



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 15 SEPTEMBER 2016
Room 30, Parliament Buildings, Belfast

Present: Mr Paul Frew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Mr Alex Attwood MLA
Ms Clare Bailey MLA
Mr Doug Beattie MLA
Mr Roy Beggs MLA
Ms Michaela Boyle MLA
Mr Sammy Douglas MLA
Mr Trevor Lunn MLA
Mr Pat Sheehan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Ms Marie Austin (Senior Assistant Assembly Clerk)
Ms Pamela Carson (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Allison Ferguson (Clerical Officer)

Apologies: Mr Declan Kearney MLA

The meeting commenced at 2.05 p.m. in open session.

1. Apologies

As above.

2. Draft Minutes

The Committee agreed the minutes of the meeting held on Thursday 30 June 2016.

3. Matters Arising

Item 1 – Committee Strategic Planning Meeting

The Committee noted that the key strategic priorities and issues identified and discussed at the Strategic Planning Meeting would be collated and circulated to all Members and a further planning meeting scheduled for early October.

Item 2 – Informal Meeting with Judge Marrinan

The Committee noted that the Chairperson and other Committee Members had met formally with Judge Marrinan in relation to Judicial Appointments and the information he had provided had been circulated.

Item 3 - Register of Members' Interests

The Committee noted the entry in the Register of Members' Interests of each Member of the Committee.

Item 4 – Fresh Start Agreement and NCA Funding

The Committee considered a response from the Minister of Justice regarding arrangements for funding for the National Crime Agency under the Fresh Start Agreement.

Mr Attwood joined the meeting at 2.08 p.m.

Mr Beattie joined the meeting at 2.11 p.m.

Agreed: The Committee agreed to schedule an oral evidence session with departmental officials on the arrangements for managing bids for funding and related issues.

Item 5 – Executive Action Plan – Tackling Paramilitary Activity, Criminality and Organised Crime

The Committee considered the Executive Action Plan – Tackling Paramilitary Activity, Criminality and Organised Crime – which sets out how the recommendations in the report of the independent Three Person Panel will be taken forward and implemented.

Agreed: The Committee agreed that this should be scheduled as a substantive agenda item for discussion.

Agreed: The Committee agreed to schedule an oral evidence session with departmental officials on the action plan.

Item 6 – Justice Implications of the Withdrawal from the EU

The Committee considered responses from the Minister of Justice and the Chief Constable of the PSNI to its request for information on the likely justice implications and the key issues a withdrawal from the European Union will present.

Agreed: The Committee agreed to request three monthly up-dates from the Minister and the Chief Constable, the first of which should be oral briefings.

4. Committee Forward Work Programme

The Committee considered a draft Forward Work Programme for September 2016 together with information from the Department of Justice on the key work items it intended to bring forward between September 2016 and June 2017.

Agreed: The Committee agreed to change the briefing on the progress report on the 2015/16 Human Trafficking and Exploitation Strategy scheduled for 22 September from a written to an oral.

Agreed: The Committee agreed to request information from the Department of Justice regarding the lack of legislative proposals coming forward before June 2017.

Agreed: The Committee agreed the work programme for September and noted that the further oral evidence sessions requested would also be scheduled.

5. Oral Evidence Session on Legislative Consent Motions – Policing and Crime Bill – Maritime Enforcement Powers, Police Powers across UK Jurisdictions and Biometric Retention in Relation to Foreign Convictions

The following officials joined the meeting at 2.23 p.m.

Michael Meehan, Head of Probation and Prisoner Ombudsman Branch, Department of Justice

Julie Wilson, Head of Organised Crime Branch, Department of Justice

Gary Dodds, Police Powers and HR Policy Branch, Department of Justice

The officials outlined the purpose of the three Legislative Consent Motions covering Maritime Enforcement Powers, Police Powers across UK Jurisdictions and Biometric Retentions in relation to Foreign Convictions.

Ms Cameron joined the meeting at 2.33 p.m.

The briefing was followed by a question and answer session.

The briefing was recorded by Hansard.

The Chairperson thanked the officials for their attendance.

Agreed: The Committee agreed to write to the Chief Constable of the PSNI regarding why powers in relation to hot pursuit should not be extended to Northern Ireland.

Agreed: The Committee agreed to request further information on basis of the agreement with the Home Office for local accountability arrangements in relation to the maritime enforcement powers timescales for laying the Legislative Consent Memoranda in the Assembly.

6. Legislative Consent Motion - Policing and Crime Bill –Anonymity for Victims of Forced Marriage

The Committee considered information provided by the Department of Justice on a proposal for a legislative consent motion to extend the provision for the lifelong anonymity of victims of forced marriage in England and Wales to victims in Northern Ireland.

Agreed: The Committee agree to request clarification regarding whether anonymity for a UK Citizen extends to other jurisdictions outside the UK.

7. SR 2016/245: The Proceeds of Crime Act (Appeals under Part 4) (Amendment) Order (Northern Ireland) 2016

The Committee considered The Proceeds of Crime Act (Appeals under Part 4) (Amendment) Order (Northern Ireland) 2016 which will amend the Proceeds of Crime Act 2002 (Appeals under Part 4) Order 2003, by inserting into Part 3 of the Order the appropriate reference to an appeal to the Supreme Court under section 163B(4) to (7) of POCA.

Agreed: The Committee considered SR 2016/245: The Proceeds of Crime Act (Appeals under Part 4) (Amendment) Order (Northern Ireland) 2016 and had no objection to the Rule.

8. SR 2016/268: The Juries (Amendment) Regulations (Northern Ireland) 2016

The Committee considered The Juries (Amendment) Regulations (Northern Ireland) 2016 which will amend the Juries Regulations (Northern Ireland) 1996 so that the details set out on the prescribed juror notices will correspond with the amendments made by sections 77 to 81 of the Justice Act 2015 which removed the current jurors' upper age limit of 70 and updated the lists of those who are disqualified, ineligible or excusable as of right for jury service.

Agreed: The Committee considered SR 2016/268: The Juries (Amendment) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

9. SR 2016/274: The Care Tribunal (Amendment) Regulations (Northern Ireland) 2016

The Committee considered The Care Tribunal (Amendment) Regulations (Northern Ireland) 2016 which will amend paragraph 1 of Schedule 6 to the Care Tribunals Regulations (Northern Ireland) 2005. The amendments will specify the types of decision of the Northern Ireland Social Care Council (NISCC) against which the Care Tribunal can receive an appeal, and provide that the information required on the application form to the Tribunal also takes account of decisions made by the NSCC under Part 3 of the General Systems Regulations and under new powers given to it by the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

Agreed: The Committee considered SR 2016/274: The Care Tribunal (Amendment) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

10. SL1: The Civil Legal Services (General) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make consequential amendments to the Civil Legal Services (General) Regulations (Northern Ireland) 2015 which will provide that civil legal services funding for representation in the lower courts under the 2003 Order is available for a range of proceedings thus replicating the position as it was prior to 1 April 2015.

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

11. SL1: The Civil Legal Services (Financial) (Amendment) Regulations (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to 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 agreed that it was content with the proposed Statutory Rule.

12. SL1: The Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Civil Legal Services (Remuneration) (Amendment) Order (Northern Ireland) 2016 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 agreed that it was content with the proposed Statutory Rule.

13. SL1: The Police Service of Northern Ireland (Promotion) (Amendment) Regulations 2016

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend regulations to enable the PSNI to participate in the revised fast-track promotion scheme for constables.

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

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

The Committee considered information provided by the Department of Justice on the proposed transfer of the Appeals Service from the Department of Communities to the Department of Justice.

Agreed: The Committee agreed to seek the views of the Committee of Communities on the proposed transfer.

Agreed: The Committee agreed to request an assurance from the Department of Justice that the appropriate level of financial funding/resources will be transferred across with the statutory responsibility for the Appeals Service.

15. Secretary of State's Direction Under Section 1A(7) of the Prison Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010

The Committee noted a proposal to renew unaltered, for a further twelve months from October 2016, the Secretary of State's Direction Under Section 1A(7) of the Prison Act (NI) 1953 as amended by Schedule 4 of the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

Agreed: The Committee agreed to schedule an oral briefing on the Secretary of State's Direction and the proposal to renew it for a further twelve months.

16. The Attorney General for Northern Ireland's Draft Human Rights Guidance for the Police Service of NI, the Public Prosecution Service and Forensic Science NI on Human Rights Standards Relevant to Co-operation and Operational Independence by the Attorney General for NI

The Committee considered the Attorney General for Northern Ireland's Draft Human Rights Guidance for the PSNI, the PPS and FSNI relevant to Co-operation and Operational Independence.

Agreed: The Committee agreed ask the Attorney General for the comments and views submitted by the three organisations on the draft guidance.

17. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a copy of the Secretary of State's Bi-Annual Written Statement on the Security Situation in Northern Ireland.
- ii. The Committee noted a response from the Department of Justice providing further information on a number of issues following the oral briefing on the Safer Communities Directorate on 8 June 2016.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of an update to the United Nation's Human Rights Committee on the International Covenant on Civil and Political Rights – July 2016.
- iv. The Committee noted correspondence from the Department of Justice providing the second progress report on its Action Plan on Tackling Child Sexual Exploitation in Northern Ireland.
- v. The Committee noted a response from the Department of Justice providing further information on a range of issues following the oral briefing on the Northern Ireland Courts and Tribunals Service on 16 June 2016.
- vi. The Committee noted a response from the Department of Justice providing further information on a number of issues following the oral briefing on the Justice Delivery Directorate and the Department of Justice 2016-17 Budget on 16 June 2016.
- vii. The Committee noted the Justice (2016 Act) Commencement (No.1) Order (Northern Ireland) 2016.

- viii. The Committee noted the Financial Provisions (2014) Act (Commencement No.3) Order (Northern Ireland) 2016.
- ix. The Committee noted a copy of the response from the Minister of Justice to correspondence from Dr O'Dwyer regarding the Northern Ireland Law Commission.
- x. The Committee noted correspondence from the Department of Justice regarding the establishment of an Inter-Departmental Working Group on Fatal Fetal Abnormality.
- xi. The Committee noted a copy of a response from the Minister of Justice to Paul Frew MLA regarding the Working Group on Fatal Fetal Abnormality.
- xii. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice would make an oral statement on the Inter-Governmental Agreement on Cooperation on Criminal Justice Matters on Tuesday 13 September 2016.
- xiii. The Committee noted correspondence from the Department of Justice regarding a targeted consultation on the Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016.
- xiv. The Committee noted a response from the Department of Justice providing further information on a number of issues following the attendance of the Minister of Justice at meeting on 30 June 2016.
- xv. The Committee noted a response from the Department of Justice providing details of the legal protection from 'stalking' that currently exists in Northern Ireland.

Agreed: The Committee agreed to invite Laura Richards, from Paladin, to speak at a Justice Seminar on the issue of stalking and legislation in other jurisdictions.
- xvi. The Committee noted correspondence from the Department of Justice providing an updated action plan in response to European Court of Human Rights Judgements on Investigative Delays into Troubles Related Deaths.
- xvii. The Committee considered correspondence from the Department of Justice advising of the departure of Ms Sue McAllister, Director General of the Northern Ireland Prison Service.

Agreed: The Committee agreed to request information on the recruitment process to fill the post including a copy of the job specification/description.
- xviii. The Committee noted a response from the Department of Justice providing the timeline for the proposed departmental consultation on Sexual Offences and Child Protection.
- xix. The Committee noted correspondence from the Department of Justice advising that the Minister of Justice had revoked an Order for the closure of alleyways at

Strand Walk and Edgar Street and the closure of two paths on the Albertbridge Road, Belfast.

- xx. The Committee noted correspondence from the Committee for the Executive Office providing an Assembly Research Paper on Outcomes-based government to assist consideration of the draft Programme for Government 2016-2021.

- xxi. The Committee considered a letter from the Lord Chief Justice's Office inviting views/comments on a draft practice direction on the distribution of court business following the creation of a single legal jurisdiction.

Agreed: The Committee agreed to provide the relevant extract from the previous Committee's report on the Justice Bill to the Lord Chief Justice's Office for information and consideration.

- xxii. The Committee noted a response from Jeremy Corbyn MP to the Committee's condolence letter on the death of Labour MP, Jo Cox.

- xxiii. The Committee noted correspondence from the Northern Ireland Judicial Appointments Commission regarding the appointment of two County Court Judges in Northern Ireland.

- xxiv. The Committee considered correspondence from an individual in relation to a complaint regarding his solicitor and a data protection breach.

Agreed: The Committee agreed to forward the correspondence to the Department of Finance and ask it to respond directly to the individual as it has responsibility for the regulation of solicitors and to send a copy of the correspondence to the Committee for Finance for information.

- xxv. The Committee noted a copy of a response from the Department of Justice to Mr M O'Boyle regarding his complaint.

- xxvi. The Committee noted a copy of the response from the Office of the Police Ombudsman to Mr McMaster's initial correspondence referred by the Committee and further correspondence from Mr McMaster regarding his individual complaint of maladministration.

Agreed: The Committee agreed to advise Mr McMaster to provide any new evidence direct to the Minister of Justice and ask her to consider the matter afresh given the Department of Justice has responsibility for considering complaints of maladministration against the Police Ombudsman's Office.

- xxvii. The Committee noted correspondence from the Department of Justice providing a copy of the Organised Crime Task Force Annual Report and Threat Assessment 2016.

- xxviii. The Committee noted the Criminal Justice Inspection Northern Ireland Full Report on an announced inspection of Maghaberry Prison carried out in January 2016.

Agreed: The Committee agreed to request further information on when the next CJNI follow up report on Maghaberry Prison would be available.

- xxix. The Committee noted the Northern Ireland Executive Office Brussels Report: April-July 2016.
 - xxx. The Committee noted the Criminal Cases Review Commission Annual Report and Accounts 2015-16.
 - xxxi. The Committee noted the Northern Ireland Courts and Tribunals Service Investment Account – Accounts for year ended March 2016.
 - xxxii. The Committee noted the Forensic Science Northern Ireland Annual Report and Accounts for the year ended March 2016.
 - xxxiii. The Committee noted the Investment Strategy for Northern Ireland - Department of Justice's Procurement Activity Report for August 2016.
 - xxxiv. The Committee noted correspondence from the Department of Justice advising of the publication of the Northern Ireland Courts and Tribunal Service Quarterly Judicial statistics on civil, criminal and family business across all court tiers.
 - xxxv. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 23/2016: *'Adult and Youth Reoffending in NI (2013/14 Cohort.)'*
 - xxxvi. The Committee noted the Youth Justice Agency Annual Report and Accounts 2015-16.
 - xxxvii. The Committee noted the Legal Services Agency Northern Ireland Annual Report and Accounts for year ended March 2016.
 - xxxviii. The Committee considered a request from Start360 to present the findings of its ADJUST evaluation report on its services to support young people leaving custody, promoting rehabilitation and reducing offending.
- Agreed:* The Committee agreed that an informal meeting with the Chairperson, Deputy Chairperson and Start360 to which all Committee members would be invited to attend, should be arranged.
- xxxix. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 21/2016 *'Court Prosecution, Convictions and Out of Court Disposal Statistics for Northern Ireland, 2015.'*
 - xl. The Committee noted correspondence from the Department of Justice advising that the Home Secretary had published the CONTEST Annual Report for 2015.
 - xli. The Committee noted an invitation from the National Children's Bureau to the Global Outcomes Summit on 10-11 October 2016.
- Agreed:* The Committee agreed that Members should advise the Clerk if they wish to attend this event.
- xlii. The Committee noted an invitation from the Attorney General for Northern Ireland to a Colloquium: Getting Legislation Right on 5 October 2016.

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

- xliii. The Committee considered the Prisoner Ombudsman's Report on a Serious Self Harm Investigation.

Mrs Cameron declared an interest in relation to the employment of a family member by the Northern Ireland Prison Service.

Agreed: The Committee agreed to send a copy of the report to the Committee for Health given the findings and recommendations relating to the provision of healthcare in Maghaberry Prison and the South Eastern Health and Social Care Trust.

Agreed: The Committee agreed that oral evidence sessions with the Prisoner Ombudsman and Prison Service officials on the findings and recommendations in the report should be scheduled at the earliest opportunity.

18. Chairperson's Business

Item 1 – Introductory Meetings

The Chairperson advised Members that he had held a number of introductory meetings with a range of justice stakeholder organisations during the summer.

Item 2 – Request for a meeting

The Chairperson advised Members that a request to brief the Committee on Domestic Violence, Domestic Abuse and Coercive Control from a survivor's perspective, has been received from an individual.

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

19. Any Other Business

None.

20. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 22 September 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.05 p.m.

Mr Paul Frew MLA
Chairperson, Committee for Justice