



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 10 SEPTEMBER 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 Paul Frew MLA  
Mr Seán Lynch MLA  
Mr Edwin Poots MLA  
Mr Neil Somerville MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Ms Leanne Johnston (Clerical Supervisor)  
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Chris Hazzard MLA  
Mr Alban Maginness MLA  
Mr Patsy McGlone MLA

*The meeting commenced at 2.07 p.m. in public session.*

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 2 July 2015**

The Committee agreed the minutes of the meeting held on 2 July 2015.

*The Committee agreed to defer its consideration of Agenda item 4 on SL1s The Criminal Justice Act (Northern Ireland) 2013 (Destruction, Retention and Use of Biometric Data) (Transitional and Savings Provisions) (No.1) Order 2015 and (No.2) Order 2015 and item 7 SL1 The Police and Criminal Evidence (Application to the Police Ombudsman) (Amendment) Order (Northern Ireland) 2015 to a future meeting.*

### **3. Matters Arising**

- i. The Committee noted its Forward Work Programme for September to December 2015 which included arrangements for the seminars and events relating to innovative approaches in the justice system.

*Agreed:* The Committee agreed that Members would provide the names of post-primary schools in their constituencies to be invited to participate in the Committee's social media event planned for October.

- ii. The Committee noted a supplementary Northern Ireland Assembly Research and Information Service paper on Fine Collection and Enforcement Mechanisms.
- iii. The Committee noted correspondence from the Department of Justice providing information and statistics requested by the Committee following the oral evidence session at the meeting on 2 July 2015 on the proposals to rationalise the Courts Estate.
- iv. The Committee noted correspondence from the Mid and East Antrim Council providing additional information following the oral evidence session at the meeting on 2 July 2015 on the proposals to rationalise the Courts Estate.
- v. The Committee noted an invitation from Derry City and Strabane District Council to visit Omagh and Strabane Courthouses to assist with its consideration of the proposals to rationalise the Courts Estate.

*Agreed:* The Committee agreed that arrangements for individual members to visit the court houses could be arranged rather than organising a Committee visit given the heavy work programme.

### **4. Remunerating Exceptional Circumstances in Cases in the Crown Court – Proposed Targeted Consultation**

Mr Mark McGuckin, Deputy Director, Public Legal Services Division and Mr Mark McGuicken and Mr Pdraig Cullen, Public Legal Services Division, Department of Justice, joined the meeting at 2.15 p.m.

Mr McGuckin briefly outlined the Department's proposals for a targeted consultation on general provisions on remunerating exceptional circumstances in cases in the Crown Court.

A question and answer session followed covering issues including: the outcome of the three successful judicial reviews relating to legal aid remuneration in the Crown Court; parameters against which a claim for exceptionality can be considered; examples of cases which would be considered by the Legal Services Agency; clarification regarding the difference between factual issue and an issue of fact; how the Legal Services Agency will assess cases and whether all three criteria are considered together or applied individually; and the views of the legal profession on the proposals.

The briefing was recorded by Hansard.

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

*Agreed:* The Committee agreed that it was content for the proposed targeted four-week consultation to take place and to consider the matter further when the results of the consultation are available.

**5. SR 2015/302 The Lands Tribunal (Amendment) Rules (Northern Ireland) 2015**

The Committee considered Statutory Rule 2015/302 The Lands Tribunal (Amendment) Rules (Northern Ireland) 2015 which would amend the fees charged by the Lands Tribunal for Northern Ireland for non-domestic rating valuation appeals and for administrative services to achieve full cost recovery.

*Agreed:* The Committee considered Statutory Rule 2015/302 The Lands Tribunal (Amendment) Rules (Northern Ireland) 2015 and had no objection to the Rule.

**6. SL1: The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make provision for relevant information about victims and witnesses to be automatically shared by the Police and the Public Prosecution Service with prescribed bodies to ensure that victims and witnesses of crime are provided with information at the appropriate time about available services and can make an informed decision about whether or not to avail of those services. The proposed Statutory Rule would make Victim Support NI and the NSPCC prescribed bodies for this purpose.

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

**7. SL1: The Victim Charter (Justice Act (Northern Ireland) 2015) Order (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to bring the Victim Charter into operation on a statutory footing rather than an administrative basis now that the necessary provisions in the Justice Act had been commenced.

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

**8. Justice No.2 Bill - Delegated Powers Memorandum and Results of Equality and Regulatory Impact Assessment Consultations**

The Committee considered correspondence from the Department of Justice providing a copy of the Delegated Powers Memorandum relating to the Justice No. 2 Bill and advising of its intention to review clause 45 of the Bill which enables the Department by order to make any supplementary, incidental, consequential, transitional or other provision necessary to give full effect to the provisions of the Act in light of the changes made to a similar provision in the last Justice Bill.

*Agreed:* The Committee agreed to forward a copy of the Delegated Powers Memorandum to the Assembly Examiner of Statutory Rules for his views/comments.

The Committee noted the Department's report on the results of its consultation on its Equality Impact Assessment and Regulatory Impact Assessment of the Financial Penalty Default, Collection and Enforcement provisions in the Justice No. 2 Bill.

#### **9. Northern Ireland Human Trafficking and Exploitation Strategy 2015/16 - Summary of Consultation Responses and revised draft Strategy**

The Committee considered a summary of responses to the consultation on the draft Northern Ireland Human Trafficking and Exploitation Strategy 2015/16 and the revised Strategy provided by the Department of Justice.

*Agreed:* The Committee noted the results of the consultation and agreed that it was content with the final Strategy.

#### **10. Police Injury Benefit Regulations – Targeted Consultation**

The Committee considered a proposal by the Department of Justice to carry out a targeted consultation on draft regulations for a new Police Injury Benefit Scheme.

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

*2.29 p.m. Mr Neil Somerville MLA joined the meeting.*

#### **11. Department of Justice Corporate and Departmental Business Plan 2015/16**

The Committee considered the Department of Justice's Corporate Plan for 2012-2016 and Business Plan for 2015-16.

*Agreed:* The Committee agreed to request a written update from the Department of Justice on the current progress and work being undertaken in relation to each of the measures in the Business Plan.

#### **12. The Attorney General for Northern Ireland's Draft Human Rights Guidance for the Police Service of Northern Ireland relevant to the Protection of the Right to Life**

The Committee considered the Attorney General for Northern Ireland's Draft Human Rights Guidance for the PSNI relevant to the protection of the right to life as required by Section 8 of the Justice (Northern Ireland) Act 2008 and noted that the Attorney General's Office had liaised with PSNI officials in the development of the guidance.

*Agreed:* The Committee agreed that it was content with the draft guidance.

### 13. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising of provision for Northern Ireland to be made in UK-wide legislation to support the establishment of the Unified Patent Court (UPC) and of secondary legislation which will be required to support the establishment of the UPC.
- ii. The Committee noted correspondence from the Department of Justice providing a copy of the Pyrotechnic Articles (Safety) Regulations 2015 which were laid in Westminster in July and came into force at the end of August 2015.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of the action plan in response to the recommendations in the Criminal Justice Inspection Northern Ireland Report on Policing and Community Safety Partnerships.
- iv. The Committee noted a response from the Department of Justice to the Committee's request for information on the organisations that deliver programmes and support to prisoners following the oral evidence session on the draft Desistance Strategy and Action Plan on 4 June 2015.
- v. The Committee noted a response from the Department of Justice on the provision of funding for the NIACRO Jobtrack Programme.
- vi. The Committee noted correspondence from the Department of Justice advising of the appointment of Mr Phil Wragg as Director of Offender Policy and Operations by the NI Prison Service.
- vii. The Committee noted a response from the Department of Justice to the Committee's request for further information regarding the delay in the development of a joint Healthcare and Criminal Justice Strategy.
- viii. The Committee noted a copy of a response from the Department of Justice to a Mr Denvir regarding the PSNI civilian staff equal pay claim.
- ix. The Committee noted correspondence from the Department of Justice advising of the publication of a range of quarterly statistical bulletins on civil, criminal and family business across all court tiers.
- x. The Committee noted correspondence from the Department of Justice providing a copy of the joint business plan for the Northern Ireland Prison Service and the Youth Justice Agency.
- xi. The Committee noted correspondence from the Department of Justice regarding to the Commencement of Victim Charter and Victim Statement provisions in the Northern Ireland Justice Act 2015.
- xii. The Committee noted correspondence from the Department of Justice advising that it had written to the Ad Hoc Committee on the NI Public Services Ombudsman Bill advising that Schedule 3 of the Bill should be amended to include the Police Rehabilitation and Retraining Trust as a listed authority relating to Policing, Criminal Justice and Law.

- xiii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had signed a Second Commencement Order to bring a small number of powers contained in Part 1 (Single Jurisdiction), Part 8 (Violent Offence Prevention Orders) and Part 9 (Miscellaneous) of the Justice Act (Northern Ireland) 2015 into operation.
- xiv. The Committee noted correspondence from the Department of Justice advising that Female Genital Mutilation Protection Orders commenced in Northern Ireland on 17 July 2015.
- xv. The Committee noted correspondence from the Department of Justice providing a copy of the Report of the Appointed Person for Northern Ireland under Section 291 of the Proceeds of Crime Act 2002.
- xvi. The Committee noted the publication of official statistics bulletins 16/2015 '*Northern Ireland Reoffending Methodology: Methodology and Glossary Part 2 (New Edition – August 2015)*' and 17/2015 '*Adult and Youth Reoffending in Northern Ireland (2012/13 Cohort)*'.
- xvii. The Committee noted correspondence from the Department of Justice advising of its intention to use Westminster Regulations to support the implementation of the Hague Convention on Choice of Court Agreements in Northern Ireland.
- xviii. The Committee noted correspondence from the Department of Finance and Personnel providing clarification regarding funding for the Desertcreat Community Safety Training College Capital Project.
- xix. The Committee noted the Department of Finance and Personnel Memorandum on the Twenty Eighth Report from the Public Accounts Committee Mandate 2011-2016 – Managing and Protecting Funds Held in Court.
- xx. The Committee noted correspondence from the Committee for Finance and Personnel providing an Assembly Research Paper detailing the financial forecasting performance for each Department.
- xxi. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of the Minister of Finance and Personnel's response to the recommendations in its report on 'Sickness Absence in the Northern Ireland Public Sector'.
- xxii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a written briefing paper on the NI Executive's Strategic European Priorities for 2015/16.
- xxiii. 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 Director's Report for the period January to June 2015.
- xxiv. The Committee noted correspondence from the Director of Public Prosecutions providing further information following the oral evidence session on 11 June 2015.

- xxv. The Committee noted a copy of a letter from the Chairman of the Prison Officers' Association to the Northern Ireland Prison Service in relation to the payment of pay awards.

2.35 p.m. Mr Edwin Poots left the meeting.

*Agreed:* The Committee agreed to request an update on the position from the Northern Ireland Prison Service.

- xxvi. The Committee noted a briefing paper from the National Association of Probation Officers following its visit to the Northern Ireland branch of NAPO in June 2015 outlining the key issues for the NI Branch given the budget reductions.

- xxvii. The Committee noted an invitation from the Division of Forensic Psychology to a presentation by Dr Ruth Mann on "Evidence-based Policy in relation to Prisoner/Community Offender Programmes" on 1 October 2015 in Parliament Buildings.

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

- xxviii. The Committee noted a copy of the Forensic Science Northern Ireland's Business Plan for 2015 – 2016.

- xxix. The Committee noted a copy of the Criminal Cases Review Commission Annual Report and Accounts for 2014/15.

- xxx. The Committee noted an invitation to the launch of Gender Principles for Dealing with the Legacy of the Past on 15 September 2015 in Parliament Buildings.

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

- xxxi. The Committee noted an invitation from Amnesty International Northern Ireland to the launch of a Conference Report and Model Implementation Bill on Dealing with the Past in Northern Ireland: Implementing the Stormont House Agreement on 16 September 2015 in Belfast.

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

- xxxii. The Committee noted the Northern Ireland Human Rights Commission Research Report '*Alternative Care and Children's Rights in Northern Ireland*'.

- xxxiii. The Committee noted correspondence from the Children's Law Centre providing copies of the Northern Ireland Young People's Report and Northern Ireland NGO Alternative Report to the United Nations Committee on the Rights of the Child.

- xxxiv. The Committee noted the Investment Strategy for Northern Ireland – Department of Justice's Procurement Activity Report for August 2015.

- xxxv. The Committee noted the Criminal Justice Inspection Northern Ireland Report on '*Adult Safeguarding: The approach of the criminal justice system to investigating*

*and prosecuting crimes against vulnerable adults* published on 9 September 2015.

- xxxvi. The Committee noted correspondence from the Committee for the Environment regarding the launch of Northern Ireland Environment Week on 21 September and a programme of events on Tuesday 22 September in Parliament Buildings.

#### **14. Chairman's Business**

The Chairman advised Members that he had accepted an invitation to attend an Ulster Bank Conference in association with Lisburn and Castlereagh City Council on 'Fighting Fraud through Awareness' on 6 October 2015 in his capacity as Chairman of the Committee.

#### **15. Any Other Business**

The position regarding the Committee forward work programme and the planned seminars in the event of an adjournment or suspension of the Assembly was discussed.

#### **16. Date and Time of next meeting**

The next Committee meeting will take place on Thursday 17 September 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

*The meeting was adjourned at 2.41 p.m.*

**Mr Alastair Ross MLA**  
**Chairman, Committee for Justice**