



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 28 MAY 2015
Room 30, Parliament Buildings

Present: Mr Alastair Ross 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 Darrah (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 Chris Hazzard MLA

The meeting commenced at 2.05 p.m. in public session.

The Chairman thanked QUB Bursary Student, Anna McDaid for her work for the Committee over the past eight months and wished her well for her dissertation and for the future.

1. Apologies

As above.

2. Draft Minutes of the meeting held on 21 May 2015

The Committee approved the draft minutes of the meeting held on 21 May 2015.

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

3. Matters Arising

- i. The Chairman advised the Committee that the Director of Public Prosecutions would attend the meeting on 11 June 2015 to discuss the findings and recommendations of the Report of the Independent Review by Sir Keir Starmer of the Prosecution of Related Sexual Abuse and Terrorism Cases by the PPS. The PPS had also indicated that the report by the Attorney General in relation to its handling of the Adams case would be available before 2 June 2015.
- ii. The Chairman informed the Committee that the Bar Council had also withdrawn its services as a result of the changes to the Crown Court Remuneration rates and reminded Members that the Committee had already agreed to write to the Minister of Justice regarding the legal action being taken against him, the likely short-term and longer-term impact of the withdrawal of services and what action the Department is taking in light of these developments.

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

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

4. Proposals to Vary Firearms Licensing Fees and other Amendments to Firearms Legislation – Oral Evidence from the Northern Ireland Deer Society

Mr Dave McCullough, Northern Ireland Deer Society, joined the meeting at 2.08 p.m.

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

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

Mr McCullough outlined the views of the Deer Society in relation to the Department of Justice's proposals for firearms licensing fees and other amendments to firearms legislation.

A detailed question and answer session followed covering issues including: responsibility for the delivery of the mandatory training for deer stalking and funding for this training; the current uptake for this type of training; examples of deer management training in Europe; the numbers of young people involved in shooting sports; the average age of shooters in Northern Ireland; the age range of young shooters in Europe; the number of shooting accidents involving young people; examples of concerns regarding deer welfare; at what age it is reasonable for young people to become involved in shooting live quarry and whether this should be different for clay pigeon shooting; supervision requirements for young shooters; the proposed banded system and the proposed delegation of authority to dealers; whether there are disadvantages to having different ages at which young people can become involved in different shooting sports; the proposed fee increases; whether there is a need for accredited mandatory standardised training across all shooting activities, the cost of such training and what impact it would have on people participating in shooting sports; public confidence in relation to the suitability and 'fitness' of individuals to hold a firearms certificate; and who should be the certifying authority for training.

The briefing was recorded by Hansard.

The Chairman thanked Mr McCullough for his attendance and he left the meeting.

5. Proposals to Vary Firearms Licensing Fees and other Amendments to Firearms Legislation – Oral Evidence from BASC, GTGNI and CAI

Mr David Robinson, Chairman, Gun Trade Guild Northern Ireland (GTGNI), Mr Tommy Mayne, Director, British Association for Shooting and Conservation (BASC), and Mr Lyall Plant, Chief Executive, Countryside Alliance Ireland (CAI) joined the meeting at 3.04 p.m.

Mr Robinson, Mr Plant, and Mr Mayne outlined the collective views of their organisations in relation to the Department of Justice's proposals for firearms licensing fees and other amendments to firearms legislation.

A detailed question and answer session followed covering issues including: how many young shooters there are in Northern Ireland; the age range of shooters; reasons against the introduction of mandatory formal training for shooters; recent engagement between the shooting organisations and Department of Justice officials on the firearms proposals; the role of firearms engagement officers (FEOs) and the need for the number of FEOs currently in place; difficulties in obtaining information on the written communication between the DOJ and the Centre for Information on Firearms (CIFEx) in relation to the proposals for the banded system; the mandatory testing of firearms holders in other jurisdictions; views on an appropriate age at which young people can become involved in shooting; whether there is potential for a dilution in public confidence if the age of young shooters is lowered; training requirements for the supervisors of young shooters; assessing the maturity of young people to become involved in shooting sports; the regulation of bullet firing clubs; the impact of the new security specification requirements on firearms dealers and in particular small dealers; the Department's proposed firearms fees and the organisations alternative proposals; the rationale and basis of the organisations fees proposals; the requirement for the full cost recovery of firearms licencing fees; the lack of accountability and engagement with the PSNI on firearms issues; the comparison of the proposed fees with GB; why the PSNI firearms certification system costs so much; the impact of the proposed firearms fees on shooting sports; alternative proposals regarding the age of young shooters and the banded system; and what engagement the organisations had undertaken with the Department of Justice and the PSNI on their alternative proposals.

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

4.05 p.m. Mr Stewart Dickson left the meeting.

The representatives agreed to provide the Committee with further information in relation to the mandatory training and testing of shooters in Europe.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from BASC, CAI and GTGNI for their attendance and they left the meeting.

Agreed: The Committee agreed to refer alternative proposals from BASC, CAI and GTGNI on the firearms licencing fees, banded system and age of young shooters to the Department for consideration and to ask for the information previously requested on the Department's engagement with CIFEx in relation to the banding proposals.

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

6. Commencement of Articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008 – Oral Evidence from Department of Justice Officials

Mr Alan Smyth, Head of Licensing and Legislation, Northern Ireland Prison Service and Mr Paul Doran, Deputy Director, Probation Board for Northern Ireland, joined the meeting at 4.31 p.m.

Mr Alan Smyth outlined the Minister of Justice's proposals in relation to the commencement of Articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008.

A question and answer session followed covering issues including: the nature of the conditional early release (CER) Scheme for prisoners; the reasons for the commencement of the Articles at this particular time; whether budget pressures and overcrowding was the motivation for the CER Scheme; the number of offenders that will qualify; the powers that the Department has in relation to this matter and whether the Minister can commence Orders without the approval of the Committee and Assembly; whether the Probation Board has capacity to adequately supervise offenders once released under the CER Scheme given the current financial pressures facing it; the rehabilitation of early release offenders; whether there is a requirement for offenders released under the CER Scheme to undertake community service until they reach their actual release date; the categories of prisoners who would be unsuitable for the CER Scheme; the notification of victims in relation to the early release of offenders; the proposals for the early release of prisoners on compassionate grounds; meeting the criteria to qualify for the CER Scheme; whether all prisoners who met the criteria for the CER Scheme will be released; and public perception of releasing prisoners before they have served the sentence handed down by the court.

The briefing was recorded by Hansard.

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

Agreed: The Committee agreed to write to the Minister of Justice regarding the introduction of legislation to provide for a requirement for prisoners to undertake community service while on early release and to request that information be provided on the category of offence and sentence that applies to those prisoners released under the CER Scheme once it is operational.

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

The Committee considered Statutory Rule 2015/225 The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2015 to provide for revisions to PACE Codes A to H to reflect current policing procedures and practices and make formal provision for EU Directive 2010/64 on the right to interpretation and translation in criminal proceedings.

Agreed: The Committee considered Statutory Rule 2015/225 The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2015 and had no objection to the Rule.

8. SR 2015/236 The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/236 The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 which will provide for the appointment of competent authorities and enforcement in Northern Ireland in relation to explosive substances and mixtures, which is a requirement of EU Regulation No 1272/2008 on the classification, labelling and packaging of substances and mixtures.

Agreed: The Committee for Justice considered Statutory Rule 2015/236 The Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015 and had no objection to the Rule.

9. SR 2015/241 The Crown Court (Amendment) Rules (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/241 The Crown Court (Amendment) Rules (Northern Ireland) 2015 which will amend the Crown Court Rules (Northern Ireland) 1979 to provide for new court procedures in light of amendments to the Proceeds of Crime Act 2002 introduced by the Serious Crime Act 2015. The new court procedures relate to applications for a compliance order (a new provision allowing the making of an order by the court with the purpose of ensuring that a criminal confiscation order is effective) and applications for discharge or variation of a confiscation or compliance order.

Agreed: The Committee for Justice considered Statutory Rule 2015/241 The Crown Court (Amendment) Rules (Northern Ireland) 2015 and had no objection to the Rule.

10. SL1s: Revised PACE Code D and Transitional and Saving Provisions Order and Qualifying Offences (Amendment) Order

The Committee considered proposals by the Department of Justice for three statutory rules to provide for revisions to PACE Code D, the Transitional and Savings Provisions Order and the Qualifying Offences (Amendment) Order which are required for the implementation of the new biometric retention framework provided for by the Criminal Justice Act (Northern Ireland) 2013.

Agreed: The Committee agreed to schedule an oral briefing from departmental officials on the proposed Statutory Rules relating to the Transitional and Savings Provision Order, the Qualifying Offences (Amendment) Order and the revisions to PACE Code D.

11. Northern Ireland Human Trafficking and Exploitation Action Plan 2014/15 – Final Progress Report

The Committee noted the final progress report relating to the Northern Ireland Human Trafficking and Exploitation Action Plan 2014/15 and the results of a cross-border analysis of human trafficking during 2013 and 2014.

12. Police and Criminal Evidence (Application to Police Ombudsman) (Amendment) Order 2015 – Proposed Consultation

The Committee considered proposals by the Department of Justice to undertake a targeted consultation on the draft Police and Criminal Evidence (Application to the Police Ombudsman) (Amendment) Order 2015 which is required to make a technical amendment to the 2009 Application Order to ensure that DNA samples, DNA profiles

and fingerprints obtained by officers of the Police Ombudsman during the course of their investigations are retained and destroyed in accordance with new PACE retention rules.

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

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.

13. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice intends to make an oral statement to the Assembly on 30 June 2015 in relation to the Inter-Governmental Agreement on Cooperation on Criminal Justice Matters.
- ii. The Committee noted correspondence from the Department of Justice regarding the oral evidence session on 16 April 2015 on the results of the consultation on abortion in cases of fatal foetal abnormality.
- iii. The Committee noted a response from the Department of Justice providing further information on a proposed consultation on the level of bereavement damages in Northern Ireland.

Agreed: The Committee agreed to send a copy of the Department's correspondence to the Association of Personal Injury Lawyers who had raised the issue and the Committee for Finance and Personnel as it has an interest in the matter.

- iv. The Committee noted correspondence from the Department of Justice providing the Northern Ireland Courts and Tribunals Service Business Plan 2015/16.
- v. The Committee noted a response from the Department of Justice providing additional information on a number of projects in the Action Plan to implement the Access to Justice Review Recommendations.
- vi. The Committee noted a response from the Department of Justice providing further information on the Desertcreat Community Safety Training College and the revised training needs assessment by the three services.
- vii. The Committee considered an invitation from the Probation Board for Northern Ireland to hold a meeting on its premises and meet with service users to hear of their experience of criminal justice in Northern Ireland.

Agreed: The Committee agreed to hold a meeting at PBNI premises and meet with service users.

- viii. The Committee considered correspondence from the National Federation of Retail Newsagents providing a briefing paper on retail crime following the Committee's recent Business Crime Event.

Agreed: The Committee agreed to include the briefing paper as an Appendix to the Committee's Summary of the Business Crime Event.

- ix. The Committee noted a justice issue covered in the Assembly EU Matters Newsletter.

- x. The Committee noted an invitation from the Northern Ireland Human Rights Commission to a Politics Plus Seminar on the United Nations Convention on the Rights of Persons with Disabilities on 9 June 2015 in Parliament Buildings.

Agreed: Members agreed to advise the Clerk if they wished to attend the seminar.

- xi. The Committee noted correspondence from the Department of Justice advising that the transfer of learning and skills provision in the prisons to Belfast Metropolitan College and North West Regional College would be announced on 28 May 2015.

14. Chairman's Business

The Chairman advised Members that he had accepted an invitation from the Minister of Justice to attend the opening of an innovative project to support young parents who have offended to change their lives to improve the life outcomes of their children on 3 June 2015.

15. Any Other Business

The tabling of amendments by the Department of Justice for Consideration Stage of the Justice Bill was discussed.

Agreed: The Committee agreed to ask the Department of Justice to provide notice of departmental amendments being tabled and what they cover to allow sufficient time to consider them.

16. Date and Time of next meeting

The next Committee meeting will take place on Thursday 4 June 2015 in Room 30, Parliament Buildings at 2.00pm.

The meeting was adjourned at 5.04 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice