



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 21 MAY 2015
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Patsy McGlone MLA
Mr Alban Maginness MLA
- In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Marianne Doherty (Clerical Officer)
Ms Anna McDaid (Bursary Student)
- Apologies: Mr Stewart Dickson 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 meeting held on 12 May 2015

The Committee approved the draft minutes of the meeting held on 12 May 2015.

3. Matters Arising

- i. The Committee noted a copy of correspondence from the Northern Ireland Human Rights Commission to the Minister of Justice regarding the abortion amendment to the Justice Bill which the Committee agreed to table at Consideration Stage of the Bill.

- ii. The Committee considered correspondence from the Department of Justice regarding the Committee's opposition to Clause 86 of the Justice Bill.

Agreed: The Committee agreed to hold a meeting on Tuesday 26 May 2015 to discuss the matter further.

Agreed: The Committee agreed to invite Legislative Counsel to attend the meeting to outline the rationale for Clause 86.

- iii. The Committee noted that the publication of the Report of the Independent Review by Sir Keir Starmer of the Prosecution of Related Sexual Abuse and Terrorism Cases by the Public Prosecution Service was imminent and copies would be circulated to Members. The Public Prosecution Service had also advised that it anticipated publishing the Attorney General's Report on the Adams case in the next week or so.

- iv. The Committee considered correspondence from the Department of Justice providing further information regarding the action it had taken to provide for legal aid for criminal appeals and address issues of exceptionality within Crown Court Fees.

Agreed: The Committee agreed to ask the Minister of Justice for information on the legal action being taken against him by solicitors and barristers in relation to the Crown Court legal aid remuneration rates, the likely short term and longer term impact of the withdrawal of services of some solicitors and what action the Department is taking in light of these developments.

- v. The Committee noted the intention of the Department of Justice to defer an oral briefing scheduled for the meeting on 4 June 2015 on the results of the consultation on unduly lenient sentences and proposed next steps to a later date as more time is required to consider the policy issues raised in the responses and the animal welfare lobby has requested extra time to respond to the consultation.

3.19 p.m. Mr Sammy Douglas joined the meeting.

4. Update on Revised Approach to Custodial Arrangements for Children and Proposed Review of Community and Custodial Sentencing for Children

Mr Declan McGeown, Chief Executive, Ms Mary Aughey, Director of Youth Justice Services and Mr Phil Tooze, Director of Custodial Services, Youth Justice Agency, and Ms Kiera Lloyd, Head of Reducing Offending Policy Unit, Department of Justice, joined the meeting at 3.20 p.m.

Mr McGeown updated the Committee on the revised approach to custodial arrangements for children and the wider scoping study of custodial and community sentencing for children.

A detailed question and answer session followed covering issues including: examples of innovation in youth justice; whether the Steering Group would accept suggestions emanating from the Justice Committee Innovation seminars; whether there was any financial commitment from the Department of Education and Department of Health, Social Services and Public Safety in relation to funding early intervention programmes; the difference between this scoping study and the Youth Justice Review that had already taken place; why a further scoping study is required; why it had not taken place before

now; opportunities to look more creatively at the problems and issues identified; the composition and membership of the Steering Group; the timeline for the work of the Steering Group; whether the proposed timeline would include an implementation plan; the consultation process; the level of participation by the Department of Education and Department of Health, Social Services and Public Safety in the Steering Group; the level of participation and engagement of young people in the consultation process; the next Criminal Justice Inspection report on the Youth Justice Review and the likely findings; at what point the Youth Justice System starts; examples of early stage and early age intervention to assist diversion of children away from the criminal justice system; the requirement for wider social support in addition to the diversionary measures offered to children; whether youth justice should be the responsibility of the Department of Education; speech and language difficulties and mental health issues and what support services are available to children and young people in Woodlands; the importance of intervention at the earliest opportunity; educational opportunities for children in custody; the current position regarding funding for speech and language therapy support for children in custody; the financial cost of custodial sentences; the percentage of children in custody in Woodlands who are not currently serving a sentence; what engagement on the scoping study will take place with community and voluntary organisations including restorative projects; the role of social services; how many of the young people within the criminal justice system require the support of social services; and how the views of victims will be sought as part of the scoping study.

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

The officials agreed to provide the Terms of Reference and Timeline for the scoping study.

The briefing was recorded by Hansard.

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

5. SR 2015/225: The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2015

The Committee noted Statutory Rule 2015/225 The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2015.

Agreed: The Committee agreed to defer consideration of Statutory Rule 2015/225 The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2015 until the meeting on 28 May 2015.

6. SR 2015/235: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2015

The Committee considered Statutory Rule 2015/235 The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2015 which amend the Rules of the Court of Judicature (Northern Ireland) 1980 which govern practice and procedure in the High Court to give effect to the changes resulting from the adoption of EU Regulation No 1215/2012 which deals with cross-border jurisdiction, recognition and enforcement of judgements in civil and commercial matters; prescribes the procedure to be followed in applications for the removal of the automatic notification requirements imposed by new provisions of the Sexual Offences Act 2003 on sexual offenders with convictions from states which are not members of the Council of Europe; and removes the automatic right of solicitors to anonymity in certain High Court proceedings which affect them.

Agreed: The Committee for Justice considered Statutory Rule 2015/235 The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2015 and had no objection to the Rule.

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

7. Draft Northern Ireland Human Trafficking and Exploitation Strategy 2015/16

The Committee considered proposals by the Department of Justice to undertake a public consultation on a draft Northern Ireland Human Trafficking and Exploitation Strategy for 2015/16.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the draft strategy further when the results are available.

8. Draft Statutory Guidance for Victims of Human Trafficking on Access to Compensation

The Committee noted a draft leaflet and guidance notes to help victims of human trafficking to access compensation and complete a personal injury application form which the Department of Justice intended to place on the Compensation Service website and print in hard copy for distribution.

9. Draft Adult Safeguarding Policy for Northern Ireland

The Committee considered the final draft Adult Safeguarding Policy for Northern Ireland which had been jointly developed by the Department of Justice and the Department of Health, Social Services and Public Safety.

Agreed: The Committee agreed to request the comments of the Northern Ireland Commissioner for Older People on the final draft Adult Safeguarding Policy.

10. Correspondence

- i. The Committee noted correspondence from the Office of the Lord Chief Justice providing a copy of its response to a Mr and Mrs McLaughlin in relation to a complaint about a Judge.
- ii. The Committee considered correspondence from the Ad Hoc Committee undertaking scrutiny of the Northern Ireland Public Services Ombudsman Bill.

Agreed: The Committee agreed to write to the Department of Justice to seek its views on the elements of the Bill that relate to justice and consider the matter further when the response is received.

- iii. The Committee considered correspondence from the Minister of Justice advising of his intention to commence Articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008 on 1 June 2015 which provide for a conditional early release scheme for offenders, a curfew to be imposed during the early release period, recall to custody in the event of a breach of licence conditions and for release on compassionate grounds.

Agreed: The Committee agreed that departmental officials should attend the meeting on 28 May 2015 to outline the CER Scheme and answer Members' questions.

- iv. The Committee noted correspondence from the Department of Justice providing a copy of a press release issued to raise awareness of the change in law relating to the new offence of paying for sexual services.
- v. The Committee noted the Criminal Justice Inspection NI Report on '*A Review of the Northern Ireland Environment Agency's Environmental Crime Unit*'.

11. Chairman's Business

The Chairman updated the Committee on the composition and work of the Ad Hoc Joint Committee on the Mental Capacity Bill.

12. Any Other Business

None.

13. Date and Time of next meeting

The next Committee meeting will take place on Tuesday 26 May 2015.

The meeting was adjourned at 4.16 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice