



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

Thursday 22 May 2025

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Danny Baker MLA

Maurice Bradley MLA

Stephen Dunne MLA

Connie Egan MLA

Ciara Ferguson MLA

Present by Video or Teleconference:

Doug Beattie MLA

Justin McNulty MLA

In Attendance:

Kathy O'Hanlon (Assembly Clerk)

Thomas McKillop (Senior Assistant Assembly Clerk)

Gareth Black (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 on the restorative justice and rehabilitation of offenders proposed amendments to the Justice Bill.

The meeting commenced at 2.09pm in closed session.

Agreed: To write to a member of the Law Society of Northern Ireland, who was unable to attend a previous evidence session due to illness, offering the Committee's best wishes for their recovery.

1. Apologies

There were no apologies.

2. Justice Bill — Restorative Justice and Rehabilitation of Offenders Proposed Amendments — Assembly Legal Services oral briefing

Simon Kelly, a Legal Adviser with Assembly's Legal Services Office, joined the meeting at 2.10pm.

The official provided an analysis of the human rights issues with regard to the Department of Justice's proposed amendments to the Justice Bill on restorative justice and the rehabilitation of offenders.

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

The official agreed to provide information on sentencing in relation to legacy cases; and information on penalty notices and fines and how they would relate to biometrics.

Agreed: To ask the Department of Justice for more detail regarding the proposed restorative justice amendments, with specific reference to community-based restorative justice and the Adult Restorative Justice Strategy; and for details of the time frames for Criminal Justice Inspection Northern Ireland to conduct reviews of accredited providers.

The Chairperson thanked the official and he left the meeting at 3.02pm.

The meeting moved into public session at 3.02pm.

Agreed: That the oral evidence session with the Department of Justice on the SL1 for the Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2025 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.

The Chairperson noted that a number of Committee Members are members of the All Party Group on Access to Justice.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 15 May 2025.

4. Matters Arising

There were no matters arising.

Agreed: To consider agenda item 7 (Crime and Policing Bill — Legislative Consent Memorandum — Department of Justice written paper) prior to agenda item 5 (SL1 — the Police and Criminal Evidence (Northern Ireland) Order (Codes of Practice) Order 2025).

5. Crime and Policing Bill — Legislative Consent Memorandum — Department of Justice written paper

The Committee considered a response from the Department to its request of 1 May 2025 for further information regarding notification requirements for registered sex offenders (RSOs); expanding the lawful purposes for which police can access the DVLA driving licence database; and encouraging or assisting serious self-harm. The Committee noted that the Department stated that legislative consent was not being sought at this stage for clause 95 of the Bill, relating to access to GB driving licence databases, due to ongoing policy development.

The Committee also noted a response from the PSNI providing details of the criteria for reviewing and discharging registered sex offenders, who the police are satisfied are low risk, from notification requirements.

The Chairperson advised Members that the Legislative Consent Memorandum and Motion were laid before the Assembly on 16 May 2025 under Standing Order 42A(4)(a) and that, under Standing Order 42A(7), a Committee has 15 working days from the date a Memorandum is referred to complete its report which, in this case, means that the report must be completed by 9 June 2025.

The Chairperson reminded Members that the proposal is to extend to Northern Ireland, by way of a Legislative Consent Motion, a number of provisions in the Crime and Policing Bill relating to:

- an offence of cuckooing;
- an updated offence to deal with advice or guidance on creating child sexual abuse material;
- provisions to strengthen the notification requirements used in the management of sex offenders;
- administering etc. harmful substances (including by spiking);

- encouraging or assisting serious self-harm;
- electronic devices for use in vehicle offences;
- proceeds of crime relating to confiscation;
- proceeds of civil recovery, costs and expenses;
- international law enforcement data sharing agreements; and
- criminal liability of bodies and partnership.

Agreed: To ask the Department of Justice, with regard to the PSNI's proposed power to review and discharge registered sex offenders from notification requirements, whether the need to notify has acted as a deterrent and if there is a likelihood of the risk increasing if that deterrent is removed and they are no longer required to notify; what each of the categories of offender are and if they are based on offence or on risk; and for clarification as to whether all categories of offender are treated in the same way at the end of the 15-year period.

Agreed: To ask the PSNI for clarification on whether a partner who enquired about an RSO after that offender, having met the criteria, had been discharged from notification requirements, would still be advised that the offender had previously been on the register.

6. SL1 — The Police and Criminal Evidence (Northern Ireland) Order (Codes of Practice) Order 2025

Lisa Boal, Head of Police (PACE) Policy and Legislation Branch in the Department of Justice, and Denise Bloomer from the Police (PACE) Policy and Legislation Branch joined the meeting at 3.12pm.

The witnesses provided oral evidence on the proposed Police and Criminal Evidence (Northern Ireland) Order (Codes of Practice) Order 2025.

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

Joanne Bunting left the meeting at 4.04pm.

The Deputy Chairperson assumed the Chair at 4.04pm.

Joanne Bunting returned to the meeting and resumed the Chair at 4.07pm.

The witnesses agreed to provide the Committee with responses to questions that are within the Department's remit that were included in a list that was forwarded in advance of the oral evidence session and to indicate which questions may be for the PSNI to answer.

The evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 4.13pm.

Agreed: To ask the Department of Justice to provide a copy of any guidance or advice relating to sex and gender that was provided to it by the Equality Commission for Northern Ireland when the PACE codes were previously reviewed or revised; and for clarification, with regard to proposed new code I, as to whether a custody sergeant could overrule the recommendation of a health professional that an interview should not proceed when a detainee's mental health has deteriorated, and whether there is an appeal mechanism against such decisions by custody sergeants.

Agreed: To ask the PSNI for:

- clarification on whether visual recordings of those present during interviews other than the detainee (e.g. legal representatives, appointed persons etc.) are destroyed if not used for evidentiary purposes or if they are retained; and how the rights of those other persons are protected;
- copies of PACE guidance notes and entitlements that are provided to detainees; and
- responses to the questions on the list provided to the Department in advance of the evidence session that are within the PSNI's remit.

Deirdre Hargey left the meeting at 4.13pm.

7. Justice Bill — written papers

7.1 Department of Justice: Response regarding Proposals for a Review Mechanism

The Committee considered a response from the Department of Justice regarding the Department's proposals for a review mechanism relating to the new DNA and fingerprints retention framework for Northern Ireland contained in Part 1 of the Justice Bill.

The Chairperson advised Members that, as previously agreed by the Committee, the papers will be published on the Committee's web page.

Agreed: To ask the Department for information on any consideration that was given to individuals requesting reviews; and the time frame to implement the review regulations and potential implications for the development of the necessary PSNI IT systems and associated costs.

7.2 Justice Bill: 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.

7.3 Roundtable Event

The Committee discussed and agreed plans for an informal roundtable event with grassroots community organisations that is scheduled to take place in the Long Gallery on 5 June 2025.

The Chairperson asked Members to indicate their availability to attend the event to Committee staff at the earliest opportunity.

Deirdre Hargey returned to the meeting at 4.20pm.

The Chairperson advised Members that it will be necessary to hold a formal meeting before the event to consider and agree the reports on two Legislative Consent Memorandums.

8. Border Security, Asylum and Immigration Bill — Legislative Consent Memorandum — Department of Justice written paper

The Chairperson reminded Members that, at its meeting on 1 May 2025, the Committee considered a written paper from the Department regarding provisions in the Border Security, Asylum and Immigration Bill that extended to Northern Ireland for which legislative consent will be required. The Committee agreed to request oral evidence to discuss the legislative consent proposal, which was scheduled for 29 May 2025.

The Department had advised that it was unable to lay the Memorandum to seek consent within the 10-day period required by Standing Orders at that time and, in order to ensure that all Assembly Members were aware of the Bill, a Memorandum under Standing Order 42A(4)(b) would instead be laid to explain why consent was not being sought at that stage.

The Committee noted that, on 14 May 2025, the Memorandum was laid before the Assembly under Standing Order 42A(4)(b), which indicated that further engagement was required with “partners, the Executive and the Justice Committee” before legislative consent would be sought. However, the Legislative Consent Memorandum and Motion seeking consent was laid under Standing Order 42A(4)(a) on 15 May 2025.

The Chairperson advised members that, under Standing Order 42A(7), the Committee now has 15 working days from the date of referral to consider and report on a Memorandum and that the Committee report, therefore, must be completed by 5 June 2025.

Agreed: To request the views of the Committee for the Economy on clause 53 (Validation of fees charged in relation to qualifications) as the Minister for the Economy is responsible for this matter.

9. Deaths Abroad — Update — Department of Justice written paper

The Committee noted a paper and a 'next steps' report from the Department of Justice outlining the Minister's preferred option relating to coronial investigations into deaths abroad, which is for legislative provision to introduce statutory criteria to define the circumstances in which an inquest could take place; the Attorney General for Northern Ireland having the primary decision-making function; and the introduction of statutory criteria specifying the circumstances in which a death should be reported in the first instance.

The Committee noted that the Department intends to bring forward primary legislation in the first available legislative vehicle which, subject to the agreement of an incoming Minister, is likely to be early in the next mandate.

Stephen Dunne left the meeting at 4.35pm

Connie Egan left the meeting at 4.35pm

10. Enabling Access to Justice Reform Programme — Delivery Plan Consultation Responses — Department of Justice written paper

The Committee considered a paper from the Department of Justice that provided an update on its public consultation regarding the Enabling Access to Justice Reform Programme delivery plan, which advised that the Department is considering the responses to inform the development of a revised delivery plan to implement the reform programme and will provide the Committee with a copy of the post-consultation report together with the revised delivery plan in the coming weeks.

Agreed: To consider further when the post-consultation report and revised delivery plan are received.

11. Correspondence

- A copy of correspondence from the Committee for The Executive Office to the Department of Justice on a number of matters in relation to the Victims' Payments Board.

Agreed: To request a copy of the Department's response to the Committee for The Executive Office.

- A copy of the Northern Ireland Audit Office report 'Continuous improvement arrangements in policing'.

Agreed: To ask the Northern Ireland Policing Board for its response to the recommendations in the report.

- Two items of correspondence from an individual regarding complaints about the Police Ombudsman and the Western Health and Social Care Trust.

Agreed: To respond to the individual advising that the Committee has a strategic, policy and legislative role in relation to justice matters and cannot become involved in individual complaints; and that local elected representatives may be able to assist.

Stephen Dunne rejoined the meeting at 4.40pm.

- Correspondence from an individual in response to the Committee's letter regarding family court issues.

Agreed: To respond to the individual advising that that the Committee is undertaking Committee Stage scrutiny of the Justice Bill and has identified other strategic priorities and is unable to undertake a formal inquiry; a number of the matters raised formed part of the informal discussions with the Minister of Justice and the Lady Chief Justice and the Committee will continue to consider these issues; and that a number of the matters raised are the responsibility of the Department of Health and are, therefore, outside the Committee's remit.

Agreed: To schedule a strategic planning review for September 2025.

The Committee noted the following items of correspondence:

- A notification from the Lady Chief Justice regarding an upcoming vacancy in the Court of Appeal.
- Copy correspondence from the Police Ombudsman for Northern Ireland to an individual.

- Copy correspondence from an individual to the Lady Chief Justice regarding issues with the family courts system.
- Copy correspondence from an individual to the Lady Chief Justice requesting a meeting.
- A copy of Pivotal's report 'Achieving greater integration in Northern Ireland: young people's voices'.

12. Forward Work Programme

12.1 Consultation on Proposals to allow the Recording and Broadcasting of Certain Court Proceedings

The Committee noted that information from the Department advising of a consultation on proposals to allow the recording and broadcasting of certain court proceedings had been circulated by email on 20 May 2025.

Agreed: To note the information and consider it further when the results of the way forward are available.

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

There was no Chairperson's business

14. Any other Business

There was no other business.

15. Date, Time and Place of Next Meeting

Members were advised that the next meeting will take place on Thursday 29 May 2025 at 2.00pm in Room 30, Parliament Buildings.

The Meeting was adjourned at 4.49pm.

Joanne Bunting MLA

Chairperson, Committee for Justice