



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 13 OCTOBER 2016
Room 30, Parliament Buildings, Belfast

- Present: Mr Paul Frew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Mr Alex Attwood MLA
Mr Doug Beattie MLA
Mr Roy Beggs MLA Mr Sammy Douglas MLA
Mr Declan Kearney MLA
Mr Pat Sheehan MLA
- In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Marie Austin (Senior Assistant Assembly Clerk)
Ms Pamela Carson (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Mr Ray McCaffrey, Assembly Researcher (Item 4 only)
- Apologies: Ms Clare Bailey MLA
Ms Michaela Boyle MLA
Mr Trevor Lunn MLA

The meeting commenced at 2.02 p.m. in open session.

1. Apologies

As above.

2. Draft Minutes

The Committee agreed the minutes of the meeting held on Thursday 6 October 2016.

3. Matters Arising

Item 1 – Legislative Consent Motion – Policing and Crime Bill - Lifelong Anonymity for Victims of Forced Marriage

The Committee noted further information from the Department of Justice that outlined that the prohibition on publication of the identity of a victim of forced marriage does not have extra-territorial extent.

Item 2 – Legislative Consent Motion – Policing and Crime Bill - Maritime Enforcement Powers

The Committee noted the response provided by the Minister of Justice in relation to the Department of Justice's engagement with the PSNI on the Legislative Consent Motion on Maritime Enforcement Powers and her assurance regarding the standard of engagement to be adopted when developing any future legislation.

Item 3 – Committee Forward Work Programme

The Committee noted an up-dated Forward Work Programme for October 2016.

4. Assembly Research and Information Service Research Paper on Sentencing Guidelines Mechanisms in Other Jurisdictions

Mr Ray McCaffrey, Researcher, Assembly Research and Information Services, provided an overview of the Research Paper, commissioned by the Committee, on sentencing guidelines mechanisms in place in other jurisdictions, international models of good practice and approaches employed to secure public confidence in sentencing.

Ms Cameron joined the meeting at 2.13 p.m.

The briefing was followed by a question and answer session.

Mr McCaffrey agreed to provide further research on a range of areas.

The Chairperson thanked Mr McCaffrey for his briefing and he left the meeting.

The Committee considered a list of bodies, provided by the Department of Justice, which it intends to draw upon for both policy development stages and, in due course, the full consultation on the review of sentencing policy and noted that the Department would welcome any suggestions for inclusion in the stakeholder list.

Agreed: The Committee agreed to consider the list further at the meeting on 20 October 2016 to give Members an opportunity to identify other organisations for inclusion on it.

5. Department of Justice Draft Budget 2017-18

The following officials joined the meeting at 2.37 p.m.

Glyn Capper, Deputy Director, Financial Services Division, Department of Justice
Lisa Rocks, Financial Services Division, Department of Justice

Louise Blair, Financial Services Division, Department of Justice

The officials outlined the current position on the Department of Justice Draft Resource DEL budget 2017-18, Capital budget 2017/18 to 2020/21 and the October Monitoring Round.

The oral evidence was followed by a question and answer session.

Mr Attwood joined the meeting at 3.14 p.m.

The officials agreed to provide further information on a range of issues.

The oral evidence session was recorded by Hansard.

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

6. Court Fee Increases – Results of the Consultation and Proposed Way Forward

The following officials joined the meeting at 3.21 p.m.

Ronnie Armour, Chief Executive, NI Courts and Tribunals Service
Sharon Hetherington, Head of Corporate Services, NI Courts and Tribunals Service
Louise Laverty, Head of Civil Fee Review Team, NI Courts and Tribunals Service

The officials outlined the results of the NICTS consultation on proposals to increase court fees and the proposed way forward.

The oral evidence was followed by a question and answer session.

The officials agreed to provide further information on the hourly cost to run a court.

The oral evidence session was recorded by Hansard.

The Chairperson thanked officials for their attendance.

Agreed: The Committee noted the proposed court fee increases and agreed to write to the Department of Justice expressing concerns regarding the efficiency of the overall Court System and the fact that measures being taken to reduce costs are reactive rather than proactive.

Mr Kearney left the meeting at 3.47 p.m.

7. SR 2016/336: The Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2016

The Committee considered SR 2016/336: The Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2016 which will amend the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015 by inserting new provisions to provide that remuneration is available under civil legal services for representation for a range of proceedings relating to the Care Tribunal and the Prison and Young Offenders Centre Rules (NI).

Agreed: The Committee considered SR 2016/336: The Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2016 and had no objection to the Rule.

8. SR 2016/337: The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered SR 2016/337: The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2016 which will amend the Civil Legal Services (General) Regulations 2015 to provide that civil legal services funding for representation in the lower courts is available for a range of proceedings, thus replicating the position as it was prior to April 2015 when the Department commenced civil legal services under the Access to Justice (Northern Ireland) Order 2003.

Agreed: The Committee considered SR 2016/337: The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

9. SR 2016/338: The Civil Legal Services (Financial) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered SR 2016/338: The Civil Legal Services (Financial) (Amendment) Regulations (Northern Ireland) 2016 which will amend the Civil Legal Services (Financial) Regulations (Northern Ireland) 2015 by inserting new provisions to provide that civil legal services funding for representation under the Access to Justice (Northern Ireland) Order 2003 is available without an assessment of an individual's financial resources for proceedings under Article 44 or 45 of the Police and Criminal Evidence (Northern Ireland) Order 1989, and under paragraph 29 or 36 of Schedule 8 to the Terrorism Act 2000.

Agreed: The Committee considered SR 2016/338: The Civil Legal Services (Financial) (Amendment) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

10. SL1: Insolvent Companies (Disqualification of Unfit Directors) Proceedings (Amendment) Rules (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Insolvent Companies (Disqualification of Unfit Directors) Proceedings Rules (Northern Ireland) 2003, to set out the procedure for applications by the Department for the Economy for compensation orders under Article 19A of the Company Directors Disqualification (Northern Ireland) Order 2002.

Agreed: The Committee agreed to seek the views of the Committee for the Economy on the proposed Statutory Rule as responsibility for insolvency policy lies with the Department for the Economy and Insolvency Service.

11. SL1: The Magistrates' Courts (Licensing) (Amendment) Rules (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend Part III of the Magistrates' Courts (Licensing) Rules (Northern Ireland) 1997 which govern practice and procedure regarding renewal of a licence in the Magistrates' Courts, including the documents to be lodged with applications or produced to the court, as a consequence of provision made by the Licensing Act (Northern Ireland)

2016 for outdoor stadia designated as being of importance to the whole of Northern Ireland to renew a licence to sell liquor.

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

12. Tribunal Reform – Transfer of Functions Order – Transfer of Appeals Service from the Department for Communities to the Department of Justice

The Committee considered further information provided by the Department of Justice on the funding and resources to be transferred across in relation to the proposed transfer of the Appeals Service from the Department of Communities to the Department of Justice by way of a Transfer of Functions Order.

The Committee also noted correspondence from the Committee for Communities indicating that it was content with the principle behind the proposed transfer of functions.

Agreed: The Committee agreed that it was content to note the proposed transfer of the Appeals Service from the Department of Communities to the Department of Justice by way of a Transfer of Functions Order.

13. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing further information on the reasons it was unlikely to bring forward any primary legislation before June 2017.
- ii. The Committee considered correspondence from the Department of Justice providing information, that it had requested, on the recruitment process and job description for the new Director General of the Northern Ireland Prison Service.

Agreed: The Committee agreed to request information on who will undertake the duties of the Director General/Director of Reducing Offending until the recruitment process is completed, the reasons for not appointing a specific Director General of the NI Prison Service, and the reasons why the Director General of the NI Prison Service post was recently widened out to include Director of Reoffending duties.

- iii. The Committee noted correspondence from the Department of Justice providing a copy of the Council of Europe Group of Experts on Action Against Trafficking in Human Beings (GRETA) report on its second round assessment of the UK's compliance with the Council of Europe convention on Action Against Trafficking in Human Beings.
- iv. The Committee noted correspondence from the Committee for the Executive Office providing a copy of a research paper on non-EU binding treaty obligations which will pertain to the UK post-Brexit.
- v. The Committee noted correspondence from the Director of Public Prosecutions providing a copy of the revised Code for Prosecutors which outlines the duties of the PPS and Public Prosecutor and contains a code of ethics.
- vi. The Committee considered correspondence, including information and research documentation, from a Mr Bloomer regarding the establishment of a Family Drug and Alcohol Court in Northern Ireland.

Agreed: The Committee agreed to advise Mr Bloomer to submit his proposals to Lord Gillen's ongoing Review of Civil and Family Justice and to the Department of Justice as it is currently considering the development of a Substance Misuse Court and a Family Drugs and Alcohol Court.

Agreed: The Committee agreed that an informal meeting between the Chairperson, Deputy Chairperson and Mr Bloomer, to which all Committee Members would be invited to attend, should be arranged.

- vii. The Committee noted the 2015-16 Annual Report of the Chief Commissioner 2015-16 of the Planning and Water Appeals Commission.
- viii. The Committee considered a response from the Minister of Justice to its letter regarding her approach to legacy related issues and the provision of information to local politicians and the Committee.

Agreed: The Committee agreed to write to the Minister requesting further clarification on a range of issues including the position regarding the implementation work stream being undertaken by Department of Justice officials and the publication of draft legislation.

14. Chairperson's Business

The Chairperson advised the Committee that he was speaking at a PPANI event on Friday 14 October 2016 on the theme of Child Protection and it would provide him with an opportunity to highlight the key priority areas the Committee intended to undertake work on during the coming months.

15. Any Other Business

None.

16. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 20 October 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.16 p.m.

Mr Paul Frew MLA
Chairperson, Committee for Justice