



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill - Parts 1, 3 and 4 and  
Proposed Amendments

10 December 2015

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**Members present for all or part of the proceedings:**

Mr Alastair Ross (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Paul Frew  
Mr Seán Lynch  
Mr Patsy McGlone

**The Chairperson (Mr Ross):** We move on to our informal consideration of the Justice (No. 2) Bill. Officials attended last week's meeting and outlined the clauses and provisions in Part 1 and schedules 1 and 2 to the Bill, which introduce a new system for fine collection and enforcement, Parts 3 and 4, which deal with a range of miscellaneous and general provisions, and a range of proposed amendments.

The Committee will now undertake the informal consideration of Parts 1, 3 and 4 and the Department's proposed amendments. I remind the Committee that informal consideration provides us with an opportunity to discuss some of the issues, raise concerns, look for more information or propose amendments. We will work our way through that. I do not think that there should be too many issues — he says in hope. On Part 1, I invite members to give their views on clauses 1 to 27 and schedules 1 and 2, which cover fine collection and enforcement, and the proposed amendments that the Department intends to bring forward for this Part. Six areas are covered in those amendments, and I will let members have a few minutes to look over them.

One area that I have raised twice with the Department is whether there is scope to extend the powers of the court to require offenders to satisfy a fine by undertaking appropriate medical programmes — for example, drug or alcohol rehabilitation. The Department did not seem all that enthusiastic about including it in this Bill, but my personal view is that there is an opportunity for us here. I am happy to propose that as an individual Member, but, if the Committee was in agreement, we could look to do it as a Committee amendment and have an enabling clause that allowed the Department to bring this forward at some point in the future. Stewart, you were out of the room. This is about the courts' ability to order people to go on to a medical programme — for example, if they have a drug addiction. The Department was reluctant to do it, but an enabling clause would allow the Department to do it once it has all its ducks in a row. As a general principle, we might want to bring that forward. Are members happy enough that we draft something on that basis?

*Members indicated assent.*

**The Chairperson (Mr Ross):** Are there any other areas in Part 1 that members want to comment on?

**Mr McCartney:** There are none as a general principle. There are issues about means testing and benefits, but we can come back to that.

**The Chairperson (Mr Ross):** That is OK. If members are happy enough, we will move on to Part 3, which is the miscellaneous Part of the Bill. I seek views from the Committee on clauses 41 to 44, which deal with the creation of additional provisions for lay visiting arrangements for police stations, an offence of possession of extreme pornographic images and a scheme for the early removal of prisoners. Do members have any specific views on any of those?

As members look at them, I will say that the Human Rights Commission raised issues on revenge porn. We raised that matter with the Department last week. Again, the Department seemed reluctant to move forward with this. It has been enacted in England and Wales through the Criminal Justice and Courts Act 2015. My view is that we should probably introduce something similar in the Bill. I do not think that the Department was opposed to doing it per se, but it was not going to do it in this Bill because it said that it did not have time to do it. It is a relatively simple amendment to draft, and, if members are of a similar view, perhaps we could take it forward as a Committee amendment. Do you have any views on that? Are you happy to do that?

*Members indicated assent.*

**The Chairperson (Mr Ross):** Are there any other issues in Part 3?

**The Committee Clerk:** No issues were raised in the evidence received.

**The Chairperson (Mr Ross):** Are members happy enough?

*Members indicated assent.*

**The Chairperson (Mr Ross):** We will move on to Part 4. We are looking at clauses 45 to 47, which make general provisions dealing with regulation and order making, the commencement and short title, ancillary provision and the Department's proposal to remove clause 45 and replace it with something that is a bit more restrictive. On clause 45, the proposal is to remove it in its entirety and replace it with a power that will be more restrictive and limited to Part 1. That, hopefully, will address the concerns that we expressed on a similar clause in the Justice Bill. We are all aware of clause 86 in that Bill. The Department will provide an amendment to clause 47, in conjunction with the proposed amendments relating to firearms legislation. Are there any comments? Is everyone happy enough?

*Members indicated assent.*

**The Chairperson (Mr Ross):** Further consideration of the proposed firearms amendments, Lord Morrow's proposed amendment, Mr McCrea's proposed amendments and formal clause-by-clause consideration will take place on 7 January. If members have not given any consideration to, in particular, Lord Morrow and Basil McCrea's amendments, they may want to have a think about those over the Christmas period so that we have a position on 7 January.

**Mr Frew:** Do we have a form of wording for any of those amendments yet?

**The Committee Clerk:** Not from Lord Morrow or Basil.

**The Chairperson (Mr Ross):** It is not a bad suggestion. We will get a note out to them today to say that it would help us in our deliberations if we had the actual wording rather than some broad concept. That was a useful point, Paul. Thank you.

We will move on to the proposed amendments by the Department of Agriculture and Rural Development to the Welfare of Animals Act (Northern Ireland) 2011. I remind the Committee that, at the meeting on 26 November, we heard oral evidence from departmental officials about proposed amendments to the Welfare of Animals Act that would increase the statutory maximum penalties for indictable offences and more serious summary offences of animal cruelty. The proposed amendments are supported by the Minister of Justice and the Committee for Agriculture and Rural Development. During the evidence sessions, officials agreed to provide further information on the number and length of custodial sentences handed down in respect of animal cruelty cases. Do members agree with the proposed amendments?

*Members indicated assent.*

**The Chairperson (Mr Ross):** I remind members that the Department wrote to the Committee on 30 November outlining its intention to draft an amendment to close a gap in the direct committal for trial provisions in section 9 of the Justice Act (Northern Ireland) 2015 highlighted by the Departmental Solicitor's Office (DSO) and provide the text of the amendment. The DSO has suggested that section 9 of the 2015 Act may not be sufficiently explicit to enable offences that are caught by article 45 of the Magistrates' Court (Northern Ireland) Order 1981 and article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998 to attract the direct committal arrangements when the prosecution decides to proceed on indictment. Given that the policy intention was that such cases should be capable of being directly transferred for trial where it is decided to proceed on indictment, the Minister believes that there is merit in amending section 9 of the 2015 Act to put the matter beyond doubt. Are members content with that proposed amendment?

*Members indicated assent.*