



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 10 MARCH 2016
Room 30, Parliament Buildings, Belfast

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

The meeting commenced at 2.10 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 3 March 2016

The Committee agreed the minutes of the meeting held on 3 March 2016.

3. Matters Arising

The Chairman outlined information he had received from the Department of Justice clarifying the position regarding the roll out of the domestic violence court listing arrangements in Londonderry Courthouse to other courts following a recent media article and advised that a copy was available in the Committee Office.

4. Reducing Avoidable Delay in the Criminal Justice System – Progress Report on the Programme of Work – March 2016

Ms Karen Pearson, Deputy Director, Criminal Justice Division, Department of Justice, Chief Superintendent Stephen Cargin, Legacy and Justice Branch, PSNI and Mr Ciaran McQuillan, Assistant Director, Public Prosecution Service joined the meeting at 2.12 p.m.

Ms Pearson outlined the current position in relation to the programme of work to reduce avoidable delay in the criminal justice system and the current performance at the various court levels.

2.25 p.m. Mr Alex Attwood joined the meeting.

A question and answer session followed covering issues including: the main obstacles to making progress to address avoidable delay in the criminal justice system; the deteriorating performance in the Crown Court against targets; the causes of delay in crown court cases; the likely impact of dealing with the backlog of cases in the Crown Court and whether performance against targets would deteriorate further; reasons for improvements in the youth courts; whether any substantive improvement to tackle avoidable delay had been made in the last five years; examples of closer engagement between the PPS and the PSNI including the case files project; whether the working relationship between the PSNI and PPS had improved; the extension of the Crown Court pilot project to other serious cases including murder/manslaughter cases; the reasons for improvements demonstrated in the pilot project; the main reasons for adjournments; whether there is an unacceptably high level of adjournments; whether more robust case management is required; examples of good practice in other jurisdictions; why serious cases in England and Wales are dealt with much quicker; and the transferability of approaches and practices in other parts of the UK.

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

5. SR 2016/41 The Police (Conduct) Regulations (Northern Ireland) 2016

The Committee considered The Police (Conduct) Regulations (Northern Ireland) 2016 which makes provision for discipline procedures for members of the PSNI.

Agreed: The Committee considered SR 2016/41 The Police (Conduct) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

6. SR 2016/42 The Police (Performance and Attendance) Regulations (Northern Ireland) 2016

The Committee considered The Police (Performance and Attendance) Regulations (Northern Ireland) 2016 which makes provision for unsatisfactory performance and attendance procedures for members of the PSNI.

Agreed: The Committee considered SR 2016/42 The Police (Performance and Attendance) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

7. SR 2016/43 The Police Appeals Tribunals Regulations (Northern Ireland) 2016

The Committee considered The Police Appeals Tribunals Regulations (Northern Ireland) 2016 which makes provision for Police Appeals Tribunals for members of the PSNI.

Agreed: The Committee considered SR 2016/43 The Police Appeals Tribunals Regulations (Northern Ireland) 2016 and had no objection to the Rule.

8. SR 2016/58 The Criminal Justice Act 1988 (Review of Sentencing) Order (Northern Ireland) 2016

The Committee considered The Criminal Justice Act 1988 (Review of Sentencing) Order (Northern Ireland) 2016 which will add a range of offences to the Unduly Lenient Sentencing Scheme.

Agreed: The Committee considered SR 2016/58 The Criminal Justice Act 1988 (Review of Sentencing) Order (Northern Ireland) 2016 and had no objection to the Rule.

9. SR 2016/74 The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2016

The Committee considered The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2016 which will increase the level of bereavement damages in Northern Ireland in line with inflation as measured by the Consumer Price Index for January 2016 to £14,200.

Agreed: The Committee considered SR 2016/74 The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2016 and had no objection to the Rule.

10. SR 2016/81 The Modern Slavery Act 2015 (Power of Arrest: Code of Practice) Order (Northern Ireland) 2016

The Committee considered The Modern Slavery Act 2015 (Power of Arrest: Code of Practice) Order (Northern Ireland) 2016 which will bring into operation a Code of Practice to be followed by Northern Ireland constables and enforcement officers when exercising new maritime enforcement powers under Part 3 and Schedule 2 of the Modern Slavery Act 2015.

Agreed: The Committee considered SR 2016/81 The Modern Slavery Act 2015 (Power of Arrest: Code of Practice) Order (Northern Ireland) 2016 and had no objection to the Rule.

11. SR 2016/82 The Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered The Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 which will allow members of the PSNI who are retiring with a protected pension age before 55 or aged 55 or over, to no

longer be required to purchase an annuity from their AVC pension provider with effect from 6 April 2015.

Agreed: The Committee considered SR 2016/82 The Police Pensions (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

12. SR 2016/90 The Taxis Act (Northern Ireland) 2008 (Retention and Disposal of Seized Motor Vehicles, Equipment and Items) Regulations (Northern Ireland) 2016

The Committee considered The Taxis Act (Northern Ireland) 2008 (Retention and Disposal of Seized Motor Vehicles, Equipment and Items) Regulations (Northern Ireland) 2016 which will provide the arrangements by which the seizure of vehicles and equipment will be regulated where it is suspected that the vehicle is being operated as a taxi without proper licence.

Agreed: The Committee considered SR 2016/90 The Taxis Act (Northern Ireland) 2008 (Retention and Disposal of Seized Motor Vehicles, Equipment and Items) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

13. SR 2016/93 The Magistrates' Courts (Amendments) Rules (Northern Ireland) 2016

The Committee considered The Magistrates' Courts (Amendments) Rules (Northern Ireland) 2016 which sets out the procedure to be followed in relation to an application from the defence for an order for access to premises as provided for by Section 94 of the Justice Act (Northern Ireland) 2015.

Agreed: The Committee considered SR 2016/93 The Magistrates' Courts (Amendments) Rules (Northern Ireland) 2016 and had no objection to the Rule.

14. SR 2016/94 The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016

The Committee considered The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016 which will amend the current Magistrates' Courts Rules framework to provide four template forms to be used by the courts in processing applications for a Violent Offences Prevention Order (VOPO) and four specific rules for the courts in dealing with the VOPO.

Agreed: The Committee considered 2016/94 The Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016 and had no objection to the Rule.

15. Draft Summary of Committee Consideration of the Judicial Appointments Process in Northern Ireland

The Committee considered a draft summary document of the work it carried out in considering the Judicial Appointments Process in Northern Ireland.

Agreed: The Committee agreed that it was content with the draft summary document including the recommendation that a Review of Judicial Appointments Policy and Procedures in Northern Ireland should be a priority for the next Committee for Justice.

Agreed: The Committee agreed that the document should be published on the Committee webpage.

16. Consideration and Approval of draft Committee for Justice Legacy Report: 2011/16 Mandate

The Committee considered a draft Legacy Report covering its work during the 2011/16 Mandate including a draft End of Session report covering the work of the Committee from September 2015 to March 2016 which would be included at Appendix 3 of the Legacy Report.

Title Page, Committee Powers and Membership

The Committee considered the Title page and Committee Powers and Membership.

“Question: That the Committee is content with the Title page and Committee Powers and Membership, as drafted put and agreed to.”

Committee Achievements and Outputs

The Committee considered the Achievements and Outputs section of the report.

“Question: That the Committee is content with the Achievements and Outputs section (paragraphs 1 to 39) as drafted put and agreed to.”

Committee Approach

The Committee considered the Committee Approach section of the report.

“Question: That the Committee is content with the Committee Approach section (paragraphs 40 to 52) as drafted put and agreed to.”

2.45 p.m. Mr Paul Frew MLA joined the meeting.

Issues the Incoming Committee may wish to consider

The Committee considered the issues the Incoming Committee may wish to consider section of the report.

“Question: That the Committee is content with the issues the Incoming Committee may wish to consider section (paragraphs 53 to 65) as drafted put and agreed to.”

Appendices

The Committee considered Appendices 1, 2 and 3 of the report.

“Question: That the Committee is content that Appendices 1, 2 and 3 be included in the Report put and agreed to.”

Agreed: The Committee agreed that it was content for the Committee for Justice Legacy Report: 2011/16 Mandate to be published.

17. Update on the Desertcreat Community Safety Training College Capital Project

The Committee noted information provided by the Department of Justice on the current position in relation to the Desertcreat Community Safety Training College Capital Project.

The Chairman advised the Committee that the Executive had considered a paper which included the Outline Business Case (1) at its meeting earlier and had agreed that the project should proceed to Outline Business Case (2) stage.

18. Prison Review Team Recommendation 13 - Improving Health Within Criminal Justice – Draft Strategy And Action Plan

The Committee noted the Improving Health within Criminal Justice Draft Strategy and Action Plan provided by the Department of Justice and the intention of the Department, in conjunction with the Department of Health, Social Services and Public Safety, to undertake a public consultation exercise and present a summary of the responses and the updated policy proposals to the next Justice and Health Committees.

19. Review of the Code of Practice for the Exercise of Functions by PCSPs and DPCSPs – Results of the Consultation and Revised Code of Practice

The Committee noted the results of a consultation undertaken by the Department of Justice on a Review of the Code of Practice for the Exercise of Functions by PCSPs and DPCSPs and the revised Code of Practice which would be issued at the end of March to assist PCSP operation from April 2016.

20. Civil Legal Aid - Reinstatement of Payment of Uplift to Solicitors in Children Order Cases

The Committee noted the intention of the Minister of Justice to issue a Direction under Article 5 of the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 to reinstate retrospectively the payment of an uplift to Children Order Panel solicitors in respect of their fees in public and private law proceedings brought under the Children (NI) Order 1995 heard in either the Family Proceedings Court or the Family Care Centre.

2.49 p.m. Mr Stewart Dickson joined the meeting.

21. Community Safety Strategy 2015-16 Annual Progress Reports

The Committee noted the 2015-16 progress reports provided by the Department of Justice on the delivery of the Community Safety Strategy action plans.

22. Update on the Department of Justice Estate Strategy

The Committee noted information provided by the Department of Justice on the current position in relation to its Estate Strategy.

23. Court Fee Increases – Proposed Consultation

The Committee noted the intention of the Department of Justice to undertake a public consultation on proposals to increase court fees and to share the responses with the next Justice Committee in the autumn.

24. Remunerating Exceptional Circumstances in Cases in the Magistrates' Courts in Northern Ireland – Proposed Consultation

The Committee noted the intention of the Department of Justice to undertake a targeted consultation on proposals to make provision to remunerate exceptional circumstances in cases in the Magistrates' Courts in Northern Ireland and to provide the results of the consultation and final proposals to the next Justice Committee.

25. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising of the publication of the Northern Ireland Data Lab Bulletin 1-2016: Reoffending Analysis for Participants who completed the Course for Drink Drive Offenders during 2010-11.
- ii. The Committee noted an update from the Department of Justice on the current position regarding the recruitment of a State Pathologist and a Forensic Pathologist for the State Pathologist's Department.
- iii. The Committee noted correspondence from the Department of Justice advising that three Codes of Practice relating to operations under the Proceeds of Crime Act 2002 (Search, Seizure and Detention of Property, Cash Searches, and Investigations) came into operation on 1 March 2016.
- iv. The Committee noted correspondence from the Department of Justice advising of the commencement of Section 11 of, and Schedule 3 to, the Human Trafficking and Exploitation Act (Northern Ireland) 2015 to make provision for the operation of the Slavery and Trafficking Prevention Orders regime.
- v. The Committee noted correspondence from the Department of Justice providing an update on the position regarding the time taken to process AccessNI Enhanced disclosure checks.

The Chairman indicated that the next Committee may wish to consider continuing to receive these updates.

- vi. The Committee noted correspondence from the Department of Justice providing the terms of reference for an inspection of the role of the PSNI in supporting legacy inquests by Criminal Justice Inspection Northern Ireland.
- vii. The Committee noted a response from the Department of Justice providing additional information on the Department of Justice 2016/17 Budget and funding issues raised by NIACRO/Extern following the oral evidence session on 4 February 2016.

- viii. The Committee noted correspondence from the Department of Justice advising of the publication of the National Statistics Bulletin 9/2016 ‘Experience of Crime: Findings from the 2014/15 Northern Ireland Crime Survey’.
- ix. The Committee noted correspondence from the Department of Justice providing a copy of a research report, response paper and action plan in relation to the criminal justice experiences of victims of domestic violence and abuse.
- x. The Committee noted a response from the Department of Justice providing additional information on fuel fraud prosecutions and the estimated cost of legacy inquests following the oral evidence session on 4 February 2016 on the implications for the Department from ‘A Fresh Start – The Stormont Agreement and Implementation Plan.’
- xi. The Committee noted a response from the Department of Justice to the issues highlighted in the Assembly Research and Information Service Paper on the Department’s 2016-17 Budget.
- xii. The Committee noted correspondence from the Committee for the Office of the First Minister and Deputy First Minister providing a copy of the Office of the Northern Ireland Executive in Brussels Report for November 2015 – February 2016.
- xiii. The Committee noted the most recent edition of the Assembly EU Matters newsletter.
- xiv. The Committee noted an invitation from Ulster University to an event ‘Make Sense of Youth Justice’ on 15 March at the Belfast campus.

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

- xv. The Committee noted correspondence from the Police Federation of Northern Ireland thanking the Chairman and Committee Members for their support at the launch of the #WeAreYou media project.
- xvi. The Committee noted an invitation from Collaboration NI to a conference on the ‘Impact of Collaboration’ on 19 May 2016 at Lough Neagh Discovery Centre.

Agreed: The Committee agreed that Members who wish to attend in a personal capacity should respond directly to the event organisers.

- xvii. The Committee noted a response from the Department of Justice to its request for information on the likely implications of the Supreme Court Judgement of 18 February 2016 relating to the ‘joint enterprise’ law.
- xviii. The Committee noted additional information provided by the Department of Justice in relation to vehicle immobilisation on private land following the oral evidence session on 18 February 2016.
- xix. The Committee noted a response from the Department of Justice providing additional information on the likely impact on the Prison Service following the resolution of the dispute regarding legal aid remuneration in the Crown Court.

- xx. The Committee noted information provided by the Department of Justice regarding the costs to the police and fire service following the oral evidence session on 18 February 2016 on the impact and cost of substance abuse on the justice system in Northern Ireland.
- xxi. The Committee noted correspondence from the Department of Justice providing a copy of the Fourth Annual Progress Report on implementation of the recommendations contained in the Public Accounts Committee Report: Managing Criminal Legal Aid.
- xxii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had signed a fifth Commencement Order to bring further powers contained in the Justice Act (Northern Ireland) 2015 into operation.
- xxiii. The Committee noted correspondence from the Department of Justice outlining additional funding to be provided to the Voluntary Search and Rescue organisations operating in Northern Ireland.
- xxiv. The Committee noted additional information provided by the Department of Justice in relation to the Erne House Fire Report and other issues following the oral evidence session on 25 February 2016.

The Chairman indicated that it would be useful for the next Committee to continue to scrutinise these issues.
- xxv. The Committee noted correspondence from the Department of Justice regarding the publication of a research report into Criminal Justice Perspectives of Achieving Best Evidence Interviews with Child Witnesses.
- xxvi. The Committee noted correspondence from CJINI providing additional information on the follow up inspection arrangements for HMP Maghaberry following the oral evidence session on 25 February 2016.
- xxvii. The Committee noted the Northern Ireland Audit Office Report ‘Continuous Improvement Arrangements in Policing’ which was published on 8 March 2016.
- xxviii. The Committee noted a response from the Public Prosecution Service providing information on the implications on its budget of the resolution of the dispute regarding legal aid remuneration in the Crown Court.
- xxix. The Committee noted a response from the Public Prosecution Service to its request for information on the likely implications of the Supreme Court Judgement of 18 February 2016 relating to the ‘joint enterprise’ law.
- xxx. The Committee noted the recently published Criminal Justice Inspection Northern Ireland Report ‘Police Custody – the Detention of Persons in Police Custody in Northern Ireland’.
- xxxi. The Committee noted a copy of correspondence from the Speaker of the Northern Ireland Assembly to the Chair of the Westminster Joint Committee on Human Rights regarding the UK Government’s consultation on its proposal to repeal the Human Rights Act 1998 and replace it with a British Bill of Rights.

26. Chairman's Business

None.

27. Any Other Business

None.

28. Date and Time of next meeting

The Chairman advised Members that this was the last scheduled meeting of the Justice Committee in the current mandate.

Agreed: The Committee agreed that the Chairman should approve the minutes of today's meeting.

Agreed: The Committee agreed that a standard letter should issue in response to any correspondence which arrives after today's meeting and before dissolution of the Assembly stating that no further meetings of the Committee were due to take place but that the correspondence would be forwarded to its Members.

The Chairman thanked Members for their contribution to the work of the Justice Committee and conveyed his best wishes to Mr Alban Maginness MLA on his retirement and to Ms Bronwyn McGahan as she was not standing for re-election.

The Chairman placed on record his thanks to the Committee team for supporting the work of the Committee.

Mr Alban Maginness MLA paid tribute to the Chairman, his predecessors and the Deputy Chairman for the leadership they had shown and placed on record his view that the Justice Committee was an exemplar of positive committee work.

The meeting was adjourned at 2.59 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice