deputy Chief Executive, Law Society of Northern Ireland joined the meeting at 4.21 p.m.

Ms Elliott outlined the key issues in the Law Society's written evidence on the Justice Bill.

The Chairman left the meeting at 4.32 p.m. and the Deputy Chairman took the chair.

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

A detailed question and answer session followed covering issues including: the implications of a single jurisdiction for County Courts and Magistrates Courts; whether the single jurisdiction proposals are driven by cost saving considerations;

The Chairman rejoined the meeting at 4.46 p.m. and resumed the chair.

the drawbacks to the single jurisdiction proposals and how they could potentially adversely affect defendants, victims and witnesses; whether safeguards are required; the implications of the single jurisdiction proposals upon County Court and Magistrates Court judges; the benefits of oral evidence in committal proceedings; the benefits of mixed committal proceedings; the numbers of PEs and PIs conducted each year; whether a district judge could stop a case based on the quality of the evidence presented at committal; whether removing committal proceedings would decrease delay in the criminal justice system; the Law Society's proposals for a balanced approach to mixed committals; responsibility for advising a defendant about early guilty pleas; the Law Society's concern regarding the proposals and its view that the current system works well; the role envisaged by the Law Society for the PPS; plea bargaining; and the Law Society's view on granting rights of audience to the Attorney General's and PPS staff.

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

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

The briefing was recorded by Hansard.

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

7. The Justice Bill – Oral Evidence from Women's Aid Federation Northern Ireland

Ms Louise Kennedy, Regional Policy and Information Co-ordinator and Ms Sharon Burnett, Management Co-ordinator, Causeway Women's Aid, Women's Aid Federation NI joined the meeting at 5.37 p.m.

Ms Kennedy outlined the key issues in the Women's Aid Federation's written evidence on the Justice Bill.

A detailed question and answer session followed covering issues including: whether the Bill provides sufficient clarity regarding how a Victim Statement can be used by judges; whether a child's criminal record should be 'wiped clean' when they reach the age of 18; what types of crime should never be removed from a person's criminal record; why domestic violence related offences should not be covered by prosecutorial fines; and the need for VOPOs.

The Committee agreed to consider Agenda items 8 and 9.

8. LCM Modern Slavery Bill – Consideration of Committee Position

The Committee considered the Legislative Consent Memorandum outlining the provisions of the Modern Slavery Bill that would extend to Northern Ireland and the draft motion to be brought forward by the Minister of Justice.

Agreed: The Committee agreed that it was content to support the Legislative Consent Motion.

The Chairman advised the Committee that a draft report reflecting the views of the Committee would be prepared for consideration.

9. LCM Serious Crime Bill – Consideration of Committee Position

The Committee considered the Legislative Consent Memorandum outlining the provisions of the Serious Crime Bill that would extend to Northern Ireland and the draft motion to be brought forward by the Minister of Justice.

Agreed: The Committee agreed that it was content to support the Legislative Consent Motion.

The Chairman advised the Committee that a draft report reflecting the views of the Committee would be prepared for consideration.

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

10. The Justice Bill – Oral Evidence from the Women’s Aid Federation Northern Ireland (cont’d)

The question and answer session with the representatives of the Women’s Aid Federation for Northern Ireland resumed at 6.06 p.m.

The issues covered included: delays within the criminal justice system; the role of the Victims Charter; the need for specialist training in relation to domestic violence offences for the criminal justice organisations; the low rates of conviction relating to Domestic Violence and whether the Bill should make provision for Domestic Violence Prevention Orders.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from Women’s Aid Federation NI for their attendance and they left the meeting.

11. Chairman’s Business

None.

12. Any Other Business

None.

13. Date and Time of next meeting

The next meeting will take place on Wednesday 26 November 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 6.21 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice