



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 16 JUNE 2016

Room 30, Parliament Buildings, Belfast

- Present: Ms Pam Cameron MLA (Deputy Chairperson)  
Mr Alex Attwood MLA  
Ms Clare Bailey MLA  
Mr Doug Beattie MLA  
Mr Roy Beggs MLA  
Mr Sammy Douglas MLA  
Mr Declan Kearney 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 Paul Frew MLA (Chairperson)  
Ms Michaela Boyle MLA

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

#### **1. Apologies**

As above.

#### **2. Draft Minutes of the Meeting on 9 June 2016**

The Committee agreed the minutes of the meeting held on 9 June 2016.

### **3. Matters Arising**

The Chairperson advised the Committee that the written briefing by the Department of Justice on a proposed consultation on a PACE Draft Qualifying Offences (Amendment) Order on 30 June 2016 would be rescheduled to a later date.

The Committee noted the updated Forward Work Programme for June 2016.

### **4. Overview Briefing on the Northern Ireland Courts and Tribunals Service**

The following officials joined the meeting at 2.07 p.m.

Mr Ronnie Armour, Chief Executive, Northern Ireland Courts and Tribunals Service  
Mr Peter Luney, Head of Court Operations, Northern Ireland Courts and Tribunals Service

Ms Sharon Hetherington, Head of Corporate Services, Northern Ireland Courts and Tribunals Service

Ms Elaine Topping, Head of Tribunals and Enforcement of Judgements Operations, Northern Ireland Courts and Tribunals Service

The officials provided an overview briefing on the Northern Ireland Courts and Tribunals Service.

The briefing was followed by a question and answer session.

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

The briefing was recorded by Hansard.

The Chairperson thanked the officials for their attendance.

### **5. Overview Briefing on the Justice Delivery Directorate**

The following officials joined the meeting at 2.35 p.m.

Ms Lianne Patterson, Director, Justice Delivery Directorate, Department of Justice

Mr Glyn Capper, Head of Financial Services Division, Department of Justice

Ms Mary Madden CBE, Head of Personnel and Office Services Division, Department of Justice

Mr Ray Murray, Head of Information Services Division, Department of Justice

The officials provided an overview briefing on the Justice Delivery Directorate.

The briefing was followed by a question and answer session.

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

The briefing was recorded by Hansard.

The Chairperson thanked the officials for their attendance. Ms Patterson and Mr Capper remained for the next briefing session.

## **6. Overview briefing on Department of Justice Budget 2016-17**

Ms Patterson and Mr Capper provided an overview briefing on the Department of Justice 2016-17 Budget.

The briefing was followed by a question and answer session.

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

The briefing was recorded by Hansard.

The Chairperson thanked the officials for their attendance.

## **7. Legislative Consent Motions – Policing and Crime Bill**

The Committee considered information provided by the Department of Justice on three proposals for legislative consent motions to extend the policy proposals contained in the Policing and Crime Bill to Northern Ireland in relation to maritime enforcement powers for law officers in England, Wales and Scotland in hot pursuit situations in Northern Ireland waters; cross border powers to allow police officers to arrest a person in their own jurisdiction for a serious offence committed in another jurisdiction and amendments to the biometric retention statutory framework to provide for the retention of DNA and fingerprints from a person on the basis of a conviction outside the UK.

The Committee noted the lack of clarity currently available regarding the accountability arrangements for the hot pursuit powers in the Bill.

*Mr Douglas left the meeting at 15.42 p.m.*

*Agreed:* The Committee agreed to schedule an oral briefing on the proposed legislative consent motions in early September 2016.

## **8. SR 2016/197: The Criminal Defence Services (General) Regulations (Northern Ireland) 2016**

The Committee considered The Criminal Defence Services (General) Regulations (Northern Ireland) 2016 which will provide that the Court of Appeal may grant a right to representation under Part 2 of the Access to Justice (Northern Ireland) Order 2003 in respect of criminal appeals in the Court of Appeal and the Supreme Court, and in the case of an appellant who is to be retried before the Crown Court.

*Agreed:* The Committee considered SR 2016/197 The Criminal Defence Services (General) Regulations (Northern Ireland) 2016 and had no objection to the Rule.

## **9. SR 2016/198: The Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016**

The Committee considered The Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016 which provides for the remuneration payable to solicitors and counsel for providing representation under Part 2 of the Access to Justice (Northern Ireland) Order 2003 in respect of criminal appeals in the Court of Appeal and the

Supreme Court, and in the case of an appellant who is to be retried before the Crown Court.

*Agreed:* The Committee considered SR 2016/198 The Criminal Defence Services (Remuneration) Order (Northern Ireland) 2016 and had no objection to the Rule.

**10. SR 2016/200: The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2016**

The Committee considered The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2016 which prescribes the remuneration for solicitors and counsel assigned under Articles 29 or 36(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

*Agreed:* The Committee considered SR 2016/200 The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**11. SR 2016/201: The Legal Aid for Crown Court Proceedings (Costs) (Amendment No.2) Rules (Northern Ireland) 2016**

The Committee considered The Legal Aid for Crown Court Proceedings (Costs) (Amendment No.2) Rules (Northern Ireland) 2016 which makes additional amendments to the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005, to provide remuneration in cases where the circumstances are so exceptional that the costs of presenting the case cannot be properly remunerated under the existing matrix of standard fees.

*Agreed:* The Committee considered SR 2016/201 The Legal Aid for Crown Court Proceedings (Costs) (Amendment No.2) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**12. SL1: The Juries (Amendment) Regulations (Northern Ireland) 2016**

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

**13. SL1: The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to the Magistrates' Courts Rules (Northern Ireland) 1984 necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, primarily by removing the terms "county court division" and "petty sessions district" and related references where they appear in the Rules.

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

**14. SL1: The Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to a number of free-standing Magistrates' Court Rules necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the magistrates' courts, primarily by removing the terms "county court division" and "petty sessions district" and related reference where they appear in the Rules.

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

**15. SL1: The County Court (Amendment) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to the County Court Rules (Northern Ireland) 1981, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, primarily by removing the terms "county court division" and "petty sessions district" and related references where they appear in the Rules.

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

**16. SL1: The County Court (Miscellaneous Amendments) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to a number of free-standing County Court Rules, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, primarily by removing the terms "county court division" and "petty sessions district" and related references where they appear in the Rules.

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

**17. SL1: The Crown Court (Amendment) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to the Crown Court Rules (Northern Ireland) 1979, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, primarily by removing the terms "county court division" and "petty sessions districts" and related references where they appear in the Rules.

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

**18. SL1: The Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) (Amendment) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendment to Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules (Northern Ireland) 1997, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, by removing a single reference to "petty sessions district".

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

**19. SL1: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to the Rules of the Court of Judicature (Northern Ireland) 1980, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, by removing the terms "county court division" and "petty sessions district" and related references where they appear in the Rules.

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

**20. SL1: The Family Proceedings (Amendment) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to the Family Proceedings Rules (Northern Ireland) 1996, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, primarily by removing the terms "county court divisions" "petty sessions district" "divorce county court" and "civil partnership proceedings county court" and related references where they appear in the Rules.

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

**21. SL1: The Justice Act (Northern Ireland) 2015 (Single Jurisdiction) (Consequential Amendments) Order (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make the necessary technical consequential amendments to all relevant Northern Ireland subordinate legislation, other than Court Rules, necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, by removing the terms "county court division" and "petty sessions districts" and related references where they appear in the legislation.

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

## **22. SL1: The Justice Act (Northern Ireland) 2015 (Single Jurisdiction) (Consequential Amendments No.2) Order (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the Psychoactive Substances Act 2016 and the Justice Act (Northern Ireland) 2016 necessary in light of the provisions introduced by Part 1 of the Justice Act 2015 which create a single jurisdiction for the country courts and the Magistrates' Courts, to remove a reference in each of the Acts to the term "petty sessions district" insofar as it relates to Northern Ireland.

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

## **23. Sentencing Policy Review**

The Committee considered correspondence from the Department of Justice advising that the Minister of Justice had commissioned a comprehensive review of sentencing policy to include an assessment of whether the current sentencing guidelines mechanism is meeting the objectives and consideration of wider issues within the sentencing framework.

*Agreed:* The Committee agreed to request further information on the timescale for completion of the Review, the statutory agencies, voluntary organisations and interested parties the Department intended to engage with and clarification of whether the Review would consider the use of community sentences as an alternative to short prison sentences.

*Agreed:* The Committee agreed to request an oral briefing from departmental officials on the evidence gathered during the Review and any proposed changes put forward by participants.

*Agreed:* The Committee agreed to commission a Research Paper on sentencing guidelines mechanisms in place in other jurisdictions, international models of good practice and approaches employed to secure public confidence in sentencing.

## **24. Draft Witness Charter for Witnesses of Crime – Proposed Consultation**

The Committee considered a proposed consultation by the Department of Justice on a draft Witness Charter for witnesses of crime, which aims to provide witnesses with better quality services.

*Agreed:* The Committee noted the draft Witness Charter and associated versions and agreed that it was content for the consultation to take place and to consider the issue further when the results of the consultation are available.

## **25. Correspondence**

- i. The Committee noted a copy of correspondence from John J McNally & Co Solicitors & Notary Public to the Department of Justice regarding an individual's complaint against the maladministration of the Police Ombudsman.

- ii. The Committee noted correspondence from the Committee for the Executive Office providing the Annual Report on Public Bodies and Public Appointments for 2014-15.
- iii. The Committee considered correspondence from an individual regarding complaints against the PSNI and the Police Ombudsman.

*Agreed:* The Committee agreed to forward the correspondence to the Police Ombudsman and ask that he responds directly to the individual, on the issues raised and provides the Committee with a copy of the response.

## **26. Chairperson's Business**

None.

## **27. Any Other Business**

The attack on the Labour MP Jo Cox was raised.

*Agreed:* The Committee agreed to write to the Leader of the Labour Party to extend Members condolences to the family, friends and colleagues of Jo Cox MP.

## **28. Date, Time and Place of the next meeting**

The next meeting will be held on 21 June at 12 noon in Room 30, Parliament Buildings.

The meeting was adjourned at 4.08 p.m.

**Mr Paul Frew MLA**  
**Chairman, Committee for Justice**