



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Justice (No. 2) Bill, Parts 3 and 4:
Department of Justice

3 December 2015

NORTHERN IRELAND ASSEMBLY

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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 Danny Kennedy
Mr Seán Lynch
Ms Bronwyn McGahan
Mr Patsy McGlone
Mr Edwin Poots

Witnesses:

Ms Angela Bell	Department of Justice
Ms Karen Pearson	Department of Justice
Mr Graham Walker	Department of Justice

The Chairperson (Mr Ross): Are there any opening comments? We will open it up to questions after that.

Ms Karen Pearson (Department of Justice): I want to briefly remind members of the purpose of the provisions, because Part 3 is a miscellaneous section. Clause 41 will extend the scope of the statutory custody visitor scheme to include lay visitors to all police stations. Currently, only those stations designated by the Chief Constable fall within the remit of the scheme.

Clause 42 extends the scope of the current offence of possession of extreme pornographic material to include possession of extreme images depicting rape and certain other non-consensual acts. That follows similar developments earlier this year in England and Wales.

Clauses 43 and 44 create a voluntary scheme that will allow eligible foreign national prisoners who are already subject to compulsory removal from the UK and are nearing the end of their sentence to have their sentence reduced to facilitate removal. We want to stress that that is a voluntary scheme and that it has some limitations. Prisoners serving extended, indeterminate and life sentences are not included.

We then move on to Part 4. I have mentioned that we have tabled for consideration an amendment to clause 4 to restrict the power to make consequential and supplementary provisions to Part 1 only of the Act. I hope that that has covered that ground, Chair.

The Chairperson (Mr Ross): The Committee always enjoys these ones. Give us an example of the type of situation in which you would use that power under clause 45. It took us a long time to get to that in clause 86 of the Justice Bill. It will help members understand the need for that sort of provision.

Ms Angela Bell (Department of Justice): One of the amendments before the Committee today deals with the types of things that might come up under this power. The ability to bring in the prosecutorial fines is something that we wanted to do originally, but, because those provisions were not in existence when we drafted and introduced the Bill, we could not include them. That amendment is to bring something in consequentially, incidentally and supplementary to the provisions. If the Bill had already been through and had got Royal Assent, we might have been able to use that order-making power to do that. That brings something into line with the existing provisions, which it should be in line with.

Another one is the provision about excluding confiscation from the supervised activity orders. That has come in as an amendment now because it was hidden in another piece of legislation that, to be honest, we had not picked up when we were working on the original drafting. In working on the Bill, we came across it and thought that it was something that we should have done. That is the type of amendment. It is about things that will further the intentions of the Bill. It is not about things that are new or different, but things that are line with what is already in the Bill.

Ms Pearson: I think that it is also very different from the last point on the single jurisdiction, where we had to go back over 150 years' worth of legislation. We are not in that circumstance here, as far as I see.

The Chairperson (Mr Ross): On another issue, you had mentioned that Jim Gamble briefed the Committee on some changes that he would like to see. I think that everybody on the Committee was sympathetic to what he wanted to achieve, but we also had questions about whether his was the best way to do it. We wrote to the PPS and to the police to get their views, so I am not sure that we have a definitive Committee view yet.

One of the issues that was raised was revenge porn. It was also raised in our conference about online offences, and, although we mainly looked at young people, it affects adults as well. I know that the Human Rights Commission has proposed a new offence to mirror one in England and Wales. The Department has not moved forward with that. I must say that I am a little bit disappointed, because it is an issue that, sadly, has been cropping up more and more. We see it in the media all the time. Why has the Department decided not to bring forward that kind of amendment in the Bill?

Ms Pearson: We think that maybe, but not certainly, we need to take a broader look at the issues. There might be other offences where we have not quite caught up with England and Wales. There might be a piece of work to be done on violent sexual offences. Graham, is there anything in particular that you wanted to say about the Jim Gamble suggestions, other than —

The Chairperson (Mr Ross): It is not so much the Jim Gamble stuff. I understand where the difficulty is with that. It is about the revenge porn offence that there now is in England and Wales. I understand that there may be other areas you need to look at. That is fine. That does not stop you from putting this offence into this Bill. Why have you not accepted the proposals from the Northern Ireland Human Rights Commission?

Mr Graham Walker (Department of Justice): One argument would be that, as Karen said, there is the potential for a broader review of sexual offences generally. One of the criticisms that is often levelled at the criminal law is that it is scattered through the statute book. There is an argument for legislating in a coordinated way and dealing with that along with other related issues.

The Chairperson (Mr Ross): Do members have any other questions on this?

Thank you very much.