



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 10 DECEMBER 2015
Room 30, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sammy Douglas MLA
Mr Stewart Dickson MLA
Mr Paul Frew MLA
Mr Danny Kennedy MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Karen Jardine (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: Ms Bronwyn McGahan MLA
Mr Edwin Poots MLA

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

1. Apologies

As above.

2. Draft minutes of the meeting held on 3 December 2015

The Committee agreed the minutes of the meeting held on 3 December 2015.

3. Matters Arising

- i. The Committee noted the entry in the Register of Members' Interests for Mr Danny Kennedy MLA.
- ii. The Committee noted correspondence from Mr Ian Paisley MP raising a number of issues in relation to the proposed amendments to firearms legislation to be brought

forward in the Justice No.2 Bill. The Chairman advised Members that departmental officials were scheduled to attend the meeting on 7 January 2016 to outline the final proposed amendments which would provide an opportunity to explore the issues highlighted by Mr Paisley and seek clarification if required.

iii. The Committee noted the work programme for the meeting on 7 January 2016 which included a briefing on the 2016-17 budget and an outline of work items for the rest of January 2016.

iv. The Committee noted a response from the Minister of Justice to the Committee's request for information regarding issues raised by the Criminal Bar Association regarding the 2015 Legal Aid Amendment Rules and the extent of the backlog of cases in the Crown Court as a result of the withdrawal of services by some solicitors and barristers.

4. Review of the Legislation Underpinning Criminal Damage and Criminal Injuries Compensation Schemes – Results of the Consultation and Proposed Way Forward

Ms Marcella McKnight, Head of Compensation Services and Mr Paul Bullick, Compensation Services, Department of Justice, joined the meeting at 2.07 p.m.

Ms McKnight outlined the results of the consultation and the proposals to change the legislation underpinning the Criminal Damage and Criminal Injuries Compensation Schemes.

2.17 p.m. Mr Stewart Dickson joined the meeting. Mr Dickson declared an interest as a recipient of the Criminal Damage and Criminal Injuries Compensation Schemes.

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

A detailed question and answer session followed covering issues including: the rationale for changing the qualifying criteria in relation to serious public disorder from three or more persons to six or more persons; the position regarding community halls and insurance for malicious damage and accidental damage; whether the criteria applied to victims of human trafficking had changed; whether the Department intended to introduce a specific tariff for the crime of human trafficking; the position regarding GAA community halls and the Criminal Damage Compensation Scheme; the treatment of rates exempt community halls; attacks against community halls resulting in increased insurance premiums; whether the current criminal damage criteria acts as a disincentive in relation to attacks; the circumstances in which a Chief Constable Certificate is issued; attacks against public representatives and insurance implications; differentiating between common vandalism and malicious attacks; insuring agricultural property and the rationale for changing the agricultural provisions; whether the rationale for the proposed reforms is to save money; the rates of rural crime; whether the proposals focus solely on reducing scope and compensation amounts or whether there are any areas where it is proposed to increase compensation; the evidential burden of proving that there were six or more people involved in carrying out an attack; whether the proposals will place an unreasonable burden of proof on the claimant; responsibility for evidence gathering; whether the proposals will exclude more claims; the rationale for carrying out the Review; and the views of the National Farmers' Union and Ulster Farmers' Union in relation to the agriculture proposals.

The officials agreed to provide further information requested during the oral evidence session.

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

The Committee noted the Department of Justice's proposals to change the legislation underpinning the Criminal Damage Compensation and Criminal Injuries Compensation Schemes.

Agreed: The Committee agreed to advise the Minister of Justice that Members had raised a range of concerns and issues with the proposals with the officials during the oral evidence session given his intention to prepare draft legislation for the next Assembly Mandate.

3.05 p.m. Mr Sammy Douglas left the meeting.

3.05 p.m. Mr Danny Kennedy left the meeting.

5. Remunerating Exceptional Circumstances in Cases in the Crown Court – Results of the Consultation and Proposed Way Forward

Mr Mark McGuckin, Deputy Director, Public Legal Services Division and Mr Mark McGuicken and Mr Padraig Cullen, Public Legal Services Division, Department of Justice, joined the meeting at 3.05 p.m.

Mr McGuckin outlined the results of the consultation and the proposals regarding remunerating exceptional circumstances in cases in the Crown Court.

A question and answer session followed covering issues including: the extent of the backlog of cases in the Crown Court as a result of the withdrawal of services by some solicitors and counsel; the impact the current situation is having on public confidence in the justice system; the engagement that had taken place with representatives of the legal professions on the proposals; the level of agreement that had been reached; the concerns raised regarding the criteria and the required threshold; addressing the threshold concerns raised by the legal professions; whether the guidance to be produced by the Department will be sufficient to address the concerns raised; the role of the Taxing Master; identifying complex and lengthy cases; the facility to make an application in relation to cases that require additional preparation that was not initially identified; whether it would be better to define terms used such as 'large numbers of defendants' and 'high volume of disclosure'; and how the criteria would be applied.

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

The Committee noted the results of the consultation and that the proposals would come back to the Committee in the form of draft Rules in the New Year for further consideration.

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

6. The Justice No.2 Bill – Informal Consideration of Part 1 – Collection and Enforcement of Financial Penalties – Part 3 – Miscellaneous and Part 4 – General

The Committee considered clauses 1 to 27 and Schedules 1 and 2 of the Justice No.2 Bill which introduces a new system for fine collection and enforcement and the proposed amendments the Department intends to bring forward in relation to this part of the Bill.

The Committee considered a proposal to extend the powers of the Court to require offenders to satisfy a fine by undertaking appropriate courses such as drug or alcohol courses as an alternative to Supervised Activity Orders.

Agreed: The Committee agreed that a draft enabling clause to provide such powers should be prepared for consideration at the next meeting.

The Committee considered clauses 41 to 44 of the Justice No.2 Bill which create additional provisions in terms of lay visiting arrangements for police stations, an offence of possession of extreme pornographic images and a scheme for the early removal of prisoners.

The Committee considered a proposal by the NI Human Rights Commission for an amendment to create a new offence of disclosing private sexual photographs and films with intent to cause distress (known as ‘revenge porn’) similar to that introduced in England and Wales.

Agreed: The Committee agreed that a draft amendment to provide for such an offence should be prepared for consideration at the next meeting.

The Committee considered clauses 45 to 47 of the Justice No.2 Bill which make a number of general provisions dealing with regulation and order making, commencement and short title, and ancillary provision and a proposal by the Department of Justice to remove Clause 45 and replace it with a more restrictive provision limited to Part 1 of the Bill.

The Chairman advised the Committee that further consideration of the proposed firearms amendments, Lord Morrow’s proposed amendment and Mr Basil McCrea’s proposed amendments and Formal Clause by Clause consideration would take place at the meeting on 7 January 2016.

Agreed: The Committee agreed to ask Lord Morrow MLA and Mr Basil McCrea MLA to provide the wording of their draft amendments prior to the meeting on 7 January.

7. Justice No.2 Bill – Informal Consideration of Proposed Amendments to Increase Penalties in the Welfare of Animals Act (NI) 2011 and in relation to the Direct Committal for Trial Provisions in the Justice Act (NI) 2015

The Committee noted further information provided by the Department of Justice on the number and length of custodial sentences handed down in respect of animal cruelty cases brought under the 2011 Act.

The Committee considered proposed amendments by the Department of Agriculture and Rural Development to the Welfare of Animals Act (Northern Ireland) 2011 to increase the statutory maximum penalties for indictable offences and the more serious summary offences of animal cruelty.

Agreed: The Committee agreed that it was content to support the proposed amendments to the Welfare of Animals Act (Northern Ireland) 2011 by the Department of Agriculture and Rural Development.

The Committee considered a proposed amendment by the Department of Justice to close a gap in the direct committal for trial provisions in Section 9 of the Justice Act (Northern Ireland) 2015.

Agreed: The Committee agreed that it was content to support the proposed amendment by the Department of Justice to

close a lacuna in the direct committal for trial provisions in Section 9 of the Justice Act (Northern Ireland) 2015.

8. SL1: The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Judicial Pensions Regulations (Northern Ireland) 2015 in relation to the protection of increases in Guaranteed Minimum Pension after the abolition of contracting-out in April 2016, the extension of transitional protection portability to eligible fee-paid judicial office holders and the removal of negligence as a basis for forfeiture and set-off of pension.

Agreed: The Committee agreed that it was content with the proposed Statutory Rule.

9. EU Justice and Home Affairs Bi-Annual Report – Winter 2015

The Committee noted information provided by the Department of Justice which summarised the current position in relation to relevant EU measures, the known impact for Northern Ireland and proposed actions.

10. Update on Prison Review Team Recommendation 13 - Draft Joint Healthcare and Criminal Justice Strategy

The Committee noted an update on the development of a joint Department of Justice and Department of Health Social Services and Public Safety Healthcare and Criminal Justice Strategy and Action Plan as recommended by the Prison Review Team.

11. Proposal for a Directive of the European Parliament and of the Council Amending the Council Directive on the Control of the Acquisition and Possession of Weapons

The Committee noted information provided by the Department of Justice regarding a European Commission proposal for an Amending Directive in relation to the control of the acquisition and possession of weapons. Given a number of areas within the Directive could have an impact on Northern Ireland the Department had issued a targeted consultation seeking views on the proposals by 14 December 2015 to enable it to submit representations to the Home Office before 18 December.

Agreed: The Committee agreed that, given the tight timescale, it was not feasible for it to respond to the consultation however individual Members with an interest in the matter may wish to provide comments directly to the Department of Justice.

Agreed: The Committee agreed to ask the Department of Justice to keep it informed of the responses to the consultation and the position regarding the proposed Amending Directive.

12. Correspondence

- i. The Committee considered correspondence from the Department of Justice providing the latest update on AccessNI and PSNI performance in relation to the processing of enhanced checks.

Agreed: The Committee agreed that it wished to receive monthly updates on AccessNI and PSNI performance in relation to enhanced checks until the end of the current mandate.

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

- ii. The Committee noted correspondence from the Department of Justice regarding SR 2015/368 The Rules of the Court of Judicature (Northern Ireland) (Amendment No. 2) which had been made in Westminster and which amended the Rules of the Court of Judicature (NI) 1980 to make provision for applications for leave to appeal to the High Court under certain sections of the Extradition Act 2003.
- iii. The Committee considered correspondence from the Committee for the Office of the First Minister and deputy First Minister in relation to the Departments Bill and Transfer of Functions Order and noted the proposals relevant to the Department of Justice.
- iv. The Committee noted a copy of correspondence from the Committee for Education to the Chief Constable requesting information and statistics in relation to drug related incidents in schools.
- v. The Committee considered a copy of correspondence from Mr Gavin Robinson MP to the Minister of Justice regarding whether there is legislative provision for an appeal of a conviction in the Magistrates' Court if the appellant has since deceased.

Agreed: The Committee agreed to request a copy of the Minister of Justice's response to Mr Robinson.

- vi. The Committee noted correspondence from the Minister of Justice advising of the publication of the Thematic Review into Child Sexual Exploitation commissioned by the Minister of Health in September 2013.

Agreed: The Committee agreed that copies of the report should be circulated to Members when available.

- vii. The Committee noted the '*Leaving Prostitution: A Strategy for Help and Support*' which had been published by the Department of Health, Social Services and Public Safety in accordance with Section 19 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015.

- viii. The Committee noted a copy of further correspondence from a Mr Neeson to the Minister of Justice regarding vehicle immobilisation on private land in Northern Ireland.

Agreed: The Committee agreed to request a copy of the Minister of Justice's response to Mr Neeson.

13. Chairman's Business

The Chairman advised Members that he would send Christmas cards to the main Justice stakeholders on behalf of the Committee.

14. Any Other Business

The Chairman advised the Committee that the Criminal Justice Inspection Second Report of the Monitoring of the Implementation of the Youth Justice Review recommendations was due to be published on 11 December 2015 and would be circulated to Members electronically when available.

Agreed: The Committee agreed to schedule oral briefings on the Report early in the New Year.

15. Date and Time of next meeting

The next Committee meeting will take place on Thursday 7 January 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 3.46 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice