



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 22 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 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  
Mr Trevor Lunn MLA

*The meeting commenced at 2.04 p.m. in open session.*

#### **1. Apologies**

As above.

#### **2. Draft Minutes**

The Committee agreed the minutes of the meetings held on Thursday 15 September 2016.

### **3. Matters Arising**

#### **Item 1 – Department of Justice Budget 2017-2020**

The Committee noted a response from the Department of Justice to its request for information on the draft budget 2017-2020 indicating that it was not in a position to respond at this stage but would provide an up-date as the budget process progresses.

#### **Item 2 – Correspondence from the Committee for Finance on the Budget Process**

The Committee considered correspondence from the Committee for Finance providing a letter from the Department of Finance outlining the intention now to have a single year resource budget and a multi-year capital budget.

*Agreed:* The Committee agreed to request detailed information from the Department of Justice on its draft 2017-18 budget and multi-year capital budget.

*Agreed:* The Committee agreed to schedule an oral briefing with departmental officials on the draft Department of Justice 2017-18 budget and multi-year capital budget on Thursday 13 October 2016.

#### **Item 3 – Correspondence from the Secretary of State for Northern Ireland to the SDLP**

The Committee noted a copy of a letter, provided by Mr Attwood, from the Secretary of State for Northern Ireland to Mr Eastwood MLA, Leader of the SDLP, regarding funding for the National Crime Agency.

#### **Item 4 – Committee Forward Work Programme**

The Committee considered a revised Forward Work Programme for September and October 2016 which included the removal of a number of items that had been deferred by the Department of Justice and additional oral briefings requested by the Committee.

*Agreed:* The Committee agreed to hold a further strategic planning meeting following the committee meeting on Thursday 29 September to discuss the key priorities identified by the Committee.

*Agreed:* The Committee agreed to consider scheduling further briefings on Maghaberry Prison when the next CJINI Report is available.

*Agreed:* The Committee agreed the Forward Work Programme.

#### **Item 5 – Correspondence from the Minister of Justice to the SDLP**

The Committee considered a letter from the Minister of Justice to the SDLP on addressing the legacy of the past and the preparation of draft legislation.

*Mr Douglas joined the meeting at 2.19 p.m.*

*Agreed:* The Committee agreed to write to the Minister of Justice regarding her approach on this matter and ask her to assess how information regarding the on-going work can be shared.

#### **4. Oral Evidence Session on the Northern Ireland Human Trafficking and Exploitation Strategy 2015-16 Progress Report**

The following officials joined the meeting at 2.21 p.m.

Karen Pearson, Deputy Director, Protection and Organised Crime Division,  
Department of Justice  
Julie Wilson, Head of Organised Crime Branch, Department of Justice

The officials outlined the key issues relating to the delivery of the Northern Ireland Human Trafficking and Exploitation Strategy 2015-16.

The briefing was followed by a question and answer session.

*Mr Sheehan left the meeting at 3.13 p.m.*

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.

*Agreed:* The Committee agreed to provide a copy of the Hansard of the oral evidence session to the Department for consideration of the issues raised when finalising the draft Human Trafficking and Modern Slavery Strategy 2016/17.

#### **5. Oral Evidence Session on Proposed Changes to the Cost Protection Regime for Environmental Challenges**

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

Laurene McAlpine, Deputy Director, Civil Justice Policy Division, Department of Justice  
Naomi Callaghan, Head of EU Branch, Civil Justice Policy Division, Department of Justice

*Mr Sheehan rejoined the meeting at 3.21 p.m.*

The officials outlined the proposed changes to the cost protection scheme for environmental challenges governed by the Cost Protection (Aarhus Convention) Regulations (Northern Ireland) 2013.

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 it was content with the proposed changes to the cost protection scheme for environmental challenges.

**6. Oral Evidence Session on 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**

Alan Smyth, Head of Licensing, Legislation and Public Protection, Northern Ireland Prison Service joined the meeting at 3.35 p.m.

Mr Smyth outlined the purpose of the Secretary of State's Direction which sets out arrangements for how the Department of Justice officials, when dealing with operational prison matters that remain in the reserved field, are to be treated as Officers of the Secretary of State, and how it operates.

The briefing was followed by a question and answer session.

The briefing was recorded by Hansard.

*Ms Bailey left the meeting at 3.41 p.m.*

The Chairperson thanked Mr Smyth for his attendance.

*Ms Bailey rejoined the meeting at 3.46 p.m.*

The Sinn Féin Members of the Committee indicated that they were unable to endorse the Secretary of State's Direction.

*Agreed:* The Committee agreed that it was content to note the intention to renew, unaltered, 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 for a further 12 months from October 2016.

*Agreed:* The Committee agreed to send the Hansard of the oral evidence session to the Minister of Justice to enable her to consider the issues raised regarding the renewal of the Secretary of State's Direction.

**7. Legislative Consent Motions – Policing and Crime Bill – Maritime Enforcement Powers, Police Powers across UK Jurisdictions, Biometric Retention for Foreign Convictions and Anonymity for Victims of Forced Marriage**

The Committee considered further information provided by the Minister of Justice and the PSNI in relation to the proposed Legislative Consent Motions on maritime enforcement powers and anonymity for victims of forced marriage.

*Mr Attwood left the meeting at 4.07 p.m.*

*Agreed:* The Committee agreed to request further clarification from the Minister of Justice and the Chief Constable regarding the proposed Legislative Consent Motion on maritime enforcement powers.

*Agreed:* The Committee agreed to advise the Minister of Justice that it was minded to recommend that maritime enforcement powers in relation to hot pursuit should be extended to Northern Ireland and would consider the issue further when the additional information requested had been received.

*Agreed:* The Committee agreed that it was content with the proposal to extend the provision for lifelong anonymity of victims of forced marriage to Northern Ireland by way of a Legislative Consent Motion.

*Agreed:* The Committee agreed to request further information from the Department of Justice regarding the lifelong anonymity of victims of forced marriage provisions and the position relating to someone moving to the Republic of Ireland to publish information and then returning to Northern Ireland.

The Committee considered the proposed Legislative Consent Motion relating to police powers across UK Jurisdictions.

*Agreed:* The Committee agreed that it was content with the proposal to extend the police powers across UK jurisdictions provisions in the Policing and Crime Bill to Northern Ireland by way of a Legislative Consent Motion.

The Committee considered the proposed Legislative Consent Motion relating to biometric retention for foreign convictions.

The Sinn Féin Members of the Committee indicated that they were opposed to the proposed Legislative Consent Motion.

*Agreed:* The Committee agreed that it was content with the proposal to extend the biometric retention provisions in relation to foreign convictions in the Policing and Crime Bill to Northern Ireland by way of a Legislative Consent Motion.

#### **8. SR 2016/297: The Crown Court (Amendment) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/297: The Crown Court (Amendment) Rules (Northern Ireland) 2016 to make 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 (Northern Ireland) 2015, which will create a single jurisdiction for the County 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 considered SR 2016/297: The Crown Court (Amendment) Rules (Northern Ireland) 2016 and had no objection to the Rule.

#### **9. SR 2016/298: The Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) (Amendment) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/298: The Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) (Amendment) Rules (Northern Ireland) 2016 which will make a technical, consequential amendment to the 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 (Northern Ireland) 2015, which will create a single jurisdiction for the County Courts and the Magistrates' Courts by removing a single reference to "petty sessions district".

*Agreed:* The Committee considered SR 2016/298: The Crown Court (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) (Amendment) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**10. SR 2016/299: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2016**

The Committee considered SR 2016/299: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2016 which will make 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 (Northern Ireland) 2015 which will create a single jurisdiction for the County 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 considered SR 2016/299: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2016 and had no objection to the Rule.

**11. SR 2016/300: The County Court (Miscellaneous Amendments) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/300: The County Court (Miscellaneous Amendments) Rules (Northern Ireland) 2016 which will make technical, consequential amendments to free-standing County Court Rules, necessary in light of the provisions introduced by Part 1 of the Justice Act (Northern Ireland) 2015, which will create a single jurisdiction for the County 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 considered SR 2016/300: The County Court (Miscellaneous Amendments) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**12. SR 2016/301: The Family Proceedings (Amendment) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/301: The Family Proceedings (Amendment) Rules (Northern Ireland) 2016 which will make 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 (Northern Ireland) 2015, which will create a single jurisdiction for the County 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 considered SR 2016/301: The Family Proceedings (Amendment) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**13. SR 2016/302: The County Court (Amendment) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/302: The County Court (Amendment) Rules (Northern Ireland) 2016 which will make 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 (Northern Ireland) 2015, which will create a single

jurisdiction for the County 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 considered SR 2016/302: The County Court (Amendment) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**14. SR 2016/303: The Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/303: The Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2016 which will make technical, consequential amendments to a number of free-standing Magistrates' Court Rules, necessary in light of provisions introduced by Part 1 of the Justice Act (Northern Ireland) 2015, which will create a single jurisdiction for the County 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 considered SR 2016/303: The Magistrates' Courts (Miscellaneous Amendments) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**15. SR 2016/304: The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2016**

The Committee considered SR 2016/304: The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2016 which will make technical, consequential amendments to the Magistrates' Courts Rules (Northern Ireland) 1984, necessary in light of provisions introduced by Part 1 of the Justice Act (Northern Ireland) 2015 which will create a single jurisdiction for the County Courts and the Magistrates' Courts, primarily by removing the terms "county court division" and "petty sessions district" and related references from the Rules.

*Agreed:* The Committee considered SR 2016/304: The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2016 and had no objection to the Rule.

**16. SR 2016/317: The Justice Act (Northern Ireland) 2015 (Single Jurisdiction) (Consequential Amendments) Order**

The Committee considered SR 2016/317: The Justice Act (Northern Ireland) 2015 (Single Jurisdiction) (Consequential Amendments) Order which will make technical, consequential amendments to all relevant Northern Ireland subordinate legislation, other than Court Rules, in light of the provisions introduced by Part 1 of the Justice Act (Northern Ireland) 2015, which will create a single jurisdiction for the County Courts and the Magistrates' Courts by removing the terms "county court division" and "petty sessions district" and related references where they appear in the legislation.

*Agreed:* The Committee considered SR 2016/317: The Justice Act (Northern Ireland) 2015 (Single Jurisdiction) (Consequential Amendments) Order (Northern Ireland) 2016 and had no objection to the Rule.

### **17. SL1: The County Court (Amendment No.2) Rules (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the County Court Rules (Northern Ireland) 1981 which govern practice and procedure in the County Court to amend Order 48 and Form 209 and insert a new Form 200B into the 1981 Rules as a result of provision made by the Licensing Act (Northern Ireland) 2016, which allows outdoor stadia designated as being of importance to the whole of Northern Ireland to apply for a licence to sell liquor.

*Mr Sheehan left the meeting at 4.22 p.m.*

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

### **18. SL1: The Making Available on the Market and Supervision of Transfers of Explosives Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to implement European Directive 2014/28/EU (the Civil Uses Directive) on the harmonisation of the laws of the Members States relating to the making available on the market and supervision of explosives for civil uses.

*Mr Attwood rejoined the meeting at 4.23 p.m.*

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

### **19. SL1: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to make minor changes to the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2015 to update the list of ‘prescribed police stations’ where convicted sex offenders can attend in order to notify their personal details to police, as required under the statutory notification arrangements of the Sexual Offences Act 2003.

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

### **20. Draft Programme for Government – Department of Justice Draft Action Plans for Outcome 7**

The Committee considered draft action plans provided by the Department of Justice for the three indicators associated with draft Programme for Government Outcome 7 “*We have a safe community where we respect the law and each other*” for which the Department of Justice is taking the lead.

*Mr Sheehan rejoined the meeting at 4.25 p.m.*

*Agreed:* The Committee agreed to write to the Department highlighting a number of issues that are not reflected in the draft action plans and an indicator regarding court cases that is not sufficiently robust.

*Agreed:* The Committee noted the intention to consult on the draft action plans and agreed to consider them further in due course.



*Agreed:* The Committee agreed to request details of the results of the consultation on the draft Programme for Government Framework that have been provided to the Department of Justice by the Executive Office and what changes, if any, are being considered.

## **21. Correspondence**

- i. The Committee noted a correction slip from the Department of Justice for SR 2016/268: The Juries (Amendment) Regulations (NI) 2016.
- ii. The Committee noted a copy of correspondence from the Public Accounts Committee to the Taxing Master requesting information to assist its consideration of the Northern Ireland Audit Office Report on Managing Legal Aid.
- iii. The Committee noted a response from the PSNI to the Committee for Agriculture, Environment and Rural Affairs regarding the proposal to introduce online applications for firearms licences.
- iv. The Committee considered correspondence from the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) providing information on its upcoming events and inviting the Committee to visit NIACRO and hold a Committee meeting in its Headquarters.

*Agreed:* The Committee agreed to visit NIACRO and hold a committee meeting in its Headquarters during the 2016/17 session.

- v. The Committee noted the Criminal Justice Inspection NI Report on the Resolve Community-Based Restorative Justice Scheme.

## **22. Chairperson's Business**

None.

## **23. Any Other Business**

None.

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

The next meeting will be held on Thursday 29 September 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.31 p.m.

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