

DRAFT



Northern Ireland  
Assembly

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

WEDNESDAY 24 SEPTEMBER 2014  
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Sydney Anderson MLA  
Mr Stewart Dickson MLA  
Mr Tom Elliott MLA  
Mr William Humphrey MLA  
Mr Seán Lynch MLA  
Ms Rosaleen McCorley MLA  
Mr Patsy McGlone MLA  
Mr Alban Maginness MLA

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

Apologies: Mr Jim Wells MLA

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

**1. Apologies**

As above.

*The Chairman advised Members that he would send congratulations to Mr Jim Wells MLA on his appointment as Minister for Health, Social Services and Public Safety and thank him for his contribution to the work of the Justice Committee.*

**2. Draft minutes of the meeting held on 17 September 2014**

The Committee approved the draft minutes of the meeting held on 17 September 2014.

### 3. Matters Arising

- i. The Committee considered correspondence from the Northern Ireland Commissioner for Children and Young People and the Law Centre (NI) asking the Committee to consider tabling an amendment to extend the scope of Clause 12 of the Human Trafficking Bill which places a Guardian for child victims of trafficking on a statutory footing, to include access to a Guardian for all separated children irrespective of whether trafficking or exploitation has been suspected or identified. The Committee noted that it had completed its consideration of the Bill and additional amendments however, individual Members may wish to consider the merits of this proposed amendment.
- ii. The Committee considered correspondence from the Department of Justice providing an update on the proposed statutory defence for victims of slavery and human trafficking who have been compelled to commit offences and noted the revised draft amendment which the Minister of Justice intends to bring forward at Consideration Stage of the Human Trafficking Bill.
- iii. The Committee considered a note of the discussion on future work items at the strategic planning meeting that took place on 17 September 2014 and noted that the attendance of the Chief Constable on 8 October had necessitated a revision of the October Work Programme. A revised Work Programme would be provided for Members' consideration at the meeting on 1 October 2014.

*Agreed:* The Committee agreed a range of actions to progress work priorities.

*Agreed:* The Committee agreed to finalise the agenda items for discussion with the Chief Constable at the meeting on 1 October 2014.

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

- iv. The Chairman advised Members that the electronic bill folder had been updated to include all the written submissions received on the Justice Bill and that the submissions would also be published on the Committee webpage and provided to the Department of Justice.

### 4. Proposals to Introduce Statutory Time Limits in the Youth Court - Outcome of Consultation and Proposed Way Forward

Maura Campbell, Deputy Director, Graham Walker and Jean Moore, Criminal Justice Development Division, Department of Justice joined the meeting at 2.11 p.m.

Ms Campbell outlined the results of the consultation and the proposals to introduce Statutory Time Limits (STLs) in the Youth Court.

A question and answer session followed covering issues including: the proposed start point for STLs; the duration of the STLs and the stages in the process they would cover; safeguards to protect victims and to ensure that STLs would not impede the interests of justice; the improvements in end to end times that the Youth Engagement Clinics have achieved; the reasons for delays in summons cases; why the statutory time limits have not been based on the Youth Justice Review recommendation; whether the current proposals are sufficiently challenging; current inefficiencies within the system and other changes aimed at tackling delay; reasons for adjournments in the Youth Court; the type of

assembly control that would apply to the regulations required to underpin the proposed STL scheme; and the blockages in the system that are preventing the introduction of statutory time limits to cover all the key stages.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*Agreed:* The Committee agreed to give further consideration to the Department's proposals to introduce STLs at the meeting on 1 October 2014.

## **5. Review of Scope of Civil Legal Aid: Draft Consultation Document**

Mark McGuckin, Deputy Director, Mark McGuicken, Laura Davison and Deirdre McDaid, Public Legal Services Division, Department of Justice joined the meeting at 2.42 p.m.

Mr McGuckin outlined the Department's proposals to consult on a range of options to reduce the scope of civil legal aid.

*Mr Patsy McGlone joined the meeting at 2.48 p.m.*

A question and answer session followed covering issues including: Children Order cases and the likely impact of the proposals on protection of the rights of the child; whether the impact of the removal of certain case types would place people at risk of losing their homes; the identification of particular categories of case that may need protected; evidence of cases in which over-representation takes place; the annual cost of private law children proceedings; the role of a mediation service in private law children proceedings; the cost of providing mediation services; application of the statutory charge and methods for recouping legal aid in particular circumstances; the mediation service provided by the Housing Executive in relation to housing tenants disputes; and assessment of financial eligibility for legal aid.

Officials agreed to provide the Committee with further information in relation to the circumstances in which the Legal Services Commission can recoup legal aid costs from supported persons particularly, in relation to land and inheritance cases.

The Chairman invited Mr McGuckin to briefly respond to the issues raised by the Bar Council of Northern Ireland and the Law Society for Northern Ireland during the oral evidence sessions on the proposals to change Crown Court Remuneration Arrangements for Solicitors and Counsel Representing Defendants at the meeting on 17 September 2014.

A question and answer session followed covering issues including: whether the impact of the 2011 fee cuts have been fully realised; the rationale for the annual publication of the top 100 earners of legal aid fees; whether the proposed cuts would result in a diminution in the quality of representation; whether the Department's proposals should be subject to an Equality Impact Assessment; whether the discussions between the Department and the Bar Council and the Law Society have finished; and the requirement for an overall review of the Criminal Justice System.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

*Agreed:* The Committee agreed that it was content for the Department's consultation on the scope of Civil Legal Aid to take place and to consider the matter further when the results of the consultation are available.

The Chairman advised Members that CJINI would attend the meeting on 8 October 2014 to present the findings of its first staged assessment report on the impact of the Department of Justice legal aid reform package. The Department's SL1 proposals to change Crown Court Remuneration Arrangements for Solicitors and Counsel Representing Defendants would also be placed on the agenda of that meeting for final consideration.

**6. The Rules of the Court of Judicature (Amendment) (Northern Ireland) 2014 - Brussels 1 recast; and The County Courts (Amendment) (Northern Ireland) 2014 - Brussels 1 recast**

The Committee considered a proposal by the Department of Justice to make Statutory Rules under powers conferred by section 55 and 55A of the Judicature (Northern Ireland) Act 1978 and Article 47 of the County Courts (Northern Ireland) Order 1980 to support implementation in Northern Ireland of the EU Regulation on Recognition and Enforcement of Maintenance and Civil Orders by amending procedures in the High Court and County Courts to reflect the required changes.

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

*Mr William Humphrey left the meeting at 3.52 p.m.*

**7. Reducing Avoidable Delay in the Criminal Justice System and Improving Services for Victims and Witnesses: Six Monthly Progress Reports**

The Committee noted reports provided by the Department of Justice outlining progress to deliver the programme of work to reduce avoidable delay in the criminal justice system and implement the Victim and Witness Strategy and Action Plan for 2013/15.

**8. Future Regulation of Vehicle Immobilisation on Private Land in Northern Ireland : Outcome of Consultation and Proposed Way Forward**

The Committee noted information provided by the Department of Justice outlining the results of the consultation on options for the future regulation of vehicle immobilisation on private land and the Department's intention to maintain regulation in its current form.

**9. Programme for Government: Update on Department of Justice Commitments**

The Committee noted an update from the Department of Justice on progress in relation to the seven commitments for which it has responsibility in the Programme for Government.

**10. Review of Fees Charged in the Lands Tribunal for Non-Domestic Rating Valuation Appeals: Draft Consultation Document**

*Mr William Humphrey joined the meeting at 3.54 p.m.*

The Committee considered a proposal by the Northern Ireland Courts and Tribunal Service to undertake a consultation on options to increase the fees charged by the Lands Tribunal for non-domestic rating valuation appeals to achieve full cost recovery.

*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.

## 11. Members' Attendance Figures

The Committee noted the figures for Members' attendance at Justice Committee meetings between 1 September 2013 and 31 August 2014.

*Agreed:* The Committee agreed that Members should check and verify their attendance record and inform the Clerk by 1 October 2014 if the information is incorrect.

## 12. Correspondence

- i. The Committee considered correspondence from the Department of Justice providing an update on the implementation process for all Public Sector Schemes as at April 2015 following a request from the Committee for Finance and Personnel for this information.

*Agreed:* The Committee agreed to forward a copy of the Department's response to the Committee for Finance and Personnel for information.

- ii. The Committee noted an invitation from the Committee for Education to a Science, Technology, Engineering and Mathematics Sentinus event on 1 October 2014 in Parliament Buildings.

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

- iii. The Committee considered correspondence from the Committee for Finance and Personnel providing information from the Department of Finance and Personnel on the completion of Post Project Evaluations by Departments at 30 June 2014.

*Agreed:* The Committee agreed to request information from the Department of Justice on the reasons for the late submission of the Post Project Evaluation relating to an IT project.

- iv. The Committee noted a copy of correspondence from the Office of the First Minister and deputy First Minister to the Committee for the Office of the First Minister and deputy First Minister providing a report on progress against Programme for Government commitments for all Departments.
- v. The Committee noted a copy of correspondence from the Office of the First Minister and deputy First Minister to the Committee for the Office of the First Minister and deputy First Minister providing a report on the implementation of the Executive's Investment Strategy to June 2014.
- vi. The Committee considered correspondence from the Chair of the All Party Group on Construction, Mr Patsy McGlone MLA, regarding the accuracy and timeliness of project and contract details on the Executive's Infrastructure Investment Strategy Portal.

*Agreed:* The Committee noted that it had requested information from the Department of Justice on this issue in May 2014 and agreed to forward a copy of the response to the All Party Group for information.

- vii. The Committee considered correspondence from the Police Ombudsman for Northern Ireland regarding the potential cuts to the budget of the Office of the Police Ombudsman and the likely impact.

*Agreed:* The Committee agreed to give further consideration to this matter following the attendance of the Minister of Justice at the meeting on 1 October 2014 to discuss the Department's in-year financial position and pressures.

- viii. The Committee noted a copy of correspondence from the Office of the Attorney General for Northern Ireland to a C Davidson regarding the issue of breaking bail terms.

- ix. The Committee considered correspondence from a further four individuals regarding the PSNI Equal Pay Claim and asking the Committee to write to the Minister of Finance and Personnel, the NIO, the NI Policing Board, the Department of Justice and the PSNI to urge them to review the position on this matter.

*Agreed:* The Committee agreed to forward the letters to the organisations referred to.

- x. The Committee noted further correspondence from a Mr McHugh regarding allegations of maladministration by the NI Courts and Tribunals Service.
- xi. The Committee considered correspondence from the Department of Justice providing information on the workshops it will be holding to discuss the revised firearms proposals.

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

*Agreed:* The Committee agreed to ask the PSNI for information on its Firearms Engagement meetings, and indicate that Members may wish to attend some of the meetings.

### **13. Chairman's Business**

None.

### **14. Any Other Business**

None.

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

The next meeting will take place on Wednesday 1 October 2014 at 3.15 p.m. in Room 21, Parliament Buildings.

*The meeting was adjourned at 3.58 p.m.*

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