



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 16 APRIL 2015
Room 30, Parliament Buildings

Present: Mr Alastair Ross 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 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)
Ms Marianne Doherty (Clerical Officer)
Ms Anna McDaid (Bursary Student)

Apologies: Mr Sammy Douglas MLA

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

1. Apologies

As above.

2. Draft minutes of the meeting held on 25 March 2015

The Committee approved the draft minutes of the meeting held on 25 March 2015.

3. Matters Arising

- i. The Committee noted an updated Forward Work Programme for April 2015 which included the Committee's inaugural Justice Seminar to take place on 23 April 2015

with the Lord Chief Justice giving the keynote speech on innovation in the youth justice system.

2.06 p.m. Mr Raymond McCartney joined the meeting.

- ii. The Committee considered a response from the Northern Ireland Prison Service confirming that the oral evidence provided by the Director General and Prison Service senior officials at the meeting on 4 March 2015 in relation to the ending of the issuing of security notices to non-prison grade staff was incorrect and the matter had not been discussed with NIPSA at that stage.

Agreed: The Committee agreed to thank NIPSA for drawing the matter to its attention and provide a copy of the Prison Service's response.

4. The Criminal Law on Abortion in Cases of Lethal Foetal Abnormality and Sexual Crime – Results of the Consultation and Proposed Way Forward

Ms Karen Pearson, Deputy Director, Criminal Justice Policy and Legislation Division and Ms Amanda Patterson, Criminal Justice Policy and Legislation Division, Department of Justice joined the meeting at 2.08 p.m.

Ms Pearson outlined the results of the Department's consultation on the Criminal Law on Abortion in Cases of Lethal Foetal Abnormality and Sexual Crime and the Minister's proposed way forward.

2.12 p.m. Mr Patsy McGlone joined the meeting.

A detailed question and answer session followed covering issues including: the basis of the consultation; the Department's assessment that the consultation responses indicated 'substantial support' for a change in the legislation; whether the medical organisations who responded to the consultation indicated that they wanted legislative change; whether there were concerns expressed by the medical professionals in relation to the unintended consequences of the proposed legislative changes in relation to fatal foetal abnormality; whether the issuing of guidance by the Department of Health would remove the necessity for legislative change in relation to this matter; the timescale for the introduction of the proposed legislation; the rationale regarding the number of doctors required to provide assurance of diagnosis; why the Department concluded there should be no role for judicial oversight as proposed in some responses; an explanation of the conscientious objection for medical practitioners, the limitations and the practical application of this; whether the responses to the consultation demonstrated support for a change in the law in relation to sexual crime; why the Minister does not propose bringing forward changes to the law in relation to sexual crime during this mandate; the timescale for any proposed changes in legislation relating to sexual crime;

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

the percentage of organisations who stated they wished to see a change in the law; the treatment options available in relation to conditions identified during the medical assessment of a foetus; current case law;

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

how a medical institution which has a catholic ethos could be protected in law in relation to the use of conscientious objection and why the Department is only proposing to provide for individuals rather than institutions; how option 4 presented in the consultation has been changed in the final proposals and the rationale for this; in what way the Royal College of Obstetrics qualified its acceptance of option 4; the reason why

there is no time limit within which to carry out an abortion under the proposed new legislation; definition of sustainable life after birth; whether the Department has given disproportionate weighting to the contribution of medical professionals; whether there were responses to the consultation from individuals who had personal experience of pregnancies involving fatal foetal abnormality; the purpose of a public consultation and whether the Department had chosen to ignore the outcome of the consultation; and the definition of a human life pre and post birth and whether the Department has sought advice on the definitions.

The briefing was recorded by Hansard.

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

5. Introduction of a Statutory Registration Scheme for all Providers of Publicly Funded Legal Services in NI – Results of the Consultation and Proposed Way Forward

Mr Mark McGuckin, Deputy Director, Public Legal Services Division and Mr Mark McGuicken, Ms Deirdre McDaid and Ms Kim Elliott, Public Legal Services Division, Department of Justice joined the meeting at 3.18 p.m.

Mr McGuckin outlined the results of the Department's consultation on the Introduction of a Statutory Registration Scheme for all Providers of Publicly Funded Legal Services in Northern Ireland and the proposed way forward.

A question and answer session followed covering issues including: the level of engagement with the Law Society and whether it had any specific issues with the proposals;; the timescale for full implementation of the Registration Scheme; what sanctions will be introduced for non-compliance, responsibility for issuing sanctions and whether sanctions for non-compliance currently exist; the Codes of Practice that will be introduced and whether they are compliant with existing Codes of Practice; whether it would be possible for a solicitor within a particular practice to be non-compliant but the rest of the practice compliant; whether it would be possible to be non-compliant for legal aid purposes but continue to carry out non legal aid related work; whether cognisance has been given to the burden the increased bureaucracy will present for smaller firms of solicitors; the level and frequency of the audit of firms; the level of fees to be set to recover the cost of the audits; and whether there would be additional costs to firms by imposing the Codes of Practice.

The briefing was recorded by Hansard.

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

6. SL1: Reform of Police Discipline and Unsatisfactory Performance Procedures in Northern Ireland

Ms Lorraine Montgomery, Head of Police Powers and Human Resources Policy Branch and Ms Lesley McCombe, Policing Policy and Strategy Division, Department of Justice joined the meeting at 3.39 p.m.

Ms Montgomery outlined the proposed Statutory Rules to reform police discipline and unsatisfactory performance procedures in Northern Ireland.

A question and answer session followed covering issues including: the views of the Police Federation on the proposed changes; what changes have been made to preserve the role of the Ombudsman; the short term costs the proposals will present to the PSNI

and the level of long term efficiency savings identified; to what extent the proposals will enhance public confidence; examples of unsatisfactory performance, misconduct and gross misconduct; what sanctions will now be available after disciplinary proceedings; the rationale for removing financial penalties; and use of the ‘balance of probabilities’ standard when assessing cases.

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

3.56 p.m. Mr Seán Lynch left the meeting.

The briefing was recorded by Hansard.

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

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

7. Draft Mental Capacity Bill 2015

The Committee noted the final draft of the Mental Capacity Bill and Explanatory and Financial Memorandum provided by the Minister of Justice which is being considered by the Executive with both Health and Justice Ministers hoping that it will be approved to allow for introduction in May 2015.

The Chairman reminded Members that the Justice Committee and Health Committee previously agreed to establish a Joint Ad Hoc Committee, made up of Members from both Committees to consider the results of the consultation and undertake the Committee Stage of the Mental Capacity Bill.

Agreed: The Committee agreed to write to the Business Committee and ask it to establish the Joint Ad Hoc Committee in accordance with Standing Order 64C.

3.58 p.m. Mr Paul Frew left the meeting.

8. SR 2015/161: The Public Services Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/161 The Public Services Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015 which will specify the judicial office holders to whom the Judicial Pension Regulations to establish a career average re-valued earnings pension scheme for members of the devolved judiciary will apply.

Agreed: The Committee for Justice considered Statutory Rule 2015/161 The Public Services Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015 and had no objection to the Rule.

9. SL1: The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by the Health and Safety at Work (Northern Ireland) Order 1978 to comply with EU Regulation No 1272/2008 on the classification, labelling and packaging of substances and mixtures (the CLP Regulation) and provide for the appointment of competent authorities and enforcement in Northern Ireland in relation to explosive substances and mixtures.

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

10. Department of Justice 2015/16 Budget – Final Departmental Savings Delivery Plan

The Committee noted the final consolidated Department of Justice Savings Delivery Plan for 2015/16 which set out the key risks and overall impact on service delivery for the Department, its Agencies and NDPBs and further information on the funding position in relation to the Desertcreat Community Safety Training College Capital Project.

The Chairman advised Members that an oral briefing on the Capital Project was scheduled to take place at the meeting on 23 April 2015 and would provide an opportunity to explore the funding position further.

11. Department of Justice Draft Desistance Strategy and Action Plan

The Committee considered a draft Desistance Strategy and Action Plan which outlined the Department of Justice's strategic approach and commitment to desistance, set out an agreed understanding of desistance across statutory and non-statutory organisations and provided an initial action plan outlining how change will be delivered by embedding desistance principles in policy and practice across the Northern Ireland criminal justice system.

Agreed: The Committee agreed to schedule an oral briefing by departmental officials on the draft Desistance Strategy and Action Plan and the management plans in place to ensure its delivery into the Forward Work Programme.

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

4.02 p.m. Mr Paul Frew joined the meeting.

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

12. Community Safety Strategy Annual Progress Report and Action Plans for 2015 – 2017

The Committee noted a progress report provided by the Department of Justice on the delivery of the 2013 - 2015 Community Safety Strategy action plans and seven new action plans for 2015 - 2017 to cover the final two years of the Community Safety Strategy.

13. Correspondence

- i. The Committee noted correspondence from the Minister of Justice outlining his proposals for the future of the Northern Ireland Law Commission.
- ii. The Committee noted correspondence from the Minister of Justice providing further information regarding the new appointments process for the independent members to the Northern Ireland Policing Board.
- iii. The Committee noted correspondence from the Department of Justice in relation to a consultation on changes to the costs protection scheme for AARHUS convention cases.

- iv. The Committee noted correspondence from the Department of Justice providing an update on funding for Voluntary Search and Rescue Organisations operating in Northern Ireland.
- v. The Committee noted correspondence from the Department of Justice regarding the role of the Police Ombudsman for Northern Ireland which has been extended under section 64 of the Immigration Act 2014.
- vi. The Committee noted correspondence from the Department of Justice in relation to the authorisation of the possession of land on the Springfield Road, Belfast.
- vii. The Committee noted correspondence from the Department of Justice advising of the enactment at Westminster of the Criminal Justice and Courts Act 2015.
- viii. The Committee noted correspondence from the Department of Justice advising of the enactment at Westminster of the Serious Crime Act 2015 and providing a copy of the Serious Crime Act (2015 Act) (Commencement) Regulations (Northern Ireland) 2015.
- ix. The Committee noted correspondence from the Department of Justice providing a copy of its Departmental Action Plan in response to the recommendations contained within the Marshall Report of the Inquiry into Child Sexual Exploitation in Northern Ireland.
- x. The Committee considered correspondence from the Chair of the Committee on Procedures seeking its views on the pilot project to test a procedure for the management of draft affirmative Statutory Rules laid by the Attorney General.

Agreed: The Committee agreed that a draft response based on the views expressed should be prepared for consideration at the meeting on 23 April.

- xi. The Committee noted correspondence from the Single Investigations Service providing a copy of correspondence from the Social Security Agency to a Mr White regarding the application of the Police and Criminal Evidence (Northern Ireland) Order 1989 to investigations relating to benefit offences.
- xii. The Committee noted correspondence from a Mr Belyeu in relation to the law surrounding termination of pregnancies in cases of fatal foetal abnormality.
- xiii. The Committee noted an invitation from the Law Society of Northern Ireland to attend an event to celebrate the sealing of the Magna Carta.

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

- xiv. The Committee noted correspondence advising that the Northern Ireland Police Fund Annual Report and Accounts for the year ended 31 March 2014 had been laid in the Assembly on 9 April 2015.

14. Chairman's Business

- i. The Chairman advised Members that Amnesty International Northern Ireland had requested an opportunity to present the key findings and recommendations of its

Report on 'Northern Ireland: Barriers to accessing abortion services' which was launched on 26 February 2015 to the Committee.

Agreed: The Committee agreed to schedule a briefing by Amnesty International into the Forward Work Programme.

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

- ii. The Chairman advised Members that Professor Paul Carmichael from the University of Ulster had invited the Committee to visit the Jordanstown Campus to discuss the contribution the University makes to the justice sector, meet with some of the students and discuss potential opportunities for working together.

Agreed: The Committee agreed to schedule a visit to the University of Ulster Jordanstown campus into the Forward Work Programme.

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

15. Any Other Business

- i. The Committee discussed the recent name change of Hydebank Wood Young Offenders Centre.

Agreed: The Committee agreed to write to Department of Justice requesting an explanation for the name change and why the Committee had not been informed of the proposal.

- ii. The Committee discussed a recent court case in which the defendant was required to demonstrate that he was not guilty which appeared to be a significant departure from normal process.

Agreed: The Committee agreed to request further information on this matter.

16. Date and Time of next meeting

The next meeting will take place on Thursday 23 April 2015 at 3.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.18 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice