



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 22 OCTOBER 2015
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Seán Lynch MLA
Ms Bronwyn McGahan MLA
Mr Patsy McGlone MLA
Mr Neil Somerville MLA
- In Attendance: Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Sinead Kelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Stewart Dickson MLA
Mr Alban Maginness MLA
Mr Edwin Poots MLA

The meeting commenced at 3.05 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 8 October 2015

The Committee agreed the minutes of the meeting held on 8 October 2015.

3:07 p.m. Mr Patsy McGlone joined the meeting.

3. Matters Arising

- i. The Committee discussed its Innovation in the Justice System Seminar on problem solving courts which took place before the Committee meeting.

Agreed: The Committee agreed to scope possible visits to view the work of problem solving courts.

Agreed: The Committee agreed to request a copy of the OECD report which reviewed the pilot arrangement for cases with domestic violence criminal offences which is running at Londonderry Magistrates Court from the Department of Justice.

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

- ii. The Committee discussed its 'Justice in a Digital Age' Conference which took place on 15 October 2015 and the opportunities to progress a number of the issues that were highlighted at the conference. The Chairman thanked Committee staff for their work in organising a very successful Conference.

Agreed: The Committee agreed to invite Mr Jim Gamble to attend a Committee meeting to discuss possible legislative changes in the area of child protection.

Agreed: The Committee agreed to commission a research paper in relation to decriminalising the act of a young person sending explicit photos of themselves if consented to, including information on the law as it currently stands, how frequently it has been used and the position in other jurisdictions.

Agreed: The Committee agreed to request information from the Public Prosecution Service regarding prosecutions relating to this matter.

- iii. The Committee considered a draft response to the Committee for Finance and Personnel's request for views on the Legal Complaints and Regulation Bill.

Agreed: The Committee agreed it was content with the draft response and to forward the response to the Committee for Finance and Personnel.

- iv. The Committee considered a draft Forward Work Programme for November 2015.

Agreed: The Committee agreed to request an update from the Department of Justice on its engagement with key stakeholders on the firearms proposals contained within the Justice No. 2 Bill.

4. Update on Proposals for Civil Legal Aid Remunerations in Civil and Family Courts

Mr Mark McGuckin, Deputy Director, Mr Richard Cushnie, Ms Maureen Erne and Ms Caroline McAuley, Public Legal Services Division, Department of Justice joined the meeting at 3.11 p.m.

Mr McGuckin provided an update on the proposals for Civil Legal Aid Remunerations in Civil and Family Courts.

A question and answer session followed covering issues including: the monetary value of the projected reduction in costs of 15%; progress on discussion with the legal professions in relation to the proposals; the key areas in which the legal professions have moved their position on; the issues that remain to be resolved with the legal professions; assessment of the impact of the reform of representation in relation to family proceedings; an explanation of the fees relating to ‘freeing for adoption’ proceedings; how the Department proposes to take exceptionality into account; an explanation of the movement between the two tiers of fees; the triggers that bring cases into the higher tier of fees; the internal review system carried out by the Legal Services Commission; how the Department’s proposed standard fees compare with other jurisdictions; the review of the payment of case types; engagement with the forensic accountants employed by the Bar Council and the Law Society; the timeframe within which the forensic accountants employed by the Bar Council and Law Society will finalise their analysis; the timescale for the Department finalising its proposals; and the impact of potential court closures on travel fees.

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

The officials agreed to provide a range of information to the Committee.

Agreed: The Committee agreed to write to the Law Society regarding the timescale for the completion of the work of its forensic accountant.

The briefing was recorded by Hansard.

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

5. Justice No.2 Bill – Delegated Powers Memorandum

The Committee noted a report by the Assembly Examiner for Statutory Rules on the Justice No.2 Bill which highlighted an issue in relation to the regulation-making powers in Clause 18 (6)(b) which is a power to specify in regulations subject to negative resolution the matters which the Crown Court or a magistrates’ court must take into account before making a vehicle seizure order.

Agreed: The Committee agreed to request a response from the Department of Justice to the issue raised by the Examiner of Statutory Rules regarding subsection 6(b) of Clause 18.

6. Assembly and Executive Reform (Assembly Opposition) Bill: Correspondence from the Assembly and Executive Review Committee

The Committee considered correspondence from the Assembly and Executive Review Committee seeking views on the Assembly and Executive Reform (Assembly Opposition) Bill.

3.59 p.m. Mr Sammy Douglas joined the meeting.

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

Agreed: The Committee agreed that it would be more appropriate to leave this matter to the individual political parties to consider and respond to.

7. SR 2015/345: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015

The Committee considered Statutory Rule SR 2015/345 The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015 which will update the list of ‘prescribed police stations’ where convicted sex offenders can attend to notify their personal details to police, as required under the statutory notification arrangements of The Sexual Offences Act 2003.

Agreed: The Committee considered Statutory Rule 2015/345 The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015 and had no objection to the Rule.

8. SR 2015/350: The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/350 The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations (Northern Ireland) 2015 which will amend the Police Act 1997 (Criminal Records) (Registration) Regulations (Northern Ireland) 2007 and the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008. The amendments, which are tied to the commencement of the criminal record provisions of the Justice Act (Northern Ireland) 2015, will restrict the time period within which a registered person may ask the Department to confirm it has issued a certificate to a person who has made an application for a criminal record certificate and enable checks to continue to be made on those aged under 16 where work with children will be carried out at the applicant’s home address.

Agreed: The Committee considered Statutory Rule 2015/350 The Police Act 1997 (Criminal Records) (Amendment No.2) Regulations (Northern Ireland) 2015 and had no objection to the Rule.

9. SR 2015/353: The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/353 The Criminal Justice (European Protection Order) (Amendment) Regulations (Northern Ireland) 2015 which will ensure that provisions for victims to benefit from the protection measures made against their offenders when they travel or move to other Member States, are consistent with similar provisions in England and Wales and the proper meaning is evident.

Agreed: The Committee considered Statutory Rule 2015/353 The Criminal Justice (European Protection Order)

(Amendment) Regulations (Northern Ireland) 2015 and had no objection to the Rule.

10. SL1: Proposed Human Rights Guidance for the Youth Justice Agency in Relation to Restorative Justice by the Attorney General for Northern Ireland

The Committee considered a proposed Statutory Rule to bring into operation Human Rights Guidance by the Attorney General for Northern Ireland for the Youth Justice Agency in relation to Restorative Justice.

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

11. Programme for Government – Update on Department of Justice Commitments

The Committee noted an update from the Department of Justice on progress in relation to the seven commitments in the Programme for Government for which it has responsibility.

12. Draft Code of Practice on the Exercise of Maritime Powers under the Modern Slavery Act 2015 – Proposed Consultation

The Committee considered a proposed consultation by the Department of Justice on a draft code of practice to be followed by Northern Ireland constables and enforcement officers when exercising powers to arrest a person suspected of committing a slavery or human trafficking offence on a ship under Part 3 of the Modern Slavery Act 2015.

Agreed: The Committee agreed it was content with the Department of Justice's proposal to undertake a targeted consultation and to consider the results of the consultation when they are available.

13. Review of Certain Provisions in Mental Health Review Tribunal Rules – Proposed Targeted Consultation

The Committee considered a proposed consultation by the Department of Justice on certain provisions in the Mental Health Review Tribunal (Northern Ireland) Rules 1986.

Agreed: The Committee agreed it was content with the Department of Justice's proposal to undertake a targeted consultation and to consider the results of the consultation when they are available.

14. A Review of the Code of Practice for the Exercise of Functions of PCSPs and DPCSPs – Proposed Consultation

The Committee considered a proposed consultation by the Department of Justice on a review of the code of practice for the exercise of functions for PCSPs and DPCSPs.

Agreed: The Committee agreed it was content with the Department of Justice's proposal to undertake a targeted consultation and to consider the results of the consultation when they are available.

15. Update on Judicial Pension Reform and O'Brien Litigation

The Committee noted an update from the Department of Justice on the judicial pension reform and the O'Brien litigation.

16. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a copy of the Independent Anti-Slavery Commissioner's Strategic Plan for 2015 to 2017.
- ii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice intends to make an oral statement in relation to Access to Justice Review Part II to the Assembly on 3 November 2015.
- iii. The Committee noted an update from the Department of Justice on the work being undertaken and current progress in delivering each of the measures in the departmental Business Plan.
- iv. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice recently signed a third Commencement Order to bring into operation further provisions of the Justice Act (Northern Ireland) 2015.
- v. The Committee noted correspondence from the Department of Justice providing further information on the introduction of legislation to provide for a requirement for prisoners to undertake community service while on early release and the category of offence and the sentence that applied to those prisoners released under the conditional early release scheme following Commencement of Articles 19, 20, 26 and 30 of the Criminal Justice (Northern Ireland) Order 2008.

Agreed: The Committee agreed to write to the Department of Justice to seek further information on this matter and to request a further update from the Department of Justice before the end of the mandate.

- vi. The Committee noted correspondence from the Department of Justice providing a copy of the NISRA report analysing sickness absence in the Department during the 2014/15 financial year.
- vii. The Committee noted correspondence from the Department of Justice providing a revised paper relating to the evidence session with departmental officials on 8 October 2015 on Time Limits in the Youth Court.
- viii. The Committee noted correspondence from the Department of Justice advising of arrangements for the commencement of provisions in the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014 to make the Lord Chief Justice the President of the Coroner's Courts.
- ix. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the response from the Office of the First Minister and deputy First Minister to the Committee on its Report on the Inquiry into Building a United Community.

- x. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of a report from the Carnegie UK Trust on the Towards a Wellbeing Framework Report on Measuring Wellbeing in Northern Ireland.
- xi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Final Evaluation of the Contested Space/Interface Programme 2011-15.
- xii. The Committee noted correspondence from the Committee for Education in relation to the SEND Bill and the Special Educational Needs and Disability Tribunal for which responsibility sits with the Department of Justice.
- xiii. The Committee noted an invitation from Ulster University Law School and Law Centre (NI) to a conference examining the future of access to justice in Belfast on 6 November 2015.

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

- xiv. The Committee noted a copy of the Criminal Justice Inspection Northern Ireland Follow-Up report of the Inspection of the Public Prosecution Service for Northern Ireland Giving Reasons for its Decisions.
- xv. The Committee noted the Northern Ireland Judicial Appointments Commission Annual Report and Accounts for 2014-15.
- xvi. The Committee noted correspondence from the Department of Justice providing detail on the pay award for prison grades for 2015.
- xvii. The Committee noted correspondence from the Department of Justice providing the latest update on AccessNI performance.
- xviii. The Committee noted correspondence from the Department of Justice providing the further information requested in relation to the NI Community Safety College.

17. Chairman's Business

None.

18. Any Other Business

None.

19. Date and Time of next meeting

The next Committee meeting will take place on Thursday 5 November 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.14 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice