



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 19 NOVEMBER 2015
Loughview Suite, Ulster University, Jordanstown

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan 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 Sammy Douglas MLA
Mr Patsy McGlone MLA
Mr Neil Somerville MLA

The meeting commenced at 3.10 p.m. in public session.

The Chairman thanked the staff and students of the Ulster University for hosting today's Committee visit, innovation seminar and meeting.

1. Apologies

As above.

2. Draft minutes of the meeting held on 12 November 2015

The Committee agreed the minutes of the meeting held on 12 November 2015.

3. Matters Arising

- i. The Committee discussed the evidence sessions on proposed amendments to the Justice No. 2 Bill that took place at the meeting on 17 November 2015.

Agreed: The Committee agreed to write to the Department of Justice and the PSNI to request their views on Mr Basil McCrea's proposed amendments regarding the flying of flags on non-official buildings.

Agreed: The Committee agreed to write to the Department of Justice and the Public Prosecution Service to request their views on Lord Morrow's proposed amendments regarding assaults on members of the emergency services including any practical implications and whether the amendments should include frontline medical practitioners in Accident and Emergency Units.

Agreed: The Committee agreed to write to the Department of Justice to express its concern regarding the lack of meaningful communication between the Department and PSNI and the main firearms stakeholder groups on the firearms amendments and the lack of progress that appears to have been made.

- ii. The Committee noted an updated Forward Work Programme for November and December 2015 and further information on possible visits to Problem Solving Courts.

Agreed: The Committee agreed that Members should indicate their interest in attending the visits to the Problem Solving Courts to the Clerk.

- iii. The Committee noted the announcement of 'A Fresh Start – The Stormont Agreement and Implementation Plan announced on 18 November 2015.

Agreed: The Committee agreed to invite the Minister of Justice to attend a committee meeting to outline the relevant funding allocations and any implications for justice.

4. Access to Justice Review Part 2 - Oral Evidence Session

Mr Colin Stutt, Head of the Review Team, joined the meeting at 3.17 p.m.

Mr Stutt briefly outlined the key findings and recommendations of the Access to Justice Review Part 2.

A detailed question and answer session followed covering issues including: whether legal aid is the area within the justice system that is in most need of reform; setting appropriate remuneration levels for legal aid; the level of consultation and discussion that took place with the Bar Council and the Law Society on the final proposals; why online dispute resolution models for Northern Ireland was only covered briefly in the report; the potential for digitalisation of court operations; the requirement for oversight of the proposed change programme and whether this should be undertaken by the Department or an independent body; developing the skills of those delivering alternative dispute resolution models; the key recommendations that ensure access to justice is not undermined; the areas identified in the report that would make the most positive difference to the justice system in Northern Ireland; how to encourage dispute resolution as an alternative to going to court; learning from the experience in England and Wales; whether the new Legal Services Agency will ensure more accurate forecasting of legal aid spend; whether the recommendations, if implemented will improve access to justice;

the recommendations relating to funding Money Damages cases; the overall cost to the legal aid fund for money damages cases; what the conditional fees model would look like; the experience in England and Wales in relation to the money damages models; the qualified one-way cost system in relation to the outcome of a case; the rationale for exempting road traffic collision cases from the conditional fees model; the merits test in relation to legal aid and public law cases; whether public law family cases should remain within the scope of legal aid; and the rationale for taking all divorce proceedings out of scope of civil legal aid and whether this required subordinate regulations.

3.50 p.m. Mr Seán Lynch and Ms Bronwyn McGahan left the meeting.

The briefing was recorded by Hansard.

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

5. SL1: The Modern Slavery Act 2015 (Duty to Co-Operate with Commissioner) (Northern Ireland Public Authority) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by subsection 43(8) of the Modern Slavery Act 2015 to make a number of public authorities in Northern Ireland subject to the duty to co-operate with the UK Independent Anti-Slavery Commissioner.

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

6. SL1: The Human Trafficking and Exploitation (Amendment of Slavery or Human Trafficking Offences and Relevant United Kingdom Orders) Order (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under the powers conferred by Section 11 and Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 to ensure that Slavery and Trafficking Prevention Orders may be made in Northern Ireland in respect of offenders who have been convicted of human trafficking and slavery offences in other parts of the UK and enable courts to enforce breaches of equivalent or similar civil orders made in other parts of the United Kingdom where the breach occurs in Northern Ireland.

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

7. SL1: The Human Trafficking and Exploitation (Slavery and Trafficking Prevention Orders) (Notification Requirements) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by Section 11 and Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 to enhance the basic notification regime that offenders who are subject to a Slavery and Trafficking Prevention Order must comply with.

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

8. Civil Legal Aid Reform – Alternative Method for Funding Money Damages Claims – Proposed Consultation

The Committee considered a proposed consultation by the Department of Justice on the recommendations in the Review of Access to Justice Part 2 relating to an Alternative Method for Funding Money Damages Claims.

Agreed: The Committee noted the proposed consultation and agreed to consider the matter further when the results of the consultation and the proposed way forward are available.

9. Changes to the Costs Protection Scheme for Aarhus Convention cases – Proposed Consultation

The Committee considered a proposed consultation by the Department of Justice on changes to the cost protection scheme for Aarhus Convention cases.

Agreed: The Committee noted the proposed consultation and agreed to consider the matter further when the results of the consultation are available.

10. Proceeds of Crime Act 2002: Codes of Practice for Northern Ireland – Consultation Responses and Draft Codes

The Committee considered information provided by the Department of Justice on the results of a consultation on three new draft Proceeds of Crime Act (POCA) Codes of Practice for Northern Ireland and the revised draft Codes of Practice.

Agreed: The Committee agreed that it was content with the draft POCA Codes of Practice for Northern Ireland.

11. Correspondence

- i. The Committee noted correspondence from the Department of Justice in relation to the Investigatory Powers Bill.
- ii. The Committee noted a response from the Department of Justice providing further information following the oral evidence session on finance issues on 1 October 2015.
- iii. The Committee noted a response from the Department of Justice to the Committee's request for details on strategies and actions the Department of Justice has in place to address alcohol and drug related issues.
- iv. The Committee noted a response from the Department of Justice to the Committee's request for information regarding the work being undertaken in interface areas and the funding provided by the Department of Justice.
- v. The Committee noted a response from the Department of Justice to the Committee's request for further information on the Commencement of Articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008.

- vi. The Committee noted correspondence from the Committee for Finance and Personnel providing information from the Department of Finance and Personnel, outlining the performance by departments in implementing their Savings Delivery Plans from April – September 2014.
- vii. The Committee noted a response from the PSNI to the Committee’s request for further information regarding burglaries and attempted burglaries in East Belfast and for each Northern Ireland policing area/district.
- viii. The Committee noted an invitation to a conference hosted by the Franco British Lawyers Society Colloquium at the Inn of Court, Royal Courts of Justice on 27 November 2015 on ‘*Investigating Suspicious Deaths: Inquests and Inquiries.*’

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

- ix. The Committee noted an invitation from the Northern Ireland Community Relations Council to the Interface Community Partners and Interagency Group Annual Conference in the Ulster Hall on 16 December 2015.

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

- x. The Committee noted correspondence from the Department of Justice advising of the reappointment of Mr Brendan McGuigan as Chief Inspector of Criminal Justice Inspection Northern Ireland for a further three years.

12. Chairman’s Business

The Chairman advised Members that the Business Committee had decided that the Committee for the Environment should undertake the Committee Stage of Mr Roy Beggs’ Private Members’ Bill on Scrap Metal Dealers.

13. Any Other Business

None.

14. Date and Time of next meeting

The next Committee meeting will take place on Thursday 26 November 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.15 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice