



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 7 JANUARY 2016
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Alban Maginness MLA
Ms Bronwyn McGahan MLA
Mr Patsy McGlone MLA
- In Attendance: Mrs Christine Darragh (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)
Ms Aoibhinn Treanor (Assembly Bill Clerk)(in attendance for Agenda Item 8 only)
- Apologies: Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Danny Kennedy MLA
Mr Seán Lynch MLA

The meeting commenced at 2.14 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 10 December 2015

The Committee agreed the minutes of the meeting held on 10 December 2015.

3. Matters Arising

- i. The Committee considered the Safeguarding Board for Northern Ireland Thematic Review into Child Sexual Exploitation which had been commissioned by the Health Minister in September 2013 and noted that it raised a number of issues in relation to the PSNI.

Agreed: The Committee agreed to forward a copy of the report to the Northern Ireland Policing Board and ask it to consider the issues raised in relation to the PSNI.

- ii. The Committee noted correspondence from the Bar Council of Northern Ireland regarding the current situation in relation to criminal defence representation in the Crown Courts, the backlog of cases and an appeal of a recent judicial review ruling.

The Committee expressed disappointment regarding the decision to suspend dialogue with the Department of Justice on this matter.

Agreed: The Committee agreed to request an update from the Department on the extent of the backlog of cases in the Crown Courts before the end of the mandate.

- iii. The Committee noted the Forward Work Programme for January 2016.

4. Department of Justice 2015-16 Monitoring Round and Budget 2016-17

Mr Glyn Capper, Deputy Director, Finance and Ms Lisa Rocks and Mr Patrick Barr, Financial Services Division, Department of Justice joined the meeting at 2.17 p.m.

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

Mr Capper outlined the key issues relating to the Department of Justice 2016-17 Budget and January Monitoring Round position.

A question and answer session followed covering issues including: what budget reduction Victim Support was facing and the likely impact on delivery of its services; the impact of the 2.9% budget reduction on the ability of the Probation Board to deliver its statutory services; whether the budget reduction faced by the RUC George Cross Foundation will impact on its ability to deliver its Bursary Scheme; the likely funding reductions to be made by the NI Prison Service to its service level contract with Probation; the role of the Department when such issues are being decided; the need for updated information on the impacts of the proposed allocations; the legacy related work carried out by the Department and the PSNI and how much this work costs; the available funding for the NI Community Safety Training College in 2016/17 and what the funding will be spent on; the overall funding to be provided for the NI Community Safety Training College project and the projected timeframe for consideration of the new business case by the Executive.

The officials agreed to provide the Committee with further information on a number of the issues discussed.

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

5. Justice No.2 Bill – Department of Justice Proposed Amendments to Firearms Legislation

Mr Anthony Harbinson, Director, Safer Communities Directorate and Mr Robert Kidd, Head of Firearms and Explosives Branch, Department of Justice, joined the meeting at 2.36 p.m.

Mr Harbinson outlined the Department's proposed amendments to the firearms legislation and the main issues raised by the key stakeholders.

A question and answer session followed covering issues including: which stakeholders indicated they are content with the proposed amendments; when the guidance to accompany the clauses will be available; provision for the exchange of weapons within the banding system; whether shotgun clubs will be required to register with the PSNI; the conditions associated with the authorisation of certificates to shotgun clubs; clarification regarding the proposed requirement for coaches to have held a firearms certificate for a minimum of 5 years and the possible effect on coaches from GB who may hold a shotgun certificate rather than a firearms licence; and whether the mentor/coach must be a firearms holder.

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

The briefing was recorded by Hansard.

Agreed: The Committee agreed that it was content to support the proposed amendments to the firearms legislation that the Department of Justice intends to bring forward at Consideration Stage of the Justice No.2 Bill.

6. Justice No.2 Bill – Consideration of Proposed Amendments by Lord Morrow MLA and Basil McCrea MLA

The Committee considered proposed amendments to the Justice No.2 Bill by Mr Basil McCrea MLA to regulate the flying of flags on lampposts.

The Committee noted responses from the Department of Justice and the PSNI on the proposals and the draft text of the amendments provided by Mr McCrea.

The Committee recognised what Mr McCrea was trying to achieve through his proposed amendments but was not convinced they would have the desired outcome.

Agreed: The Committee agreed that the best approach to this issue is for the Commission on Flags, Identity, Culture and Tradition, to be established by March 2016 as set out in the Stormont House Agreement and reaffirmed in the Fresh Start document, to consider the matter.

The Committee considered a proposed amendment to section 66(1) of the Police (Northern Ireland) Act 1998 by Lord Morrow MLA to provide the same protection in law in relation to assaults on all members of the emergency services including paramedics as that provided to police officers.

The Committee also considered a proposal put forward by Mr Edwin Poots MLA for on-the-spot fines in hospitals for less violent, low level behaviours such as verbal abuse or a push and the potential through amendments to the Justice No.2 Bill to have a fixed penalty notice imposed on people at the time of the incident and administered in hospitals or by the emergency services.

The Committee noted responses from the Department of Health, Social Services and Public Safety on Lord Morrow's proposed amendment and the proposal by Mr Poots and from the Public Prosecution Service on Lord Morrow's proposed amendment.

The Committee recognised and is broadly sympathetic to the intention of Lord Morrow's proposed amendment and the proposal by Mr Poots. The Committee however acknowledges that these are difficult and complicated matters that raise a number of complex issues that require detailed consideration.

Agreed: The Committee agreed that the issues raised should be highlighted in its Report on the Justice No.2 Bill.

2.56 p.m. Ms Bronwyn McGahan left the meeting.

The Committee agreed to consider Agenda item 8.

7. Justice No.2 Bill – Consideration of Possible Legislative Changes to Improve On-Line Protection for Children

The Committee considered a number of proposed legislative changes covering three areas to improve on-line protection for children following the Conference on 'Justice in a Digital Age' in November 2015.

The Committee noted a Research Paper it had commissioned on "Online Risks and Children" and responses from the Department of Justice, the PSNI, the Public Prosecution Service and the NI Human Rights Commission which highlighted a range of issues relating to the proposed legislative changes.

The Committee was supportive of the proposals but recognised that this is a complex area of law and any changes required careful consideration to ensure there are no unintended consequences.

Agreed: The Committee agreed that it was content for the proposals to be included in a policy consultation as proposed by the Minister of Justice.

Agreed: The Committee agreed that it wished to receive a briefing on the proposed policy consultation at the earliest opportunity to ensure these matters are progressed as quickly as possible.

8. Justice No.2 Bill – Consideration of Proposed Committee Amendments

The Committee agreed to move into closed session to receive advice from the Assembly Bill Clerk.

The meeting moved into closed session at 3.04 p.m.

The Committee received advice from the Bill Clerk in relation to two draft amendments it requested be prepared at the meeting on 10 December 2015. The first related to a proposal to extend the powers of the Court to require offenders to satisfy a fine by undertaking a course to address offending behaviour such as drug or alcohol courses as an alternative to Supervised Activity Orders and the second creates a new offence of disclosing private sexual photographs and images with intent to cause distress (known as 'revenge porn') similar to that provided in England and Wales by the Criminal Justice and Courts Act 2015.

The meeting moved into public session at 3.34 p.m.

Agreed: The Committee agreed to table an amendment to provide for an enabling clause which would allow the Department to provide the Court with powers to require offenders to satisfy a fine by undertaking a rehabilitative course to address offending behaviour such as drug or alcohol addiction as an alternative to Supervised Activity Orders at Consideration Stage of the Justice No.2 Bill.

Agreed: The Committee agreed to table an amendment to create a new offence of disclosing private sexual photographs and images with intent to cause distress at Consideration Stage of the Justice No.2 Bill.

9. Justice No.2 Bill – Formal Clause by Clause Consideration

The Committee commenced its formal clause-by-clause consideration of the Justice No.2 Bill.

Part 1 – Collection and Enforcement of Financial Penalties

New Clauses 9A, 9B and 9C

The Committee considered amendments proposed by the Department of Justice to introduce new Clauses 9A, 9B and 9C.

Question: “That the Committee is content with new Clauses 9A, 9B and 9C, as proposed by the Department, to provide for police power of arrest in circumstances of non-attendance at fine default hearings, put and agreed to.”

New Clause 9D

The Committee considered an amendment proposed by the Department of Justice to introduce a new Clause 9D.

Question: “That the Committee is content with new Clause 9D, as proposed by the Department, to create a power for the recovery of the fee for the cost of default hearings, put and agreed to.”

New Clause 12A

The Committee considered an amendment proposed by the Department of Justice to introduce a new Clause 12A.

Question: “That the Committee is content with new Clause 12A, as proposed by the Department, to improve information access and sharing by Collection Officers, put and agreed to.”

Clause 1

The Committee considered Clause 1 as drafted and a consequential amendment proposed by the Department of Justice as a result of the introduction of new Clause 12A.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 1 which is a consequence of the introduction of

new clause 12A relating to information access and sharing by Collection Officers, put and agreed to.”

Question: “That the Committee is content with Clause 1, subject to the Department’s proposed amendment, put and agreed to.”

Clause 2

The Committee considered Clause 2 as drafted.

Question: “That the Committee is content with Clause 2, put and agreed to.”

Clause 3

The Committee considered Clause 3 as drafted.

Question: “That the Committee is content with Clause 3, put and agreed to.”

Clause 4

The Committee considered Clause 4 as drafted and minor drafting amendments proposed by the Department.

Question: “That the Committee is content with the proposed minor drafting amendments by the Department to Clause 4, put and agreed to.”

Question: “That the Committee is content with Clause 4, subject to the Department’s proposed amendments, put and agreed to.”

Clause 5

The Committee considered Clause 5 as drafted and a technical amendment proposed by the Department of Justice.

Question: “That the Committee is content with the proposed technical amendment by the Department to Clause 5, put and agreed to.”

Question: “That the Committee is content with clause 5, subject to the Department’s proposed amendment, put and agreed to.”

Clause 6

The Committee considered Clause 6 as drafted, an amendment proposed by the Department of Justice relating to Vehicle Seizure Orders and a minor drafting amendment.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 6 regarding making a Vehicle Seizure Order only if satisfied that the value of the vehicle, if sold, would discharge the sum owed including the likely charges and costs of the sale and the minor drafting amendment, put and agreed to.”

Question: “That the Committee is content with Clause 6 subject to the Department’s proposed amendments, put and agreed to.”

Clause 7

The Committee considered Clause 7 as drafted and a consequential amendment proposed by the Department of Justice as a result of the introduction of new Clauses 9A, 9B and 9C.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 7 which is a consequence of the introduction of the new clauses to provide for police power of arrest in circumstances of non-attendance at fine default hearing, put and agreed to.”

Question: “That the Committee is content with Clause 7, subject to the Department’s proposed amendment, put and agreed to.”

Clause 8

The Committee considered Clause 8 as drafted.

Question: “That the Committee is content with Clause 8, put and agreed to.”

Clause 9

The Committee considered Clause 9 as drafted and the amendment proposed by the Department of Justice relating to the introduction of the police power of arrest in circumstances of non-attendance at fine default hearings.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 9 relating to the introduction of the police power of arrest in circumstances of non-attendance at fine default hearings, put and agreed to.”

The Committee considered its proposed amendments to Clause 9 to provide for an enabling Clause which would allow the Department to provide the Court with powers to require offenders to satisfy a fine by undertaking a rehabilitative course to address offending behaviour such as drug or alcohol addiction as an alternative to Supervised Activity Orders.

Question: “That the Committee is content with its proposed amendments to Clause 9 as outlined above, put and agreed to.”

Question: “That the Committee is content with Clause 9, subject to the Department’s proposed amendment and the Committee’s proposed amendments, put and agreed to.”

Clause 10

The Committee considered Clause 10 as drafted.

A Member expressed reservations about the deductions from benefits provisions and the possible impacts on families, dependents and vulnerable people.

Question: “That the Committee is content with Clause 10, put and agreed to.”

Clause 11

The Committee considered Clause 11 as drafted and an amendment proposed by the Department that provides for the Regulations to make further provision about applications for deductions for benefits.

Question: “That the Committee is content with the amendment proposed by the Department to Clause 11 that provides for the Regulations to make further provision about applications for deductions from benefits, put and agreed to.”

Question: “That the Committee is content with Clause 11, subject to the Department’s proposed amendment, put and agreed to.”

Clause 12

The Committee considered Clause 12 as drafted.

Question: “That the Committee is content with Clause 12, put and agreed to.”

Clause 13

The Committee considered Clause 13 as drafted and a minor drafting amendment proposed by the Department of Justice.

Question: “That the Committee is content with the minor drafting amendment proposed by the Department to Clause 13, put and agreed to.”

Question: “That the Committee is content with Clause 13, subject to the Department’s proposed amendment, put and agreed to.”

Clause 14

The Committee considered Clause 14 as drafted.

Question: “That the Committee is content with Clause 14, put and agreed to.”

Clause 15

The Committee considered Clause 15 as drafted.

A Member expressed reservations about the possible impact of Interim Bank Account Orders on families and dependents and indicated they would be seeking further assurances and commitments from the Minister of Justice at Consideration Stage regarding safeguards.

Question: “That the Committee is content with Clause 15, put and agreed to.”

Clause 16

The Committee considered Clause 16 as drafted.

Question: “That the Committee is content with Clause 16, put and agreed to.”

Clause 17

The Committee considered Clause 17 as drafted.

Question: “That the Committee is content with Clause 17, put and agreed to.”

Clause 18

The Committee considered Clause 18 as drafted and amendments proposed by the Department of Justice relating to Vehicle Seizure Orders and police power of arrest in circumstances of non-attendance at fine default hearings.

A Member expressed reservations about the possible impact of Vehicle Seizure Orders on families and dependents and indicated they would be seeking further assurances and commitments from the Minister of Justice at Consideration Stage regarding safeguards.

Question: “That the Committee is content with the amendments proposed by the Department to Clause 18 relating to the introduction of the police power of arrest in circumstances of non-attendance at fine default hearings and to specify the issues that the court should take into account before making a Vehicle Seizure Order, put and agreed to.”

Question: “That the Committee is content with Clause 18, subject to the Department’s proposed amendments, put and agreed to.”

Clauses 19 to 21

Agreed: The Committee agreed to group Clauses 19 to 21 for the purpose of putting the question.

Question: “That the Committee is content with Clauses 19 to 21 as drafted, put and agreed to.”

Clause 22

The Committee considered Clause 22 as drafted and a consequential amendment proposed by the Department of Justice.

Question: “That the Committee is content with the amendment proposed by the Department to Clause 22 which is a consequence of the introduction of the new clause relating to information access and sharing by Collection Officers, put and agreed to.”

Question: “That the Committee is content with Clause 22, subject to the Department’s proposed amendment, put and agreed to.”

Clause 24

The Committee considered Clause 24 as drafted and amendments proposed by the Department of Justice to tidy-up drafting errors and relating to Confiscation Orders.

Question: “That the Committee is content with the amendment proposed by the Department to Clause 24 to ensure that a Supervised Activity Order cannot be considered as an option in default of a confiscation order and minor drafting amendments, put and agreed to.”

Question: “That the Committee is content with Clause 24, subject to the Department’s proposed amendments, put and agreed to.”

Clause 25

The Committee considered Clause 25 as drafted and a minor technical amendment proposed by the Department of Justice.

Question: “That the Committee is content with the minor technical amendment proposed by the Department to Clause 25, put and agreed to.”

Question: “That the Committee is content with Clause 25, subject to the Department’s proposed amendment, put and agreed to.”

Clause 26

The Committee considered Clause 26 as drafted.

Question: “That the Committee is content with Clause 26, put and agreed to.”

Clause 27

The Committee considered Clause 27 as drafted and a minor amendment to correct a date proposed by the Department of Justice.

Question: “That the Committee is content with the minor amendment proposed by the Department to Clause 27 to correct a date, put and agreed to.”

Question: “That the Committee is content with Clause 27, subject to the Department’s proposed amendment, put and agreed to.”

Schedule 1

The Committee considered Schedule 1 as drafted and minor drafting amendments proposed by the Department of Justice.

Question: “That the Committee is content with the minor drafting amendments proposed by the Department to Schedule 1, put and agreed to.”

Question: “That the Committee is content with Schedule 1, subject to the Department’s proposed amendments, put and agreed to.”

Schedule 2

The Committee considered Schedule 2 as drafted, and amendments relating to warrants of commitment and prosecutorial fines and a minor drafting amendment proposed by the Department of Justice.

Question: “That the Committee is content with the amendments proposed by the Department to Schedule 2 to ensure that a warrant of commitment for default under the Bill is treated the same as a similar warrant under the Magistrates’ Courts (NI) Order 1981 and prosecutorial fines can be treated in the same way as the fixed penalties and penalty notices already included in Schedule 2 and the minor drafting amendment, put and agreed to.”

Question: “That the Committee is content with Schedule 2, subject to the Department’s proposed amendments, put and agreed to.”

Part 2 – The Prison Ombudsman for Northern Ireland

Clause 28

The Committee considered Clause 28 as drafted.

Question: “That the Committee is content with Clause 28, put and agreed to.”

New Clauses 35A and 35B

The Committee considered amendments proposed by the Department of Justice to introduce new Clauses 35A and 35B.

Question: “That the Committee is content with new Clauses 35A and 35B, as proposed by the Department, to enable the Prison Ombudsman to initiate investigations on his own volition, put and agreed to.”

Clause 29

The Committee considered Clause 29 as drafted and a consequential amendment proposed by the Department of Justice.

Question: “That the Committee is content with the proposed amendment proposed by the Department to Clause 29 as a consequence of new Clauses 35A and 35B, put and agreed to.”

Question: “That the Committee is content with Clause 29, subject to the Department’s proposed amendment, put and agreed to.”

Clause 30

The Committee considered Clause 30 as drafted and amendments proposed by the Department of Justice relating to deferring investigations and informing the police of a suspected criminal offence as part of any investigation.

Question: “That the Committee is content with the proposed amendments by the Department to Clause 30 to create a power to defer investigations where the Ombudsman considers it necessary to do so and to require the Ombudsman to inform the police of a suspected criminal offence as part of any investigation he is conducting, put and agreed to.”

Question: “That the Committee is content with Clause 30, subject to the Department’s proposed amendments, put and agreed to.”

Clause 31

The Committee considered Clause 31 as drafted.

Question: “That the Committee is content with Clause 31, put and agreed to.”

Clause 32

The Committee considered Clause 32 as drafted and an amendment proposed by the Department of Justice relating to deferring investigations.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 32 to create a power to defer investigations where the Ombudsman considers it necessary to do so, put and agreed to.”

Question: “That the Committee is content with Clause 32, subject to the Department’s proposed amendment, put and agreed to.”

Clause 33

The Committee considered Clause 33 as drafted.

Question: “That the Committee is content with Clause 33, put and agreed to.”

Clause 34

The Committee considered Clause 34 as drafted and amendments proposed by the Department of Justice regarding informing the police of a suspected criminal offence as part of any investigation and placing a duty on the Minister of Justice in relation to cases of near-death.

Question: “That the Committee is content with the proposed amendments by the Department to Clause 34 to require the Ombudsman to inform the police of a suspected criminal offence as part of any investigation he is conducting and to place a duty on the Minister of Justice to request the Ombudsman to conduct an investigation in cases of near-death, put and agreed to.”

Question: “That the Committee is content with Clause 34, subject to the Department’s proposed amendments, put and agreed to.”

Clause 35

The Committee considered Clause 35 as drafted.

Question: “That the Committee is content with Clause 35, put and agreed to.”

Clause 36

The Committee considered Clause 36 as drafted.

A Member indicated that he may bring forward an amendment to this Clause at Consideration Stage to provide the Prison Ombudsman with the power to compel witnesses.

Question: “That the Committee is content with Clause 36, put and agreed to.”

Clause 37

The Committee considered Clause 37 as drafted, an amendment relating to the Attorney General and minor drafting amendments proposed by the Department of Justice.

Question: That the Committee is content with the proposed amendments by the Department to Clause 37 to change the reference to the NI Public Services Ombudsperson to Ombudsman and to add the Attorney

General to the list of bodies to which protected information may be disclosed, put and agreed to.”

Question: “That the Committee is content with Clause 37, subject to the Department’s proposed amendments, put and agreed to.”

Clause 38

The Committee considered Clause 38 as drafted.

A Member indicated their intention to oppose this Clause at Consideration Stage of the Bill.

Question: “That the Committee is content with Clause 38, put and agreed to.”

Clause 39

The Committee considered Clause 39 as drafted.

Question: “That the Committee is content with Clause 39, put and agreed to.”

Clause 40

The Committee considered Clause 40 as drafted and a consequential amendment proposed by the Department of Justice.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 40, as a consequence of new clause 35A, put and agreed to.”

Question: “That the Committee is content with Clause 40, subject to the Department’s proposed amendment, put and agreed to.”

Schedule 3

The Committee considered Schedule 3 as drafted and minor drafting amendments proposed by the Department of Justice.

A Member indicated that they supported the view expressed by NIACRO in its evidence to the Committee that the criterion that states the Ombudsman may be removed from Office if that person has been convicted of a criminal offence is illogical and incompatible with a desistance approach and should be removed from the Bill.

Question: “That the Committee is content with the proposed amendments by the Department to Schedule 3 to change the references to the NI Public Services Ombudsperson to Ombudsman, put and agreed to.”

Question: “That the Committee is content with Schedule 3, subject to the Department’s proposed amendments, put and agreed to.”

Part 3 – Miscellaneous

Agreed: The Committee agreed to group Clauses 41 to 44 for the purpose of putting the question.

Question: “That the Committee is content with Clauses 41 to 44 as drafted, put and agreed to.”

New Clause 40A

The Committee considered an amendment proposed by the Department of Agriculture and Rural Development to introduce a new Clause 40A relating to penalties for animal welfare offences.

Question: “That the Committee is content with new Clause 40A as proposed by the Department of Agriculture and Rural Development, to increase penalties for animal welfare offences in the Welfare of Animals Act (NI) 2011, put and agreed to.”

New Clause 44A

The Committee considered an amendment proposed by the Department of Justice to introduce a new Clause 44A relating to the Court Funds Office.

Question: “That the Committee is content with new Clause 44A, proposed by the Department of Justice, to provide the required authority to introduce a fee structure for the Court Funds Office to deliver full cost recovery, put and agreed to.”

New Clause after Clause 44

The Committee considered an amendment proposed by the Department of Justice to introduce a new Clause after Clause 44 relating to direct committal for trial.

Question: “That the Committee is content with the new Clause to be inserted after Clause 44, proposed by the Department of Justice, relating to the direct committal for trial provisions in Section 9 of the Justice Act (Northern Ireland) 2015, put and agreed to.”

New Clauses after Clause 44

The Committee considered amendments proposed by the Department of Justice to introduce new Clauses after Clause 44 to amend the Firearms (NI) Order 2004 and the Unlawful Drilling Act 1819 and introduce a new Schedule relating to firearms.

A Member highlighted that the Department had undertaken to provide clarification that the wording of 50 A (6) of the proposed new Schedule which refers to a firearms certificate will not exclude a person from outside Northern Ireland undertaking supervision if they hold a shotgun certificate. If the Department clarifies this is not the case an amendment will be required at Consideration Stage.

Question: “That the Committee is content with the proposed amendments by the Department to introduce new Clauses after Clause 44 to amend the Firearms (NI) Order 2004 and the Unlawful Drilling Act 1819 and introduce a new Schedule covering the authorisation of shotgun clubs to allow use of shotguns by minors for limited purposes, variation of firearm certificates and fees, put and agreed to.”

New Clause after Clause 44

The Committee considered its proposed amendment to introduce a new offence relating to ‘revenge porn’.

Question: “That the Committee is content with its proposed amendment to create a new offence of disclosing private sexual photographs and films with intent to cause distress, put and agreed to.”

Part 4 - General

Clause 45

The Committee considered Clause 45 as drafted.

Question: “That the Committee agreed that is not content with Clause 45, as drafted.”

Clause 23

The Committee considered Clause 23 as drafted and an amendment proposed by the Department of Justice to provide a power to make ancillary provisions.

Question: “That the Committee is content with the proposed amendment by the Department to Clause 23 to provide a power to make ancillary provisions to Part 1 of the Bill, put and agreed to.”

Question: “That the Committee is content with Clause 23, subject to the Department’s proposed amendment, put and agreed to.”

Clause 46

The Committee considered Clause 46 as drafted and consequential amendments proposed by the Department of Justice.

Question: “That the Committee is content with the proposed amendments by the Department to Clause 46 which are consequential to the removal of Clause 45 and the amendment to Clause 23 and as a result of the amendment to Clause 34 to place a duty on the Minister of Justice to request the Ombudsman to conduct an investigation in cases of near-death, put and agreed to.”

Question: “That the Committee is content with Clause 46 subject to the Department’s proposed amendments, put and agreed to.”

Clause 47

The Committee considered Clause 47 as drafted and consequential amendments proposed by the Department of Justice.

Question: “That the Committee is content with the proposed amendments by the Department to Clause 47 which are consequential to the amendment to Clause 23 and the amendments relating to penalties for animal welfare offences, put and agreed to.”

Question: “That the Committee is content with Clause 47 subject to the Department’s proposed amendment, put and agreed to.”

Long Title

The Committee considered the Long Title of the Bill as drafted and consequential amendments proposed by the Department of Justice.

Question: “That the Committee is content with the amendments proposed by the Department to the Long Title as a consequence to the firearms amendments, put and agreed to.”

Question: “That the Committee is content with the Long Title of the Bill subject to the Department’s proposed amendments, put and agreed to.”

The Chairman advised the Committee that the draft report on the Bill was being prepared for consideration and approval at the meeting on 14 January 2016.

10. SL1: The Rules of the Court of Judicature (Northern Ireland) (Amendment No.3) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend Order 29, Rule 13 of the Rules of the Court of Judicature (Northern Ireland) 1980 to enable the High Court to order the making of interim payments in personal injury cases involving two or more defendants.

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

11. Draft SR The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered Draft Statutory Rule The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 which makes a technical change to introduce protection of increases in guaranteed minimum pensions following the abolition of contracting out for salary related schemes on 6 April 2016.

Agreed: The Committee considered Draft Statutory Rule The Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016 and recommended that it be affirmed by the Assembly.

12. Draft Police Pension (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 – Proposed Consultation

The Committee noted correspondence from the Department of Justice advising of its intention to conduct a targeted consultation on the draft Police Pension (Additional Voluntary Contributions) (Amendment) Regulations (Northern Ireland) 2016 which will amend the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993, and will allow members of this Additional Voluntary Contribution scheme to access flexibilities first announced in Budget 2014, and subsequently included in the Taxation of Pensions Act 2014.

13. Reform of the Scope of Civil Legal Aid – Guidance on Prospects of Success and Cost Benefit

The Committee considered information provided by the Department of Justice on the results of a targeted four-week consultation on draft guidance for the Northern Ireland Legal Services Agency which set out the concepts of the prospects for success and cost-benefit tests for applications for civil legal aid to strengthen the application of the existing merits test by outlining exactly what information the solicitor has to provide at the outset of a case.

The Committee noted that the Minister of Justice had approved the guidance and the Department intended to provide a report following the first year of operation of the new procedures on the impact of them and whether the guidance is operating in the way envisaged.

14. 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 on the responses received to its targeted consultation on a European Commission proposal for an Amending Directive in relation to the control of the acquisition and possession of weapons.

15. Correspondence

- i. The Committee noted a response from the Department of Justice to the Committee for the Environment in relation to its request for written evidence on the Scrap Metal Dealers Bill.
- ii. The Committee noted a response from the Department of Justice to a request by the Committee for the Office of the First Minister and deputy First Minister for information on departmental engagement with relevant Whitehall Departments in relation to European Union Reform.
- iii. The Committee noted correspondence from the Department of Justice advising of the intention of the Minister of Justice to make an oral statement to the Assembly on 11 January 2016 on Cross-Border Cooperation on Justice Matters.
- iv. The Committee noted correspondence from the Department of Justice providing a copy of the Written Ministerial Statement made by the Secretary of State for Northern Ireland in Westminster on 15 December 2015 in relation to the security situation in Northern Ireland.
- v. The Committee noted correspondence from the Department of Justice in relation to the commencement of Section 11 and Schedule 3 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 which makes provision for courts in Northern Ireland to impose Slavery and Trafficking Prevention Orders upon offenders convicted of an offence of slavery, servitude and forced or compulsory labour, or human trafficking, either upon sentencing or following an application by the PSNI.
- vi. The Committee noted correspondence from the Department of Justice providing an up-date on Adult Safeguarding and whether there is a need for legislation to underpin the policy.
- vii. The Committee noted correspondence from the Department of Justice advising of the intention of the Minister of Justice to invite nominations for the 2015/16 'Justice in the Community' Awards.

- viii. The Committee noted correspondence from the Department of Justice advising of the intention of the Minister of Justice to make an oral statement to the Assembly on 25 January 2016 in relation to the Rationalisation of the Court Estate.
- ix. The Committee noted correspondence from the Department of Justice providing a copy of a summary report from the Prison Review Oversight Group following its meeting on 25 November 2015.
- x. The Committee noted the Investment Strategy for Northern Ireland Procurement Activity Report for the Department of Justice capital projects for December 2015.
- xi. The Committee noted a copy of a response from the Minister of Justice to a Mr Neeson in relation to vehicle immobilisation on private land in Northern Ireland.
- xii. The Committee noted correspondence from the Assembly EU Affairs Manager in relation to UK participation in the Prüm Decisions, which are about the sharing with other EU countries, in strictly controlled circumstances, of DNA profiles, fingerprints and vehicle registration data.

Agreed: The Committee agreed to request information from the Department of Justice on any discussions it had had with the Home Office with regard to participation in the Prüm Decisions.

- xiii. The Committee noted the Security Industry Authority Annual Report and Accounts for 2014/15 which had been laid in the Assembly.

- xiv. The Committee considered correspondence from the Committee for Regional Development in relation to conveyancing and sewer bonds.

Agreed: The Committee agreed to advise the Committee for Regional Development that the matter falls within the responsibility of the Department of Finance and Personnel rather than the Department of Justice.

- xv. The Committee noted correspondence from an employee of Woodlands Juvenile Justice Centre regarding personnel matters which are currently being addressed by the Department of Justice.

- xvi. The Committee considered a response from the PSNI in relation to correspondence from a Mr Duffy regarding a crime prevention app and database.

Agreed: The Committee agreed to forward the PSNI's response to Mr Duffy for information.

- xvii. The Committee noted correspondence from Ulster University providing two research reports relating to tribunal reform which was discussed during the visit in November 2015.

- xviii. The Committee noted the Criminal Justice Inspection Northern Ireland report '*Monitoring of Progress on Implementation of the Youth Justice Review Recommendations*' and that oral evidence sessions on the report have been scheduled for the meetings on 14 January and 28 January 2016.

Agreed: The Committee agreed to forward a copy of the report to the Committee for the Office of the First Minister

and deputy First Minister given its role with regard to the oversight of the Delivering Social Change programmes.

16. Chairman's Business

None.

17. Any Other Business

None.

18. Date and Time of next meeting

The next Committee meeting will take place on Thursday 14 January 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.01 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice