



Northern Ireland  
Assembly

# Committee for Justice

## Minutes of Proceedings

**Thursday 26 June 2025**

**Room 30, Parliament Buildings, Belfast**

**Present:**

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Maurice Bradley MLA

Connie Egan MLA

Ciara Ferguson MLA

**Present by Video or Teleconference:**

Danny Baker MLA

Doug Beattie MLA

Stephen Dunne MLA

Justin McNulty MLA

**In Attendance:**

Kathy O'Hanlon (Assembly Clerk)

Thomas McKillop (Senior Assistant Assembly Clerk)

Jonny Redpath (Assistant Assembly Clerk)

Stephen Corr (Clerical Supervisor)

Aaron Pakenham (Clerical Officer)

**Agreed:** That the meeting should begin in closed session for a briefing from Assembly Legal Services regarding the consideration of photographs as biometric data.

**Agreed:** That two student interns could attend the closed session in the public gallery.

*The meeting commenced at 2.03pm in closed session.*

## **1. Apologies**

There were no apologies.

## **2. Justice Bill — Consideration of Photographs as Biometric Data — Assembly Legal Services oral briefing**

Caroline Byers, a Legal Adviser with Assembly's Legal Services Office, joined the meeting at 2.04pm.

The official provided an analysis of photographs and images being considered as biometric data.

The briefing was followed by a question-and-answer session.

*Maurice Bradley joined the meeting at 2.06pm.*

*Justin McNulty joined the meeting at 2.09pm.*

**Agreed:** To ask the Scottish Biometrics Commissioner whether photographs are released post-conviction in Scotland.

*Stephen Dunne joined the meeting at 2.46pm.*

The Chairperson thanked the official and she left the meeting at 2.58pm.

**Agreed:** To ask the Department of Justice:

- why photographs are not included as biometric data in the Justice Bill or in the proposed biometrics amendments;
- what consideration has been given as to how the absence of retention periods for photographs could be defended in the event of a legal challenge via a judicial review or a human rights challenge;
- whether it believes the absence of retention periods for photographs is compliant with the European Convention on Human Rights, particularly Article 8, and with the judgement by the European Court of Human Rights in *Gaughran vs UK*;
- how existing photos will be treated under data protection law and any new retention schedule;
- to provide its views on the definition of biometric material as used by the Scottish Biometrics Commissioner, which includes photographs.

**Agreed:** To ask the PSNI for information on how they currently use custody photographs; and how custody photographs taken by the PSNI could be used by other police forces when they are uploaded to the Police National Database.

*The meeting moved into public session at 3.06pm.*

**Agreed:** That the oral evidence session with Include Youth and Voice of Young People in Care (VOYPIC) would be recorded by Hansard.

*Danny Baker declared an interest in relation to an immediate family member who works for the Probation Board for Northern Ireland.*

*Joanne Bunting declared an interest in relation to an immediate family member who works in the legal profession.*

### **3. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on Thursday 19 June 2025.

### **4. Matters Arising**

#### **4.1 PSNI Response regarding PACE Codes**

The Committee considered a response from the PSNI providing its views on the Department of Justice's updated drafts for the interim annexes to a number of PACE Codes.

The Chairperson reminded Members that, at last week's meeting, the Committee agreed that the PACE codes would be included on the agenda for consideration at the Committee meeting of 3 July 2025.

**Agreed:** That only the most recent papers regarding the PACE codes should be included in the meeting pack for 3 July 2025.

### **5. Justice Bill — Include Youth and VOYPIC**

Paula Rodgers, policy manager at Include Youth, and Alicia Toal, Chief Executive at VOYPIC, joined the meeting at 3.09pm.

The witnesses provided oral evidence on the Justice Bill.

The oral evidence was followed by a question-and-answer session.

*Danny Baker left the meeting at 4.07pm.*

The witnesses agreed to provide the Committee with information regarding any engagement that their organisations had with the Department of Justice on the proposal to change the terminology throughout the Justice Bill from "juvenile" to "child".

The witnesses agreed to provide the Committee with the document '10 reasons why Ten is Too Young' in relation to raising the age of criminal responsibility.

The witnesses agreed to provide information on their organisations' views regarding the provisions in the Justice Bill and the proposed amendments regarding Live Links.

**Agreed:** To ask the Department of Health to provide information on the number of children who have been placed in unregulated environments such as hostels, bed and breakfasts, and hotels.

The evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 4.30pm.

## **6. Justice Bill — Proposed Deepfake Amendment Consultation — Department of Justice**

Andrew Dawson, Director of Criminal Justice, Police and Legislation, and Lorraine Ferguson-Coote, Head of the Criminal Policy Unit, joined the meeting at 4.31pm.

The witnesses provided oral evidence on the consultation for the proposed deepfake amendment to the Justice Bill.

The oral evidence was followed by a question-and-answer session.

The officials agreed to clarify whether there is a deadline for social media companies to remove illegal content from their sites; and to share the Department's human rights considerations and the Northern Ireland Human Rights Commission's comments on the proposed amendment, when available.

The evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 5.11pm.

*Stephen Dunne left the meeting at 5.11pm.*

*Connie Egan left the meeting at 5.11pm.*

*Justin McNulty left the meeting at 5.11pm.*

## **7. Research and Information Service (RaISe) written paper — proposed amendments to the Justice Bill**

The Committee noted a RaISe paper on the Department's proposed amendments to the Justice Bill regarding AccessNI filtering.

**Agreed:** To ask the Department of Justice to respond to the questions outlined in the paper.

The Chairperson informed Members that the Research Officer is continuing to work on research papers regarding the Department's proposed amendments to the Justice Bill on organised crime and on live links and that the papers will be circulated to Members when available during summer recess.

## **8. Justice Bill — written papers**

### **8.1 — Department of Justice response regarding the proposed restorative justice accreditation**

The Chairperson reminded Members that, at its meeting on 22 May 2025, the Committee received legal advice on the human rights aspects of the proposed restorative justice amendment to the Justice Bill and agreed to ask the Department of Justice for updates and clarity on several related matters.

The Committee considered the Department of Justice's response to the above.

The Deputy Chairperson noted her concerns about the transfer of accreditation to the Minister of Justice and oversight of the process; and emphasised the importance of community-based restorative justice projects.

**Agreed:** To ask the Department how it will be determined which organisations people are referred to; for information about training for organisations and how the accreditation process will work in the absence of training should funding not be available; for clarity on the timelines for the new Practice Standards and Accreditation Framework; and whether it is anticipated that every organisation will be subject to review by Criminal Justice Inspection Northern Ireland within the accreditation period.

## **8.2 — PNSI response following oral evidence session of 10 April 2025: custody images**

The Committee considered a response from the PSNI to its request for information regarding the draft service instruction relating to the release of custody images and a list of instances of when it is deemed legitimate and proportionate to release such images.

**Agreed:** To note the response and to explore further with the PSNI during any further evidence sessions on the Justice Bill.

## **8.3 — PNSI response following oral evidence session of 10 April 2025: repeal of vagrancy legislation and the transfer of the injury-on-duty scheme**

The Committee considered a response from the PSNI regarding what other legislation could be used to deal with any gaps or unintended consequences resulting from the proposal to repeal vagrancy legislation; and its views on the proposal to transfer the injury-on-duty scheme from the Northern Ireland Policing Board to the PSNI.

**Agreed:** To note the response and to explore further with the PSNI during any further evidence sessions on the Justice Bill.

## **8.4 — Law Society of Northern Ireland response following oral evidence session of 15 May 2025: biometric material and PACE codes of practice**

The Committee considered a written briefing from the Law Society regarding its concerns about the proportionality of the proposed retention periods for biometric material and the impact on the Police and Criminal Evidence (Northern Ireland) Order 1989 codes of practice.

**Agreed:** To note the written briefing and to consider further when scrutinising the biometrics provisions and proposed amendments.

*Justin McNulty returned to the meeting at 5.18pm.*

## **8.5 — Committee for Justice roundtable event of 5 June 2025: note of discussions**

**Agreed:** The Committee agreed the note of the discussions at the roundtable event with grassroots community organisations held on 5 June 2025.

**Agreed:** To forward the note to attendees for information.

### **8.6 — Requests for further information**

The Committee noted a paper from the Committee for Justice team collating a list of the Committee's requests for information on the Justice Bill and the responses received to date.

## **9. Police Pensions (Amendment) Regulations — consultation — Department of Justice written paper**

The Chairperson informed Members that the Department of Justice proposes undertake a consultation on amendments to the Police Pensions Regulations (Northern Ireland) 2015 to retrospectively disapply the ill-health eligibility requirement to the 2015 Police Pension Scheme for officers who were active or deferred members of the scheme in order to address a risk of a disability discrimination challenge.

The Chairperson advised Members that the consultation will run from 27 June 2025 to 2 October 2025 and that, subject to Ministerial agreement, the Department anticipates that the SL1 proposal for the related Statutory Rule will be provided to the Committee in late November.

**Agreed:** To note the paper and to consider further when the results of the consultation and the SL1 are available.

## **10. Out of Court Disposals — Consultation on Proposed Changes — Department of Justice written paper**

The Chairperson informed Members that the Department of Justice has advised the Committee of its intention to consult on the proposed expansion of out of court disposals, including penalty notices in the Justice Act (Northern Ireland) 2011, and that the areas of focus are to expand the range of offences for which a penalty notice can be issued by the PSNI, along with a revalorisation of the fixed amounts payable;

and enhancing arrangements for prosecutorial fines to examine whether powers can be provided to prosecutors to enable them to issue penalty points alongside a prosecutorial fine for low level driving offences.

**Agreed:** To raise concerns with the Department of Justice about the types of sentences that are being included and the potential impact on public confidence; and to ask how the Department plans to ensure that as many people as possible are reached through the consultation and that the public has a clear understanding of the types of offences that are being considered.

**Agreed:** To schedule an oral evidence session with departmental officials after the consultation has concluded.

## **11. Correspondence**

- Responses from the Department of Justice, the Department of Finance and the Committee for Finance regarding the Legal Complaints and Regulation Act (Northern Ireland) 2016 and the establishment of the office of the Legal Services Oversight Commissioner.

The Chairperson reminded Members that that the Statutory Rules referred to in the items of correspondence were approved by the Assembly on Tuesday 24 June 2025.

The Chairperson raised her concerns about the timing of receiving the correspondence; the retrospective nature of the levy; the lack of clarity regarding the expansion powers; and about the costs associated with running the Commissioner's office.

- A response from the Department of Justice regarding issues that had been raised during oral evidence provided to the Committee for The Executive Office about some applicants' negative experiences of the Capita assessment process for the Troubles Permanent Disablement Payment Scheme.

**Agreed:** To forward the response to the Committee for The Executive Office.

**Agreed:** To forward the response and the Department's previous response to the Committee for The Executive Office to Relatives for Justice and other organisations that contacted the Committee for Justice.

- Correspondence from several individuals regarding post-19 support for adults with complex needs in Northern Ireland.

**Agreed:** To highlight this matter as an example in the Committee's response to the Assembly and Executive Review Committee's (AERC) review on scrutiny of cross-cutting Executive strategies and policies.

**Agreed:** To respond to the individuals to advise that the matter falls under the remit of the Committee for the Economy; and to acknowledge the difficulties for individuals when raising significant cross-cutting issues with Assembly Committees and advise that this is being considered by the AERC review.

- The Chairperson advised Members that an advance copy of the Public Accounts Committee report on reducing adult reoffending in Northern Ireland was circulated via email on Wednesday 25 June in advance of its publication and that the Public Accounts Committee will retain primacy over the report at least until the Memorandum of Reply has been considered.

**Agreed:** To note the report.

- Notification of the publication of the Independent Monitoring Board's national annual report.

**Agreed:** To schedule an oral briefing with the Independent Monitoring Board.

- A Prisoner Ombudsman report into a post-release death of a prisoner.

**Agreed:** To discuss some of the matters raised in the report during an oral evidence session with the Prisoner Ombudsman.

The Committee noted the following items of correspondence:

- A notification from the Minister of Justice regarding agency arrangements for the Department of Justice to authorise the requisition of land at the Invest NI site (Forthriver Business Park), Springfield Road, Belfast.
- A response from the Department of Justice regarding the Border Security, Asylum and Immigration Bill — Northern Ireland Human Rights Commission report.
- Correspondence from the Department of Justice regarding a proposed amendment to clause 33(9) of the Border Security, Asylum and Immigration Bill.
- A notification from the Department of Justice regarding the publication of the official statistics bulletin on 'Court Prosecutions, Convictions and Out of Court Disposals Statistics for Northern Ireland'.
- A notification from the Department of Justice regarding the report on the operation of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.
- A notification from the Department of Justice regarding the report on section 29 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.
- A copy of correspondence from the PSNI to the Committee for The Executive Office regarding recent disorder across Northern Ireland.
- A press release from the Northern Ireland Judicial Appointments Commission regarding the appointment of the Chief Social Security Commissioner and Chief Child Support Commissioner for Northern Ireland.
- Notification of the publication of the Pivotal report 'Police Delivery in Northern Ireland'.
- Further correspondence from an individual regarding complaints.

## **12. Forward Work Programme**

### **12.1 Crime and Policing Bill — second Legislative Consent Motion**

The Chairperson reminded Members that the Department had previously advised the Committee that a second Legislative Consent Memorandum may be required for the Crime and Policing Bill, and that it could be required before the summer recess.

The Chairperson informed Members that the Committee Clerk has been in discussions with departmental officials and has received correspondence confirming that the second LCM will be required and outlining the provisions that it is proposed should be included. The Department has advised that it will be necessary for it to undertake some work on this over the summer period and it wishes to engage with the Committee before the summer recess begins. This will mean that the item will need to be scheduled for the meeting on 3 July 2025.

The Chairperson advised Members that, given that the Committee will have a short meeting on 3 July, it is proposed that the item is included on the agenda as a written briefing, but that departmental officials will be in attendance to respond to any immediate issues, and that a formal oral evidence session will then be scheduled for the Committee's first meeting after summer recess.

**Agreed:** To proceed with the approach as outlined by the Chairperson.

## **12.2 Department of Justice Forward Work Programme**

The Committee considered a proposed Department of Justice forward work programme.

**Agreed:** To schedule the proposed items of business from the Department in the Committee forward work programme.

## **12.3 Committee Forward Work Programme**

The Committee considered an updated Committee forward work programme.

**Agreed:** To proceed with the sessions in the updated forward work programme, subject to the changes as agreed at today's meeting.

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

The Chairperson advised Members that she has received an invitation from the PSNI to attend a breakfast and operational briefing at Police Headquarters on Saturday 12 July 2025.

**Agreed:** That the Chairperson should attend the event.

### **14. Any other Business**

**Agreed:** To schedule an oral evidence session with the Marie Collins Foundation and with Jim Gamble regarding the proposed Sentencing Bill.

### **15. Date, Time and Place of Next Meeting**

Members were advised that the next meeting will take place on Thursday 3 July 2025 at 1.30pm in Room 30, Parliament Buildings.

*The Meeting was adjourned at 5.40pm.*

**Joanne Bunting MLA**

**Chairperson, Committee for Justice**