



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

THURSDAY 22 FEBRUARY 2024

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Doug Beattie MLA

Maurice Bradley MLA

Stewart Dickson MLA

Ciara Ferguson MLA

Justin McNulty MLA

Present by Video or Teleconference:

Alex Easton MLA

Sinéad Ennis MLA

In Attendance:

Caroline Perry (Assembly Clerk)

Kathy O'Hanlon (Senior Assistant Assembly Clerk)

Jonny Redpath (Assistant Assembly Clerk)

Aaron Pakenham (Clerical Supervisor)

The meeting commenced at 2.06pm in open session.

Agreed: The Committee agreed that the oral evidence session with Criminal Justice Inspection Northern Ireland would be recorded by Hansard.

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

1. Apologies

There were no apologies.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 15 February 2024.

3. Matters Arising

Forward Work Programme for February to May 2024

The Committee noted the updated Forward Work Programme.

First Report of the Examiner of Statutory Rules

The Committee noted the first report of the Examiner of Statutory Rules.

4. Criminal Justice Inspection Northern Ireland (CJINI): Issues in the Criminal Justice System

James Corrigan, Deputy Chief Inspector and Chief Executive of CJINI, and Maureen Erne, Inspector in CJINI, joined the meeting at 2.09pm.

Alex Easton joined the meeting at 2.09pm.

The witnesses provided an overview of the work of CJINI and outlined a number of issues in the criminal justice system.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the witnesses for their attendance and they left the meeting.

5. SR 2023/15 The Insolvency (Amendment) Rules (Northern Ireland) 2023

The Committee considered SR 2023/15 The Insolvency (Amendment) Rules (Northern Ireland) 2023, which amends the Insolvency Rules (Northern Ireland) 1991 to provide permanent procedural rules for the company moratorium procedure, which allows companies in financial distress breathing space to explore rescue and restructuring options free from creditor actions. It will also ensure the procedural rules for all corporate insolvency procedures are contained in one instrument.

Agreed: The Committee for Justice considered SR 2023/15 The Insolvency (Amendment) Rules (Northern Ireland) 2023 and had no objection to the Rule.

Stewart Dickson left the meeting at 3.27pm.

6. SR 2023/16 The Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2023

The Committee considered SR 2023/16 The Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2023, which amends the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 to provide eligibility for Enhanced AccessNI checks for individuals seeking to act as an adult placement carer in accordance with the Adult Placement Agencies Regulations (Northern Ireland) 2007. Eligibility will extend to those under the age of 16 residing in the household where the adult placement is taking place.

Agreed: The Committee for Justice considered SR 2023/16 The Police Act 1997 (Criminal Records) (Amendment) Regulations (Northern Ireland) 2023 and had no objection to the Rule.

7. SR 2023/17 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2023

The Committee considered SR 2023/17 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2023, which amends the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979 to allow exempted questions to be asked of applications seeking to act as adult placement carers in accordance with the Adult Placement Agencies Regulations (Northern Ireland) 2007 and of those who reside in the same household as the adult placement carer, including those who are under 16. They will therefore be required to disclose all spent convictions.

Agreed: The Committee for Justice considered SR 2023/17 The Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2023 and had no objection to the Rule.

Stewart Dickson rejoined the meeting at 3.30pm.

8. SR 2023/63 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023

The Committee considered SR 2023/63 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023, which makes a number of technical amendments to the Judicial Pensions Regulations (Northern Ireland) 2015, which created the Northern Ireland Judicial Pension Scheme. The amendments recognise service between 2000 and 2015 in the Fee Paid Judicial Pension Scheme; change the rules of forfeiture and correct the definition of index adjustment; and remove the obligation to carry out actuarial valuations as the scheme is closed to further accruals from April 2022.

Agreed: The Committee for Justice considered SR 2023/63 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023 and had no objection to the Rule.

9. SR 2023/64 The Police Service of Northern Ireland (Amendment) Regulations 2023

The Committee considered SR 2023/64 The Police Service of Northern Ireland (Amendment) Regulations 2023, which amends the Police Service of Northern Ireland Regulations 2005 and the Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2008 to include 8 May 2023 in the definition of public holidays for 2023. This reflected the announcement of a public holiday on that date to mark the coronation of His Majesty King Charles III.

Agreed: The Committee for Justice considered SR 2023/64 The Police Service of Northern Ireland (Amendment) Regulations 2023 and had no objection to the Rule.

10. SR 2023/107 The Judicial Pensions (Remediable Service etc.) Regulations (Northern Ireland) 2023

The Committee considered SR 2023/107 The Judicial Pensions (Remediable Service etc.) Regulations (Northern Ireland) 2023. Members were advised that the Public Service Pensions and Judicial Offices Act 2022 provides remedies for the age discrimination identified in the McCloud case which is present in judicial pension schemes across the UK, including the Northern Ireland Judicial Pension Scheme, and that the Rule makes a number of technical amendments to the Judicial Pensions Regulations (Northern Ireland) 2015, which created the NI Judicial Pensions Scheme.

Agreed: The Committee for Justice considered SR 2023/107 The Judicial Pensions (Remediable Service etc.) Regulations (Northern Ireland) 2023 and had no objection to the Rule.

11. SR 2023/122 The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023

The Committee considered SR 2023/122 The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023, which amends the Police Pension Regulations (Northern Ireland) 2015 to implement the retrospective part of the McCloud judgement by amending scheme rules to remove the effect of the discriminatory measures applied between 1 April 2015 and 31 March 2022 (known as the ‘remedy period’); providing eligible members with a choice of final salary or career average scheme benefits for the remedy period; and outlining options on how contributions owed may be collected and returned to the member.

Agreed: The Committee for Justice considered SR 2023/122 The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 and had no objection to the Rule.

12. SR 2023/138 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals (No. 2) Order (Northern Ireland) 2023

The Committee considered SR 2023/138 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals (No. 2) Order (Northern Ireland) 2023, which will extend the provisions in the Coronavirus Act 2020, which allow courts and statutory tribunals to receive evidence wholly or in part through the use of audio or video links until 24 March 2024.

Members were advised that the Examiner of Statutory Rules raised no concerns regarding the technical aspects of the Statutory Rule but that the Examiner has drawn attention to a number of confirmatory Statutory Rules and noted that the use of successive statutory rules has the effect of ensuring that, where an individual rule ceased to have effect, its provision prevails in the Statutory Rule that follows it.

Agreed: The Committee agreed to ask Department for its views on whether the continuous use of the powers in the Coronavirus Act 2020 is proportionate and appropriate in a post-Covid environment; and to outline its plans to make permanent provision for use of audio and video links, including an indicative time frame.

Agreed: The Committee agreed to postpone its decision on SR 2023/138 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals (No. 2) Order (Northern Ireland) 2023 until a response has been received from the Department.

Agreed: The Committee noted SR 2023/46 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2023.

Agreed: The Committee noted SR 2022/227 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2022.

13. SR 2023/162 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations (Northern Ireland) 2023

The Committee considered SR 2023/162 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations (Northern Ireland) 2023, which will prescribe technical specifications that imitation firearms must conform to in order to prevent their conversion to functional firearms.

Agreed: The Committee for Justice considered SR 2023/162 The Violent Crime Reduction Act 2006 (Specification for Imitation Firearms) Regulations (Northern Ireland) 2023 and had no objection to the Rule.

14. SR 2023/175 The Magistrates' Courts (Stalking Protection Orders) Rules (Northern Ireland) 2023

The Committee considered SR 2023/175 The Magistrates' Courts (Stalking Protection Orders) Rules (Northern Ireland) 2023, which will provide the court procedures in relation to the operation of Stalking Protection Orders (SPOs), which were provided for in the Protection from Stalking Act (Northern Ireland) 2022.

Agreed: The Committee for Justice considered SR 2023/175 The Magistrates' Courts (Stalking Protection Orders) Rules (Northern Ireland) 2023 and had no objection to the Rule.

Agreed: The Committee noted SR 2023/174 (C. 10) The Protection from Stalking (2022 Act) (Commencement) Order (Northern Ireland) 2023.

15. SR 2023/220 The Insolvency (Amendment No. 2) Rules (Northern Ireland) 2023

The Committee considered SR 2023/220 The Insolvency (Amendment No. 2) Rules (Northern Ireland) 2023, which will increase the maximum potential realisable value for a single domestic motor vehicle that can be excluded from the asset criteria when

determining the value of a person's property for the purposes of a Debt Relief Order from £1,000 to £2,000.

Members were advised that the Department has stated that the limits for those items to be excluded for this purpose were last set in 2016 and that, as well as a single motor vehicle, the limits apply to essential household items; tools or equipment essential for work; surplus monthly income after tax, national insurance and normal household expenses; and debts.

Members were further advised that, in the absence of the Assembly, the only limit that could be changed was that for a motor vehicle, which is subject to the negative resolution procedure and that the other limits are subject to a different form of Assembly control.

Agreed: The Committee agreed to ask the Department to outline its plans to amend the limits for other items that must be excluded from the asset criteria when determining the value of a person's property for the purposes of a Debt Relief Order.

Agreed: The Committee for Justice considered SR 2023/20 The Insolvency (Amendment No. 2) Rules (Northern Ireland) 2023 and had no objection to the Rule.

Alex Easton left the meeting at 3.46pm.

16. SR 2024/17 The Police Act 1997 (Criminal Records) (Fees) (Amendment) Regulations (Northern Ireland) 2024

The Committee considered SR 2024/17 The Police Act 1997 (Criminal Records) (Fees) (Amendment) Regulations (Northern Ireland) 2024, which amends The Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 to reduce the fees payable for Basic and Standard checks by AccessNI from £18 to £16, and for Enhanced Checks from £33 to £32.

Agreed: The Committee for Justice considered SR 2024/17 The Police Act 1997 (Criminal Records) (Fees) (Amendment) Regulations (Northern Ireland) 2024 had no objection to the Rule.

17. Brexit and Northern Ireland — Written Briefing from the EU Affairs

Manager

The Committee considered a written briefing from the Assembly's EU Affairs Manager. The briefing included a general Brexit paper covering the Protocol, as amended by the Windsor Framework, and the UK-EU Trade and Cooperation Agreement, as well as ongoing issues such as divergence. Members were advised that there was also a paper that summarised Brexit issues that are within the remit of the Committee.

Agreed: The Committee agreed to ask the Department for information on officials' attendance at meetings of the Specialised Committee on Law Enforcement and Judicial Cooperation and its work.

Agreed: The Committee agreed to ask the Department for information and updates on the impact of the new policing, security and criminal justice arrangements for Northern Ireland.

Agreed: The Committee agreed to ask the Department for its views on the provisions of the Nationality and Borders Act 2022.

Agreed: The Committee agreed to ask the Department for notice of and summaries of meetings of the Inter-ministerial Group on Justice.

18. Correspondence

- i. The Committee considered correspondence from the Clerk to the Executive Office Committee that included a first-day brief from The Executive Office in which references to ending violence against women and girls were made.

Agreed: The Committee agreed to note this item and to request a written update from the Department on its work on ending violence against women and girls.

- ii. The Committee considered correspondence relating to a research report and recommendations regarding the participation of litigants in person in civil and family courts in Northern Ireland.

Agreed: The Committee agreed to note this item, to ask the Department for its views on the research and recommendations and to provide regular updates to the Committee on this matter.

- iii. The Committee considered correspondence from an individual requesting to meet the Chairperson to discuss collection of memorabilia.

Agreed: The Committee agreed to send the individual a copy of the agenda of the first Committee signed by Members of the Committee.

- iv. The Committee considered correspondence providing information on legal proceedings in respect of residential properties at Victoria Square, Belfast.

Agreed: The Committee agreed to write to the Department of Justice to ascertain which Department has responsibility for this area and to find out how the matter is being addressed.

Agreed: The Committee agreed to write to The Executive Office and to copy in the Head of the Civil Service to ascertain which Department has responsibility for this area and to find out how the matter is being addressed.

Agreed: The Committee agreed to write to the Committee for Agriculture, Environment and Rural Affairs and the Committee for Finance to inform them of the correspondence.

The Committee noted the following:

- v. correspondence from the Clerk to the Windsor Framework Democratic Scrutiny Committee relating to the procedures and functions of that Committee; and
- vi. a press release and report from the Northern Ireland Fiscal Council regarding Northern Ireland's public finances and the UK Government's financial support for the restored Executive.

19. Chairperson's Business

The Chairperson advised Members that she and the Deputy Chairperson held an introductory meeting with the Minister of Justice.

The Chairperson advised Members that she and the Deputy Chairperson have received an invitation to meet the Chairperson of the Independent Monitoring Board for HMP Maghaberry and that they will report back to the Committee on anything that they feel needs brought to its attention.

20. Any other Business

None.

21. Date, Time and Place of Next Meeting

The Chairperson advised Members that the next Committee meeting will take place on 29 February 2024 at 2.00pm in Room 30, Parliament Buildings.

The Meeting was adjourned at 3.57pm.

Deirdre Hargey MLA

Deputy Chairperson, Committee for Justice