



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 26 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)
Ms Alison Ferguson (Clerical Supervisor)
Ms Anna McDaid (Assembly Bursary Student)

Apologies: None.

The Committee agreed to meet in closed session to consider agenda item 1.

The meeting commenced at 2.06 p.m. in closed session, the Deputy Chairman in the Chair.

1. Members Professional Development – Budget Scrutiny Preparation Workshop

The Chairman joined the meeting at 2.08 p.m. and took the Chair.

Ms Pamela Dugdale, Assembly Research Officer, delivered a presentation on the budget process and the Department of Justice 2015/16 draft budget and answered Members' questions.

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

The Chairman thanked Ms Dugdale and she left the meeting.

The meeting moved into public session at 2.46 p.m.

2. Apologies

None.

3. Draft minutes of the meetings held on 18 and 19 November 2014

The Committee approved the draft minutes of the meetings held on 18 and 19 November 2014.

4. Matters Arising

The Committee noted the updated Forward Work Programme for November and December 2014.

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

The Committee agreed to consider agenda items 8 to 20.

5. The Justice Bill – Department of Justice Proposed Additional Amendments

The Committee considered information provided by the Department of Justice on a number of proposed additional amendments that it planned to bring forward in relation to the Justice Bill 2014 and noted that there would be opportunity to consider them further when departmental officials provided oral evidence on the Bill in early 2015.

6. Human Trafficking and Exploitation (Further Provision and Support for Victims) Bill – Draft Committee Amendment to Clause 30

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

The Committee considered revised proposals provided by the Minister of Justice for the commencement of the provisions in the Human Trafficking and Exploitation (Further Provision and Support for Victims) Bill and the wording of an amendment to Clause 30 of the Bill.

Agreed: The Committee agreed that it was content with the proposals for the commencement of the provisions in the Bill and the wording of the amendment.

Agreed: The Committee agreed that it would indicate its support of the amendment by adding the Chairman's name to it.

Agreed: The Committee agreed that if the amendment had not been tabled by the Minister of Justice by 9.00 a.m. on 27 November 2014 the Committee would table the amendment.

7. LCM Modern Slavery Bill – Consideration of Draft Committee Report

The Committee considered a draft report on the Legislative Consent Memorandum on the provisions in the Modern Slavery Bill that will relate to Northern Ireland and the Legislative Consent Motion to be brought forward by the Minister of Justice.

- Agreed:* The Committee agreed that it was content that the Title page and Powers at paragraph 1 stand part of the Report.
- Agreed:* The Committee agreed that it was content that the background section at paragraphs 2 to 4 stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 5 and 6 which outline the purpose of the legislation stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 7 to 11 which outline the Committee's consideration of the LCM stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 12 to 14 which outline the Legislative Consent Motion stand part of the Report.
- Agreed:* The Committee agreed that it was content that the Appendices stand part of the Report.
- Agreed:* The Committee agreed to publish the report on the Committee webpage and issue the report to all MLAs.

2.56 p.m. Mr Seán Lynch MLA left the meeting.

8. SR 2014/265 The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to increase AccessNI fees for an enhanced criminal records check from £30 to £33, amend one of the prescribed purposes for which an AccessNI check may be sought to reflect a change in legislation for those seeking a taxi licence, and amend the information held in the central registry for lead signatories, counter signatories and statutory office holders.

- Agreed:* The Committee for Justice considered Statutory Rule 2014/265 The Police Act 1997 (Criminal Records) (Amendment No. 2) Regulations (Northern Ireland) 2014 and agreed that it was content with the Rule.

9. SL1: The Insolvency (Amendment) Rules (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to introduce procedures that will make improvements in the administration of insolvencies and provide a better service for both debtors and creditors.

- Agreed:* The Committee agreed to seek the views of the Committee for Enterprise, Trade and Investment on the proposed Rule, given that responsibility for insolvency policy lies with the Department of Enterprise, Trade and Investment.

10. Youth Justice - Changes to Custodial Arrangements for Children

The Committee considered correspondence from the Department of Justice outlining that it intends to put on hold the introduction of legislative changes relating to custodial

arrangements for children arising from recommendations in the Youth Justice Review and instead it will review the entire youth sentencing structure.

Agreed: The Committee agreed that an oral evidence session with departmental officials on the postponement of the legislation should be scheduled.

11. Implementation of EU Regulation 1215/2012 on Jurisdiction and the Recognition and Enforcement of Judgements in Civil and Commercial Matters

The Committee noted information provided by the Department of Justice outlining the current position in relation to the implementation of EU Regulation 1215/2012 on Jurisdiction and the Recognition and Enforcement of Judgements in Civil and Commercial Matters.

12. Draft Judicial Pensions Regulations (Northern Ireland) 2015 – Transitional and Consequential Amendments to Primary Legislation

The Committee noted information provided by the Department of Justice outlining its intention to undertake a limited two-week targeted supplementary consultation on additional provisions in relation to the pension scheme for the devolved judiciary.

13. Legal Aid Reform – Civil Legal Aid Remuneration Proposals for Family Cases

The Committee considered information provided by the Department of Justice outlining the current position in relation to the development of Civil Legal Aid remuneration proposals for children and family cases.

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

Agreed: The Committee agreed to request further information from the Department of Justice on its engagement with the legal professions in relation to the proposals.

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

14. Consultation on a Proposal to Extend the Powers of the Criminal Cases Review Commission

The Committee considered information provided by the Department of Justice on a proposed 12-week public consultation on a proposal to extend the powers of the Criminal Cases Review Commission.

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.

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

15. Correspondence

- i. The Committee considered correspondence from the Minister of Justice providing a copy of the Report of the Independent Inquiry into Child Sexual Exploitation in Northern Ireland.

Agreed: The Committee agreed to schedule a briefing by Professor Marshall on the findings and recommendations in the Report followed by a briefing by the Minister of Justice on the Department's response to the recommendations.

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

- ii. The Committee considered correspondence from the Minister of Justice providing further information on his decision to close the Northern Ireland Law Commission from 1 April 2015.

Agreed: The Committee agreed to write to the Minister of Justice to express its dissatisfaction with his decision to close the Northern Ireland Law Commission, ask him to review his decision and request a copy of the Report of the Independent Review on the Law Commission carried out in 2012.

- iii. The Committee noted a response from the Department of Justice to the Committee's request for clarification on the handling of responses to the consultation on the criminal law on abortion in cases of lethal foetal abnormality and sexual crime.
- iv. The Committee considered a response from the Department of Justice regarding the shortfall in delivering its savings target for 2013-14 and the expected shortfall in 2014-15 and the potential impact.

Agreed: The Committee agreed to again request the breakdown of the shortfall for 2013-14.

- v. The Committee noted correspondence from the Department of Justice providing notice of the Minister of Justice's intention to make a Statement to the Assembly on 9 December 2014 in relation to Inter-Governmental Agreement on Co-operation on Criminal Justice Matters.
- vi. The Committee noted correspondence from the Department of Justice providing a copy of the Final Report on the National Referral Mechanism for Victims of Human Trafficking and advising that the Department intends to fully consider the Report and any implications the recommendations have for Northern Ireland.
- vii. The Committee noted correction slips for SR 2009/264 The Rules of the Supreme Court (NI) (Amendment No.3) 2009, SR 2000/393 The Rules of the Supreme Court (NI) (Amendment No.3) 2000 and SR 2008/479 The Rules of the Supreme Court (NI) (Amendment No.3) 2008.
- viii. The Committee noted the publication of Official Statistics Bulletin 14/2014 - Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland 2013.
- ix. The Committee noted an invitation to attend the Youth Justice Agency's annual carol service and presentation of achievement awards at Woodlands Juvenile Justice Centre on 18 December 2014.

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

- x. The Committee noted a copy of a response from the Minister for Health, Social Services and Public Safety to the Committee for Health, Social Services and Public Safety providing information on the actions that would be taken in relation to the issues raised by the Spotlight programme broadcast on 14 October 2014.
- xi. The Committee considered correspondence from the Committee for Finance and Personnel in relation to Financial Transactions Capital.
- xii. The Committee noted a copy of correspondence from the Public Accounts Committee to the Minister for Justice in relation to the National Fraud Initiative.
- xiii. The Committee considered correspondence from Randox Testing Services in relation to the procurement contract for drug testing in Northern Ireland Prisons.

Agreed: The Committee agreed to request information from the Department of Justice on any bids it had submitted for funding.

- xiv. The Committee considered an invitation from NIACRO for the Committee to hold a meeting at its Belfast premises and meet staff and users beforehand.

Agreed: The Committee agreed to hold a meeting in NIACRO's Amelia House office on a suitable date and meet with staff and service users beforehand.

- xv. The Committee noted correspondence from the Department of Justice regarding the introduction of the Counter-Terrorism and Security Bill to the House of Commons by the Home Secretary.

16. Chairman's Business

The Chairman informed the Committee that he, the Deputy Chairman and other Members had met informally with PSNI officers on 24 November 2014 who had raised a range of concerns regarding the Police Federation of Northern Ireland and the Department of Justice's handling of proposed police pension changes.

Agreed: The Committee agreed to request a response from the Department of Justice to the concerns raised and the current position regarding the proposed pension legislation following which, if necessary, a meeting with the Police Federation would be arranged.

17. Any Other Business

None.

3.26 p.m. Mr Seán Lynch MLA joined the meeting.

18. Department of Justice 2015/16 Draft Budget

Mr Glyn Capper, Deputy Director of Finance, Financial Services Division, and Mr Billy Irvine, Acting Head of Financial Planning and Budgeting, Department of Justice joined the meeting at 3.20 p.m.

Mr Capper outlined the position and key issues relating to the Department of Justice 2015/16 Draft Budget.

A detailed question and answer session followed covering issues including: what account was taken of the Department of Justice's Programme for Government commitments when considering the proposed allocations; whether the £75 million legal aid budget baseline was appropriate and why it was being reduced given legal aid spend had far exceeded that amount every year; the likely number of posts to be reduced to meet the budget; where the funding for the voluntary redundancy scheme would come from; whether significant numbers of staff leaving the Department would necessitate a significant restructuring exercise; the impact of budget cuts on the funding provided by the Community Safety Unit to frontline services such as Addiction Services; the withdrawal of Department of Justice funding from the Railway Street Addition Service in Ballymena and whether additional funding had been sought to maintain this service; whether further similar services will close across Northern Ireland; the likely impact of the closure of such services on other Criminal Justice organisations such as the Courts and Prison Service; the cost per prisoner place; the likely impact on the Prison Service of budget reductions; the level of asset recovery funds available; the impact of budget cuts on the delivery of frontline services including monitoring of sex offenders by the Probation Board for Northern Ireland; the position in relation to funding for the Community Safety College at Desertcreat; the lack of clarity in relation to how unspent funding for the College will be handled; how many projects the Department has submitted to the Change Fund; the deadline for submissions to the Change Fund; Civil Legal Aid spend; the Department's proposals in relation to two counsel representation funded by legal aid; how the Department intended to reduce legal aid spend; how the prison officer vacant posts would be filled in the Prison Service given the budget reductions; how the Department would take account of responses to the budget consultation exercise; and whether the Department thought any of the budget allocations would change as a result of the consultation.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed to request information from the Department of Justice on a range of issues raised by Members during the oral evidence session.

Agreed: The Committee agreed that the Clerk would prepare a draft response on the Department of Justice 2015/16 Draft Budget for consideration at the meeting on 3 December 2014.

19. The Justice Bill – Proposed Amendment by Mr Jim Wells MLA Oral Evidence from Amnesty International UK

Ms Grainne Teggart, Northern Ireland Campaigner, Amnesty International UK joined the meeting at 4.13 p.m.

Ms Teggart outlined the key issues in Amnesty International's written evidence on the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

A detailed question and answer session followed covering issues including: whether the amendment changed existing legislation in relation to access to abortion in Northern Ireland; whether the amendment changed the grounds on which legal abortion can be sought in Northern Ireland; levels of access to abortion in NHS facilities; when the right to life begins; what European and International Human Rights Standards and Conventions state in respect to the right to life and when this begins; whether Amnesty International

considers Northern Ireland to be a hostile place for women who wish to avail of legal abortion services; Amnesty International's position regarding extending the 1967 Abortion Act to Northern Ireland;

The Chairman left the meeting at 4.34 p.m. and the Deputy Chairman took the Chair.

The role of the Department of Health, Social Services and Public Safety and RQIA in inspecting and monitoring private abortion service providers in Northern Ireland; the need for the Department of Health, Social Services and Public Safety to publish its Guidance in respect of lawful termination of pregnancy in Northern Ireland; the rationale for Amnesty International's opposition to the 10 year imprisonment option provided by the amendment; whether in the view of Amnesty International, the amendment restricts what is already a very restricted choice for women in Northern Ireland; whether the EU Convention on the Rights of a Child affords any protections pre-birth; whether the rationale for the International Convention preventing the execution of pregnant women is about preserving the life of the foetus; whether the European Court of Human Rights has confirmed the rights of a woman to have access to abortion services; the 2007 ECHR case *Tysiac v Poland*; whether a European State has the right to prohibit abortion; the difference between International Human Rights Standards and ECHR Rulings;

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

whether Amnesty International supports abortion in any circumstances; whether human rights extend prenatally; why Amnesty International did not cover child's rights in its written submission; an explanation of Amnesty International's view that the amendment is gender discriminatory; examples of other countries that have restrictive laws;

The Chairman rejoined the meeting at 4.59 p.m. and took the Chair.

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

The view of Amnesty International on when life begins; whether Amnesty International would support a women's right to have access to abortion services beyond 24 weeks; whether a women's reproductive rights should override the rights of the unborn child; whether there should be a wider debate on the rights of the unborn child; the financial cost of administering an abortion; whether private companies are needed and whether Amnesty International had any concerns regarding the regulation and monitoring of such of private companies that provide abortion services; whether there is a conflict of interest for private companies who offer abortion services; and how to ensure that the criminal law is being upheld in Northern Ireland through proper accountability and regulation.

The briefing was recorded by Hansard.

The Chairman thanked Ms Teggart for her attendance and she left the meeting.

20. The Justice Bill – Proposed Amendment by Mr Jim Wells MLA Oral Evidence from CARE, Evangelical Alliance Northern Ireland and Christian Medical Fellowship

Mr Mark Baillie, Public Affairs Officer, CARE, Mr David Smyth, Public Policy Officer, Evangelical Alliance NI and Ms Philippa Taylor, Head of Public Policy, Christian Medical Fellowship, joined the meeting at 5.23 p.m.

Mr Baillie, Mr Smyth and Ms Taylor outlined the key issues in their respective organisations' written evidence on the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

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

A detailed question and answer session followed covering issues including: the Department of Health, Social Services and Public Safety's responsibility for inspecting and monitoring private abortion service providers in Northern Ireland; the reasons for objections to the provision of abortion services by the Marie Stopes Clinic; whether there was a need for abortions to be exclusively delivered by the NHS; whether the law should allow a woman to choose between medical provision in an NHS or private facility; an explanation for the increase in the number of abortions carried out in GB; whether human rights exist prenatally; at what stage life begins; pregnancy as a result of rape or incest; the campaigning role of the Marie Stopes organisation to change the law relating to abortion and make it more freely available;

6.17 p.m. Mr Patsy McGlone left the meeting.

whether restricting abortion services to NHS facilities would ensure consistency of application and compliance with the legislation; whether it is reasonable for the State to restrict abortion; the lack of availability of information regarding the operation of the Belfast MS Clinic; the lack of regulation of the Belfast MS Clinic; and the inability to ensure that the Clinic is not breaching the criminal law relating to abortion in Northern Ireland, hence the need for the amendment.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from CARE, Evangelical Alliance NI and the Christian Medical Fellowship for their attendance and they left the meeting.

21. Date and Time of next meeting

The next meeting will take place on Wednesday 3 December 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 6.26 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice