



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 18 JUNE 2015  
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sammy Douglas MLA  
Mr Paul Frew MLA  
Mr Chris Hazzard MLA  
Mr Alban Maginness MLA  
Mr Patsy McGlone 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)
- Apologies: Mr Stewart Dickson MLA  
Mr Tom Elliott MLA  
Mr Seán Lynch MLA  
Mr Edwin Poots MLA

*The meeting commenced at 3.13 p.m. in public session.*

#### **1. Apologies**

As above.

#### **2. Draft Minutes of the meetings held on 9 June 2015 and 11 June 2015**

The Committee approved the draft minutes of the meetings held on 9 June and 11 June 2015.

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

The Committee discussed its three seminars on *Innovations in Justice* and the Chairman advised that a report on the emerging themes and issues would be prepared for September when consideration would be given to a Committee motion on the key proposals.

#### **4. SLIs relating to the Destruction, Retention and Use of Biometric Data: Revised PACE Code D, Transitional and Savings Provisions Order, Qualifying Offences (Amendment) Order and Transitional and Savings Provision (Amendment) Order**

Ms Lorraine Montgomery, Head of Police Powers and HR Policy Branch and Mr Gary Dodds, Police Powers and HR Policy Branch, Department of Justice joined the meeting at 3.16 p.m.

*3.18 p.m. Mr Alban Maginness joined the meeting.*

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

Ms Montgomery outlined three proposed Statutory Rules required in readiness for implementation of the new Biometric Retention Framework and a further proposal to insert a new provision in the draft Transitional and Savings Provision Order relating to access and use by the Historical Investigations Unit (HIU) of Biometric Databases.

A question and answer session followed covering issues including: undertaking a consultation over the summer months in relation to the additional proposal and the need for flexibility regarding the timing for receipt of submissions; the extent of the powers being sought by the Department in relation to the retention of the proposed snapshot; whether the provision for this power was contained in the Criminal Justice Act 2013; the proposed access and use by the HIU of Biometric Databases; whether the provisions relating to the HIU will include access to biometric data of those convicted of terrorist offences; the implications of the Stormont House Agreement not being implemented and the Historical Investigation Unit not being established; and the cost of the implementation of these proposals.

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 relating to the revisions to PACE Code D and the Qualifying Offences (Amendment) Order.

*Agreed:* The Committee agreed to consider the proposed provisions relating to the Transitional and Savings Provision Order when the results of the consultation are available.

#### **5. Proposals to Vary Firearms Licensing Fees and other Miscellaneous Amendments to Firearms Legislation**

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Division, Department of Justice, Mr Robert Kidd, Head of Firearms and Explosives Branch, Department of Justice and Chief Superintendent Stephen Cargin, PSNI joined the meeting at 3.26 p.m.

Mr Rogers outlined the recent engagement with key stakeholders, the Department's current position in relation to proposals for firearms licencing fees, the age of young shooters and a banded system and indicated that, in relation to the fees and banded system, a level of agreement had been reached.

A detailed question and answer session followed covering issues including: clarification regarding the nature of the engagement between CiFEx and Department of Justice officials on the banding proposals; the evidence upon which the Department's banding

proposals were based; clarification regarding the process around the exchange of similar calibre weapons; the PSNI position on the banding proposals; the current position regarding the security specification requirements for dealers; the need to review the security specification requirements for smaller dealers and the capacity of larger dealers to retain enough weapons; clarification regarding the reference to a fee for an application for a firearms certificate rather than a fee when a certificate is granted; the need to avoid a system that will increase appeals costs; the number of firearms certificate applications that are unsuccessful; dealing with nuisance/vexatious applications for firearms certificates; the principle of full cost recovery; how the firearms certificates process can become more efficient; examples of innovation and the streamlining of the applications process; the reference to a review of the cost of the granting of a dealer's certificate and the need for fee certainty for a period of time; how the current fee level for dealer's certificates has been calculated; the need to speed up the licencing processing times and provide more information to applicants on the position regarding their application; the Minister's position in relation to the age of young shooters; whether the Justice No.2 Bill will contain provisions in relation to young shooters; and the position of the current Chief Constable in respect of the age of young shooters.

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

The briefing was recorded by Hansard.

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

**6. SL1: The Modern Slavery Act 2015 (Duty to Co-operate with Commissioner) (Northern Ireland Public Authority) Regulations (Northern Ireland) 2015**

The Committee considered information provided by the Department of Justice on a targeted consultation on a proposed Statutory Rule to set out specified public authorities in Northern Ireland upon which there will be a statutory duty to comply, as far as reasonably practicable, with any request by the UK-wide Independent Anti-slavery Commissioner to co-operate with him in any way considered necessary for the purposes of his functions.

*Agreed:* The Committee agreed that it would consider the proposed Statutory Rule when the results of the consultation are available.

**7. SL1: Implementation of Section II and Schedule 3 (Slavery and Trafficking Prevention Orders) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015**

The Committee considered information provided by the Department of Justice on a targeted consultation on two proposed Statutory Rules to make provision for Slavery and Trafficking Prevention Orders and an associated notification regime.

*Agreed:* The Committee agreed that it would consider the proposed Statutory Rules further when the results of the consultation are available.

*4.08 p.m. Mr Raymond McCartney joined the meeting.*

## **8. The Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2014 – Update on the Implementation of the Reforms to levels of Publicly Funded Representation in the Civil and Family Courts**

The Committee considered information provided by the Department of Justice on a review of the impact of the reform of legal representation in the civil and family courts implemented by the Legal Services Commission in May 2014.

*Agreed:* The Committee agreed to ask the Department to keep it updated on the position and to undertake a further review in 12 months time.

## **9. Proposed Fee Structure for Court Funds Office – Draft Consultation Document**

The Committee considered information provided by the Department of Justice on a public consultation on a proposed fee structure for the Court Funds Office, a business unit of the NI Courts and Tribunals Service, to introduce a new full cost recovery charging model in 2016.

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

## **10. Draft Adult Safeguarding Policy for Northern Ireland**

The Committee considered a response from the Office of the Commissioner for Older People providing comments on the final draft Adult Safeguarding Policy jointly developed by the Department of Justice and Department of Health, Social Services and Public Safety.

*Agreed:* The Committee agreed that it was content with the draft Adult Safeguarding Policy.

*Agreed:* The Committee agreed to ask the Department of Justice to provide updates on the work being undertaken regarding the need for legislation.

*Agreed:* The Committee agreed to schedule a briefing from the Commissioner for Older People on the need for Adult Safeguarding legislation in the autumn.

## **11. Correspondence**

- i. The Committee noted a response from the Department of Justice providing information it had requested on the Northern Ireland Prison Service training programme for new recruits.
- ii. The Committee considered correspondence from the Department of Justice providing an update on the progress of the Joint Healthcare and Criminal Justice Strategy.

*Agreed:* The Committee agreed to request further information from the Department on the reasons for the delay in producing the strategy, the original timescale for the

strategy and the new timescale for the consultation on the draft strategy.

- iii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had issued an authorisation to enable the police to possess land at the Invest NI site, Springfield Road, Belfast.
- iv. The Committee considered correspondence from the Department of Finance and Personnel on the current position in relation to funding for the Desertcreat Community Safety Training College.

*Agreed:* The Committee agreed to request further clarification from the Department of Finance and Personnel of the position regarding the funding and end-year flexibility.

- v. The Committee noted correspondence from the Committee for Finance and Personnel in relation to the analysis of responses arising from the work undertaken by the NI Law Commission in respect of the reform of defamation law.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and Deputy First Minister providing a copy of a summary of the discussion that took place at the Joint Ministerial Committee on Europe meeting on 2 March 2015.
- vii. The Committee noted an invitation from the Northern Ireland Commissioner for Children and Young People to a seminar on “Protecting Children from Sexual Exploitation in Northern Ireland: Learning the Lessons” on 17 September 2015 in Belfast.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wish to attend the seminar.

- viii. The Committee noted a response from the Department of Justice regarding the legal action being taken against the Minister of Justice by solicitors and barristers in relation to the Crown Court legal aid remuneration rates and the impact of the withdrawal of services by some solicitors and barristers.
- ix. The Committee considered a copy of correspondence from the Prison Officers’ Association (POA) to the Director General of the Northern Ireland Prison Service regarding the management of the Prison Service and the effects of budget reductions.

*Agreed:* The Committee agreed to request a copy of the response from the Director General to the POA.

## **12. Chairman’s Business**

None.

## **13. Any Other Business**

None.

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

The next Committee meeting will take place on Tuesday 23 June 2015 in the Senate Chamber, Parliament Buildings at 12.45p.m.

*The meeting was adjourned at 4.17 p.m.*

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