



**Northern Ireland  
Assembly**

## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 30 JUNE 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  
Ms Michaela Boyle MLA  
Mr Sammy Douglas MLA  
Mr Declan Kearney MLA  
Mr Trevor Lunn 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)  
Ms Allison Ferguson (Clerical Officer)

Apologies: Ms Clare Bailey MLA

*The meeting commenced at 2.06 p.m. in open session.*

#### **1. Apologies**

As above.

The Committee expressed its condolences to Clare Bailey MLA in relation to her recent family bereavement.

## **2. Draft Minutes**

The Committee agreed the minutes of the meetings held on Thursday 16 June 2016 and Tuesday 21 June 2016.

## **3. Matters Arising**

### **Item 1 – Committee Work Programme**

The Committee noted the postponement by the Department of Justice of the written briefing 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 which had been on the work programme for today's meeting. It would be rescheduled for early September 2016.

*Agreed:* The Committee agreed to request detailed information from the Department of Justice on the key legislative, budget and policy issues it intends to bring to the Committee for consideration during the 2016/17 session.

### **Item 2 – Consultation on the draft Human Trafficking and Modern Slavery Strategy 2016/17**

The Committee noted that the Department of Justice 10-week public consultation on the draft Human Trafficking and Modern Slavery Strategy 2016-17 would be launched on 1 July 2016.

## **4. Overview Briefing on Justice Key Issues and Priorities**

The Minister of Justice, Claire Sugden MLA, Anthony Harbinson, Director, Safer Communities Directorate, and David Lavery, Director, Access to Justice Directorate, Department of Justice joined the meeting at 2.10 p.m.

The Minister outlined the main issues facing the Department of Justice and her key priorities.

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 Minister and her officials for their attendance.

## **5. Briefing on Coercive Control and Domestic Violence**

Professor Evan Stark, School of Public Affairs and Administration, Rutgers University, joined the meeting at 4.00 p.m.

Professor Stark outlined recent developments in England and Wales and in Scotland in relation to Coercive Control and Domestic Violence and a new offence.

The briefing was followed by a question and answer session.

*Mr Kearney left the meeting at 4.54 p.m.*

*Mr Lunn left the meeting at 5.03 p.m.*

The briefing was recorded by Hansard.

The Chairperson thanked Professor Stark for his attendance.

*Agreed:* The Committee agreed to request information from the Department of Justice on the legal protection from stalking that currently exists in Northern Ireland.

## **6. Oral Evidence Session on Remunerating Exceptional Circumstances in the Magistrates' Courts in Northern Ireland – Results of a Targeted Consultation and Proposed Draft Rules**

The following officials joined the meeting at 5.09 p.m.

Mark McGuckin, Deputy Director, Public Legal Services Division, Department of Justice

Mark McGuicken, Public Legal Services Division, Department of Justice

Richard Cushnie, Public Legal Services Division, Department of Justice

Mark McGuckin outlined the results of a targeted consultation on legal aid remuneration in exceptional circumstances in the Magistrates' Courts and the proposals for exceptionality arrangements.

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 noted the results of the targeted consultation and agreed that it was content to consider the Draft Rules to provide for remuneration of exceptional circumstances in the Magistrates' Courts in Northern Ireland in due course.

## **7. SL1: The Offender Levy (Road Traffic) Order (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by the Justice Act (Northern Ireland) 2011, to broaden the scope of the existing offender levy initiative by extending it to the graduated fixed penalties and financial penalty deposits scheme operated by the Driver and Vehicle Agency.

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

## **8. SL1: The Care Tribunal (Amendment) Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to 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 (NSCC) 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 Social Services (Amendment) Act (NI) 2016.

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

## **9. Changes to the Cost Protection Regime for Environmental Challenges – Summary of Consultation Responses and Proposed Way Forward**

The Committee considered proposed changes by the Department of Justice to the costs protection scheme for environmental challenges governed by the Costs Protection (Aarhus Convention) Regulations (Northern Ireland) 2013.

*Agreed:* The Committee agreed to schedule an oral briefing by departmental officials on the proposed changes to the Costs Protection (Aarhus Convention) Regulations (Northern Ireland) 2013.

## **10. Review of Voluntary, Community and Social Enterprise Sector Funding Model – Proposed Consultation**

The Committee considered information provided by the Department of Justice on a Review of the Voluntary, Community and Social Enterprise Funding Model and noted its intention to undertake a public consultation.

*Agreed:* The Committee agreed to consider the proposals regarding the Voluntary, Community and Social Enterprise Sector Funding Model when the results of the consultation are available.

*Agreed:* The Committee agreed to advise the Department of Justice that it was aware that there are concerns regarding the proposals from a number of the voluntary and community organisations and it therefore wished to schedule an oral briefing by departmental officials on the results of the consultation.

## **11. Commencement of Psychoactive Substances Act 2016 – Information Paper**

The Committee noted information provided by the Department of Justice on the arrangements in place to implement in Northern Ireland the provisions of the Psychoactive Substances Act 2016 which created a blanket ban on the production, distribution, sale and supply of psychoactive substances in the United Kingdom.

## 12. Correspondence

- i. The Committee noted a response from the Department of Justice providing an update on issues highlighted in the previous Justice Committee's Legacy Report.
- ii. The Committee noted a response from the Department of Justice providing further information on the cross-departmental process to examine how instances of abuse outside the institutions considered within the remit of the Historical Institutional Abuse Inquiry might be progressed.
- iii. The Committee noted a response from the Department of Justice providing further information following the oral evidence session on the Reducing Offending Directorate on 1 June 2016.
- iv. The Committee noted a response from the Department of Justice on the development of an action plan following the report of the Fresh Start Panel on the Disbandment of Paramilitary Groups in Northern Ireland.
- v. The Committee noted correspondence from the Department of Justice advising of the publication of the Judicial Statistics 2015 report on criminal, civil and family business in the Northern Ireland Courts and Tribunals Service.
- vi. The Committee noted the Justice (2015 Act) (Commencement No.6) Order (NI) 2016.
- vii. The Committee noted the Justice (2016 Act) (Commencement No.1) Order (Northern Ireland) 2016.
- viii. The Committee considered correspondence from the Committee for Agriculture, Environment and Rural Affairs providing a copy of a letter it had sent to the Chief Constable of the PSNI regarding the use of an online application process for firearms licences.

*Agreed:* The Committee agreed to request a copy of the Chief Constable's response to the Agriculture, Environment and Rural Affairs Committee on the matter.

- ix. The Committee noted correspondence from the Committee for the Executive providing details of public consultation events on the Draft Programme for Government Framework 2016 – 2021.
- x. The Committee considered correspondence from the Committee for the Executive providing information on a draft timetable for the process associated with the Draft Programme for Government Framework 2016-2021.

*Agreed:* The Committee agreed to request a copy of the Department of Justice Draft Programme for Government action plan for the meeting on 15 September to enable the Committee to consider it prior to the further consultation.

- xi. The Committee considered correspondence from the Committee for Finance providing information on the Department of Finance 2017-2020 budget timetable.

*Agreed:* The Committee agreed to request budget information from the Department of Justice (DoJ) on its baseline position, pressures, spending priorities, any proposed efficiencies and the linkages to the

draft Programme for Government for the meeting on 15 September to enable the Committee to consider the draft DoJ budget prior to the consultation.

- xii. The Committee considered correspondence from His Honour Judge Marrinan regarding the Judicial Appointments process and the previous Justice Committee's proposed inquiry.
- Agreed:* The Committee agreed that an informal meeting with Judge Marrinan, the Chairperson and Deputy Chairperson, to which all Committee Members would be invited to attend, should be arranged to discuss the matter.
- xiii. The Committee noted the Criminal Justice Inspection Northern Ireland Report on '*Anti-Social Behaviour - A Follow-Up Review*'.
- xiv. The Committee noted the Investment Strategy for Northern Ireland – Department of Justice's Procurement Activity Report for June 2016.
- xv. The Committee considered a response from the Department of Justice providing further information on the Sentencing Policy Review commissioned by the Minister of Justice.
- Agreed:* The Committee agreed to consider which stakeholders should be included in the engagement process at the beginning of the next session and to share its research on sentencing guidelines/mechanisms elsewhere and on international good practice with the Department when available.
- Agreed:* The Committee agreed to schedule an oral briefing on the views emerging from the pre-policy engagement process.
- xvi. The Committee noted correspondence from the Department of Justice regarding amendments to the Access NI targets for the issue of disclosure certificates after applications for basic, standard and enhanced checks have been received.
- xvii. The Committee noted correspondence from the Department of Justice providing a copy of the Report of the Appointed Person for Northern Ireland under Sections 195I and 291 of the Proceeds of Crime Act 2002 which would be laid in the Assembly in July 2016.
- xviii. The Committee noted correspondence from the Department of Justice providing a copy of the responses to the NI Courts and Tribunals Service consultation on proposed Court Funds Office Fees.
- xix. The Committee considered a response from the National Crime Agency (NCA) regarding the Fresh Start Agreement and tackling organised crime in Northern Ireland.
- Agreed:* The Committee agreed to ask the Minister of Justice for her comments on the response.
- xx. The Committee noted the Criminal Justice Inspection Northern Ireland Report on '*Impact of Prisoner Recalls on the Criminal Justice System.*'

- xxi. The Committee considered a request from Autism NI and the National Autistic Society NI to brief the Committee on the Broken Promises Report and the provision of services for autistic individuals and their families in Northern Ireland.  
  
*Agreed:* The Committee agreed that an informal meeting with Autism NI, the National Autistic Society NI, the Chairperson and Deputy Chairperson, to which all other Committee Members would be invited to attend, should be arranged.
- xxii. The Committee noted the Forensic Science NI Annual Report and Accounts for the year ended 31 March 2016.
- xxiii. The Committee noted the Prisoner Ombudsman for Northern Ireland 2015-16 Annual Report.
- xxiv. The Committee noted the NI Policing Board Annual Report and Accounts 2015-16.

### **13. Chairperson's Business**

#### **Item 1 – Introductory Meetings**

The Chairperson advised Members that he and the Deputy Chairperson had held introductory meetings with the Lord Chief Justice and the Bar Council during which both had indicated their willingness to support the work of the Committee.

#### **Item 2 – Committee Informal Strategic Planning Meeting**

The Chairperson thanked Members for their contributions to the earlier Committee initial strategic planning session and highlighted a range of issues that had been discussed including the withdrawal of the United Kingdom from the European Union as a result of the outcome of the recent referendum.

*Agreed:* The Committee agreed to request information from the Minister of Justice and the Chief Constable on the likely justice implications for Northern Ireland and the key issues arising as a result of the outcome of the recent referendum.

*Agreed:* The Committee agreed to request a progress report on the implementation of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 from the Department of Justice.

*Agreed:* The Committee agreed that it wished to see the consultation on the possible legislative changes to improve on-line protection as outlined in the previous Justice Committee's Report on the Committee Stage of the Justice Bill taken forward as a matter of priority and to request a specific timeline for this from the Department of Justice.

#### **14. Any Other Business**

The possibility of holding meetings outside Parliament Buildings was raised.

*Agreed:* The Committee agreed that options for external meetings would be considered as part of the next strategic planning session.

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

The next meeting will be held on Thursday 15 September 2016 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.45 p.m.

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