



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Faster, Fairer Justice Bill: Policy Areas

5 July 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Stewart Dickson
Mr Tom Elliott
Mr Seán Lynch
Mr Peter Weir
Mr Jim Wells

Witnesses:

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| Ms Angela Bell | Department of Justice |
| Ms Maura Campbell | Department of Justice |
| Mr Tom Haire | Department of Justice |
| Mr Gareth Johnston | Department of Justice |

The Chairperson: I welcome Gareth Johnston, head of criminal justice policy and legislation division; Angela Bell, jurisdictional redesign division; and Tom Haire, the Bill manager in the criminal justice policy and legislation division. This session will be recorded by Hansard, and a report will be published in due course. I invite you to outline the Bill to us.

Mr Johnston: Thank you, Chairman, for the opportunity to provide the Committee with an overview of the Justice Minister's plans for a further justice Bill, which, subject to the Committee's views, he proposes to put to the Executive after the summer. It is a Bill that we in the Department refer to as the faster, fairer justice Bill because that is, in essence, what the legislative package will be about. While, ultimately, the title will be a matter for the draftsman, the Minister's intention is that his next piece of legislation should be about delivering a more effective, efficient and user-friendly criminal justice system and should speed up the justice process, improve the way we do things and provide a better service to the public and, importantly, to victims. It is a Bill that will, therefore, reflect the Department of Justice's key strategic priorities.

I do not propose to go through each aspect of the Bill in great detail. You have our paper on the Bill's content, and my colleagues and I are more than happy to pick up any specific issues that are raised in discussion. My colleague Maura Campbell leads on victims and witnesses and on speeding up justice elements, as you know. Conveniently, you have just heard from her about early guilty pleas and committals, and, of course, the Minister gave his initial response to the Committee's inquiry report on services for victims and witnesses on Tuesday evening. Angela Bell leads on what we term "the creation of a single territorial jurisdiction", whereby we will create a better and more flexible system to

allocate and deal with court business. Along with Tom Haire, the Bill manager, I will attempt to deal with any other aspects of the Bill, largely the criminal justice content.

I will say a few words about the strategic context. The faster, fairer justice Bill should be seen in the context of the major reform programme that the Justice Minister has under way. It is a key part of reshaping our justice system and is built around the key objectives of doing our business better and improving access. Justice Bills can be prone to accusations that they are Christmas tree legislation, in that they start at the top with a bright light or star of a good idea and gradually spread out into a wider and wider remit until there is a present for everybody at the bottom. We are aiming for this Bill to be more focused, and it will be guided by doing our business better and improving access. It links very much to the strategic reforms the Minister has under way, including improving victim and witness services; speeding up justice, legal aid reform and youth justice reform; and improving efficiency. Each of those topics features in the proposed Bill.

I will very quickly say what we propose the Bill will contain in each of those areas. The Minister is keen to use the Bill as the vehicle for responding to the Committee's call in its inquiry report for statutory entitlements for victims and for statutory case management. We were already planning to put the existing code of practice for victims on a statutory footing, but we are happy to explore how we might give victims greater legal clarity around how they can expect to be treated during their engagement with the criminal justice process. We are also minded to place in statute the entitlement to make a victim impact statement, and that is in response to the recent consultation on the provision of victim impact statements and reports. A summary of consultation responses has been sent to you and is, I understand, included on the agenda for today's business. On Tuesday evening, the Minister indicated that we have already been exploring the options for creating a statutory duty in relation to case management, and my colleagues will revert to you on that after the recess.

That coverage of victims' issues leads on to the theme of speeding up justice. The Bill will reform the committal process and improve transparency around the credit given for early pleas. It will allow the Public Prosecution Service (PPS) to do its work better by allowing it to issue summonses and prosecutorial fines. The latter are aimed at keeping cases out of the court system; cases that are not caught by the recently introduced penalty notices for disorder but that still do not need a full court process.

Then there is improving access and the way that we do our business. The Bill will create a single court jurisdiction to allow cases to be moved around in appropriate circumstances to be dealt with more expeditiously. Live link or video link capabilities will be expanded to allow a wider range of cases to be dealt with more conveniently and securely. Victims will see access to justice improved. Cases will be able to be brought forward more quickly, and the new flexibility will benefit court users. For example, under a single jurisdiction, it may be possible for a case to be heard at a court that is more convenient to a victim or witness or that has specialist facilities, such as enhanced accessibility or live links. Similarly, a case could be listed at a venue where it might be heard sooner, thus reducing delay and the associated stress suffered by all those involved.

I will move on through the topics arising from the youth justice review. Unless there are truly exceptional circumstances, we will see those who are under 18 years of age statutorily removed from the young offenders centre through provisions in the Bill.

The Justice Minister is determined to tackle the problem of fine default. His proposals in that area will see the creation of a civilianised enforcement and collection service, with powers to deduct moneys from incomes and a freeing up of police resources and officer time for front line duties. Valuable prison places will be freed up by that and by an early removal scheme for foreign national prisoners.

Finally, an enhancement to legal aid inspection powers will help to counter potential fraud and build on the changes made in the Justice Act (Northern Ireland) 2011.

The Committee will be familiar with much of what I have just outlined. The Bill is built on a total of 10 full policy consultations, one of which, on live links, is still in the field, as are three technical, targeted exercises, which the Committee approved. Subject to today's meeting, after the summer recess, the Minister intends to seek Executive approval to have the Bill drafted, with a view to introduction to the Assembly in January 2013. Our Minister very much sees the importance of the Committee's input to the Bill and looks forward to working with you as the legislation is developed, as we did with the Bill that became the Justice Act (Northern Ireland) 2011.

Chairman, we are very happy to take comments or questions.

The Chairperson: Thank you very much for taking us through the paper, Gareth. Obviously, we had the inquiry, and then the report was published. I appreciate that you may not have had time to go through it in detail. The Minister did respond to the Assembly and gave a commitment to the likes of the charter, which he wants to place on a statutory footing. Will that amend the code of practice element that is referred to in the paper? The code of practice and the charter will be victim-centred. Is that something that can be addressed before it comes to the Committee?

Ms Maura Campbell (Department of Justice): The short answer is yes. The paper had to be prepared before we had sight of the Committee report. Although we probably could have anticipated some of the recommendations, we wanted to have the opportunity to consider the report. Certainly, in principle, the Minister is very happy with the idea that we put statutory entitlements for victims in the faster, fairer justice Bill. We need to look at how we link that with the existing code of practice. We had already planned to put that on a statutory footing. We are probably looking at creating a set of overarching entitlements along the lines that the Committee has suggested and then putting the code on a statutory footing. The detail of the code would be administrative, but it would have that extra standing. We will come back to you with more detailed proposals once we have had the chance to work that through, but, in principle, yes, that is what we want to do.

The Chairperson: That would be helpful. When we get the Bill, we will go back to the report to see whether what we asked to be included in legislation has been included in this Bill. If at all possible, we would like that to come to us reflecting what we asked for in our report.

Mr McCartney: This is only about the principles. Will the prosecutorial fines be on record, or will they be like fixed-penalty notices?

Mr Johnston: They would not be part of the criminal record. I expect that, like the fixed-penalty notices, a separate note of them will be kept so that, if you come back again, you might be prosecuted. It is a more effective way of dealing with the more minor end of offending.

Ms M Campbell: The distinction between a criminal record and a criminal history is that a criminal record is what you draw information from for disclosure purposes and a criminal history is for the operation of the justice agencies.

Mr McCartney: If a person is offered a fine, can they say no and then opt for trial?

Ms M Campbell: Yes.

Mr McCartney: I assume that the issuing of summonses will be done by an agency rather than the PPS. Is that the proposal?

Mr Johnston: Summonses would be signed by the PPS. Sometimes they are served by post and sometimes they are served by summons servers, who are from an outside agency.

Ms M Campbell: Having to bring a summons to a lay magistrate in a court for signature is one of the things that can contribute to delay. If the prosecutor can sign it himself or herself, that takes a stage out of the process.

Mr Lynch: You mentioned victim impact statements. Will the Bill address community impact statements?

Ms M Campbell: We are still consulting on community impact assessments. We launched the consultation in May, and it is due to close at the end of August. We will come back to the Committee after the summer recess with the outcome of that consultation.

Mr Wells: There was a very interesting programme this morning on the radio with those who had been prosecuted as a result of the London riots. As you know, some of them were in court within 72 hours and began their sentences the following day. It was quite remarkable to hear the number of them who said that they had been treated fairly and that it sent out a very clear, short, sharp message. Under your proposals, could that happen in Northern Ireland? If not, why not?

Mr Johnston: There are certainly occasions on which people are brought to court and sentenced within a short period where they are willing to plead and we do not need to get into a whole trial.

Ms M Campbell: It is more of an issue of case listing. If the courts decided to list those cases early and group them in some way, they could do that, but I do not think that would require a change to legislation.

Mr Wells: I have never heard of that happening in Northern Ireland. I have heard of people rioting and pleading guilty, but I have never heard of them being done by 15 July, which is when a lot of that happens. It was also interesting that a major factor in the reduction in the violence in London was the fact that hundreds of people, mostly young men, were put through the courts within a week of the destruction having happened. Obviously, those were all guilty pleas, so there was no abuse of process in the sense that none of them claimed that they were hard done by; the vast bulk pleaded guilty. I would like to think that we, at some stage, could move to a similar situation.

Mr Johnston: We had discussions about that with the Criminal Justice Board in the wake of the London riots. If we had a situation, not necessarily a riot situation but a bad situation locally, how could the system as a whole respond? There was a feeling that, through using listing and maybe holding special court sittings, if that were needed in a situation like that, we could certainly get cases through. However, as Maura says, special provision is not needed in the Bill because that can be done within the existing arrangements. It would just be a question of what administrative arrangements were in place.

Mr Anderson: As regards fine enforcement and fine default, community-type disposals could maybe take place. When a fine is imposed and someone defaults on payment, you look at community time. Why would it not be a case of going straight for the community time in the first place?

Mr Johnston: In response to comments that the Committee made previously, we are now proposing that it would be open to a court to impose a supervised activity order (SAO) forthwith, which would mean that, if someone were saying upfront, "I cannot pay this fine", they could move straight to an SAO without having to wait.

Mr Anderson: OK. I have picked that up now. That is clarified. Thank you.

The Chairperson: Thank you all very much for coming along.