



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

15 April 2021

Meeting Location: Senate Chamber, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)

Mr Paul Frew MLA

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Ms Rachel Woods MLA

Apologies: Mr Gordon Dunne MLA

Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Clairita Frazer (Assistant Clerk)



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In Attendance by Video or Teleconference:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 2:04 p.m. in open session

Agreed: The Committee agreed to consider agenda items 6 through to 16 before the oral evidence sessions at agenda items 4 and 5 to assist Members' attendance at the meeting of the Ad-Hoc Committee on the COVID-19 Response.

Agreed: The Committee agreed that the oral evidence sessions should be reported by Hansard.

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Gordon Dunne MLA had delegated authority to the Chairperson, Paul Givan MLA, to vote on his behalf and Emma Rogan had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 25 March 2021.



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3. Matters Arising

Item 1 - Committee Forward Work Programme April – June 2021

The Committee noted an updated Committee Work Programme for April to June, reflecting the work items agreed at the meeting on 25 March 2021.

The Chairperson advised Members that the Lord Chief Justice will attend the Committee meeting scheduled for Thursday 24 June 2021. This will be added to the Forward Work Programme and arrangements for the evidence session finalised in due course.

Item 2 - Budget 2021-22: Scrutiny by Statutory Committees

The Committee noted correspondence from the Chairperson of the Committee for Finance requesting the Committee's views and comments on the Department of Justice final budget allocations and expenditure proposals for 2021-22 by 6 May 2021.

The Chairperson advised the Committee that the Department was due to provide a written briefing paper on its 2021-22 final budget allocations for the meeting on 22 April 2021 and officials would be attending the meeting on 29 April 2021 to discuss the allocations and key priorities and answer Members' questions which will assist consideration of a response to the Committee for Finance.

Item 3 - Criminal Justice (Committal Reform) Bill

The Committee noted correspondence from the Lord Chief Justice outlining his views and comments on the proposed changes to the committal process as provided for in the Criminal Justice (Committal Reform) Bill.

Item 4 – Damages (Return on Investment) Bill

The Committee considered a response from the Department of Justice to the issues raised in a briefing paper from the Association of British Insurers (ABI) regarding the Damages (Return on Investment) Bill and the need to amend the notional investment portfolio used to calculate a compensation settlement which reflected that used in the Scottish model and which ABI viewed as being overly cautious to achieve a better balance of investments.



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Agreed: The Committee agreed to send a copy of the Department's response to the ABI for information.

Item 5 – Troubles Permanent Disablement Payment Scheme

The Committee noted the key issues discussed during an informal meeting with Victims' Representatives Groups to discuss the Troubles Permanent Disablement Payment (TPDP) Scheme on 24 March 2021 and the actions subsequently agreed at the committee meeting on 25 March 2021.

The Committee noted correspondence from the Committee for Finance providing a copy of the Government Actuary's Department Report on anticipated costs of the TPDP Scheme.

4. Police, Crime, Sentencing and Courts Bill - Proposed Legislative Consent Motion

The Committee considered responses from the Attorney General for Northern Ireland and the Northern Ireland Human Rights Commission on the provisions to be included in the proposed Legislative Consent Motion (LCM), which outlined the relevant articles in the European Convention on Human Rights that may be engaged by some of the provisions and for which additional safeguards may be recommended. Potential specific issues with regard to the impact of the provisions relating to the recovery of human remains in Northern Ireland were also highlighted.

The Committee noted that the Northern Ireland Commissioner for Children and Young People did not intend to provide a response to the Committee on this matter.

Agreed: The Committee agreed to forward the responses from the Attorney General for Northern Ireland and the NI Human Rights Commission to the Department of Justice for comments on the issues raised.

Agreed: The Committee agreed to request the views of the Independent Commission for the Location of Victims' Remains, on the proposed LCM provisions relating to the location of human remains including the potential implications on its ongoing work.



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5. UK Financial Services Bill – Update

The Committee noted the Memorandum laid in the Assembly by the Minister of Justice on 26 March 2021 in accordance with Standing Order 42A (4) (b) explaining why a Legislative Consent Motion is not being sought in relation to the electronic money institutions clause in the UK Financial Services Bill.

6. SL1: Amendment to the Criminal Justice (Sentencing) (Licence Conditions) (Northern Ireland) Rules 2009

The Committee considered further information provided by the Department of Justice on a range of issues relating to the policy intent behind the proposal for a Statutory Rule to change the arrangements for the supervision of offenders on licence.

Agreed: The Committee agreed that it was content with the proposal for the Statutory Rule.

Agreed: The Committee agreed to request details of the finalised criteria to be used when available.

7. SL1: The Damages (Personal Injury) Order (Northern Ireland) 2021

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend the personal injury discount rate under the legal principles established by the House of Lords in *Wells v Wells* from the current rate of 2.5% to -1.75%.

The Committee noted correspondence from a General Practitioner and from the Association of British Insurers regarding the likely impact of the change in the personal injury discount rate.

Agreed: The Committee agreed that it was content with the proposal for the Statutory Rule.



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Agreed: The Committee agreed to commission research on the wider impact of the change in the personal injury discount rate that will arise from the implementation of any new methodology provided for by the Damages (Return on Investment) Bill, particularly in relation to other Government Departments and bodies.

Agreed: The Committee agreed to request an update on the position regarding access to the Treasury Reserve once the personal injury rate is changed.

8. Civil Justice Modernisation Programme - Overview of the Department's Civil Justice Modernisation Delivery Plan

The Committee noted the Department of Justice's Civil Justice Modernisation Delivery Action Plan.

9. Private Family Law Early Intervention Action Plan

The Committee considered the Department of Justice and Department of Health's proposed Private Family Law Early Resolution Action Plan.

Agreed: The Committee agreed to request further information and clarification from the Department of Justice on a number of issues related to the Action Plan.



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10. NI Audit Office Report on Injury on Duty Schemes for PSNI and Northern Ireland Prison Service - Response from Northern Ireland Policing Board on the Action Plan

The Committee considered a response from the Northern Ireland Policing Board setting out its position on the action plan provided by the Department of Justice to implement the recommendations in the Northern Ireland Audit Office Report on Injury on Duty Schemes for officers in the PSNI and the Northern Ireland Prison Service and in particular how the work was being taken forward in respect of PSNI officers given the intrinsic link to the ill-health retirement process.

Agreed: The Committee agreed to write to the Minister of Justice endorsing the views expressed by the NI Policing Board and asking the Department to address both the Injury on Duty scheme and the Ill-Health Retirement process at the same time which would be in keeping with the spirit of the Northern Ireland Audit Office Report.

11. Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy - Year Six Action Plan and Overview of Progress against the Year Five Action Plan

The Committee noted information provided by the Department of Justice regarding some of the key actions to be included in the year six action plan due to be published shortly and some of the actions that have been progressed against the year five action plan under the Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy.

Agreed: The Committee agreed to consider the year six action plan and progress report against the year five action plan when they are available.



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12. Correspondence

- i. The Committee considered a response from the Minister of Justice outlining that the Executive had agreed to an Executive-wide Violence Against Women and Girls Strategy which would focus on tackling root causes of violence against women and girls.

Agreed: The Committee agreed to write to the Executive Office to request an update on the work being taken forward in relation to this Strategy.

- ii. The Committee considered correspondence from the Minister of Justice advising that, at the request of the NI Policing Board, she had commissioned Her Majesty's Inspectorate of Constabulary and Fire & Rescue Service (HMICFRS) to undertake the 2020-21 inspection of the PSNI and make an assessment of its approach to events surrounding the funeral of Mr Bobby Storey and offer learning to assist in policing of COVID restrictions.
- iii. The Committee considered the press release and public statement by the Public Prosecution Service on its decisions on COVID Funeral Files submitted by the police for consideration of potential offences under the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020.

The Deputy Chairperson declared an interest as she was one of the individuals being investigated.

Agreed: The Committee agreed to ask the Director of Public Prosecutions for a timeline for completion of the review of the PPS decisions and to request his attendance at a Justice Committee meeting to explore this matter and other issues relating to prosecutorial decisions.

- iv. The Committee considered correspondence from the Department of Justice outlining its response to the findings and recommendations in the Northern Ireland Audit Office (NIAO) Report on Managing Children Who Offend – A Follow Up Review.

Agreed: The Committee agreed to forward the information to the Northern Ireland Commissioner for Children and Young People for her views and comments on the Department's response.



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- v. The Committee considered correspondence from the Committee for Health to the Department of Justice requesting a response to issues raised by ROSA NI on the police response to the protest against gender violence in Belfast on 16 March 2021.

Agreed: The Committee agreed to ask the Department of Justice for a copy of its response to the Committee for Health.

- vi. The Committee considered the Criminal Justice Inspection Northern Ireland (CJINI) Report of its follow-Up Review of the Inspection Recommendations in the Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland.

Agreed: The Committee agreed to request information from the Department of Justice regarding what action will be taken to address the findings and recommendations in the report.

- vii. The Committee considered correspondence from the National Society for the Protection of Cruelty against Children regarding expanding the definition of 'position of trust' and authority over children regardless of the setting or if the person is an employee or volunteer and the announcement by the Minister of Justice to change the law by way of an amendment to the Justice (Miscellaneous Provisions) Bill.

Agreed: The Committee agreed to request further information from the NSPCC on recent developments in this area in England and Wales and in other jurisdictions.

The Committee noted the following:

- viii. Correspondence from the Minister of Justice advising of the appointment of a new Governor of Maghaberry Prison from 3 May 2021.
- ix. Correspondence from the Department of Justice regarding the consultation approach adopted by the Gillen Review team on the scoping exercise in relation to Relationship and Sexuality Education in schools and related Gillen Review recommendations.



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- x. Correspondence from the Department of Justice providing further information on two issues arising from the oral evidence session on the Consultation on the Law on Child Sexual Exploitation and proposed way forward.
- xi. The National Statistics Bulletin 'Perceptions of Crime: Findings from the 2019/20 Northern Ireland Safe Community Survey.'
- xii. A copy of a response from the Department of Justice to the Committee for Communities confirming the continuation of funding for the "Women Involved in Community Transformation Programme".
- xiii. Correspondence from the Department of Justice providing further information following the oral evidence session on the Stocktake of Policing Oversight and Accountability Arrangements.
- xiv. Correspondence from the Committee for Health seeking evidence on the Severe Fetal Impairment Abortion (Amendment) Bill.
- xv. Correspondence from the Chair of the NI Sports and Human Rights Forum supporting an amendment to the Justice (Miscellaneous Provisions) Bill extending the 'Positions of Trust' law to protect children in the care of sports coaches and adults in other settings.
- xvi. The Investment Strategy Northern Ireland – Department of Justice's Procurement Activity Report for March 2021.
- xvii. The Northern Ireland Judicial Appointments Ombudsman Annual Report for 2019-20.

13. Chairperson's Business

The Chairperson raised the issue of online trolling via social media platforms and proposed that the Committee should commission research on this issue.



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Agreed: The Committee agreed to commission comparative research on the laws to tackle online trolling in other relevant jurisdictions including the United Kingdom and the Republic of Ireland and examples of international good practice in this area.

The Deputy Chairperson proposed holding a meeting with the Oireachtas Justice Committee to discuss the issue and other issues of mutual interest including the recent legislation regarding preliminary hearings.

Agreed: The Committee agreed that the Chairperson would consider this proposal further and report back.

14. Any Other Business

None.

15. Review of Sentencing Policy in Northern Ireland – Proposed Way Forward

The following officials joined the meeting at 2.59 p.m.

Brian Grzymek, Deputy Director, Head of Criminal Justice Policy and Legislation Division, Department of Justice

Angela Bell, Head of Sentencing Policy Unit, Department of Justice

Máire Sheehan, Senior Principle Legal Officer, Sentencing Review Team, Department of Justice

Mr Grzymek outlined the Department's proposed way forward in relation to ten policy issues following the Review of Sentencing Policy in Northern Ireland.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.



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The Chairperson updated the Committee on an informal meeting that had taken place on 13 April 2021 with the Dolan family who lost their son in tragic circumstances to discuss the Justice Minister's decision to increase the maximum tariffs for causing death or grievous bodily injury by dangerous driving and causing death or grievous bodily injury by careless driving. A note of the key issues discussed would be prepared and circulated in due course.

Agreed: The Committee agreed to write to the Minister of Justice and the Executive indicating that it supported the proposals relating to death by dangerous driving offences and wanted to see the necessary preparatory work progressed as swiftly as possible to enable the required legislation to be brought forward as soon as possible and preferably in this mandate by way potentially of the Justice (Miscellaneous Provisions) Bill and if that is not feasible as early as possible in the new mandate.

Agreed: The Committee agreed to write to the Dolan Family to advise them of the position adopted by the Committee.

Agreed: The Committee agreed that it would consider the proposals in relation to the other nine sentencing policy issues in due course and engage further with the Department on the proposed legislation.

16. Northern Ireland Courts and Tribunals Service Business Recovery Update

The following officials joined the meeting at 4.28 p.m.

Peter Luney, Chief Operating Officer, Northern Ireland Courts and Tribunals Service

Elaine Topping, Head of Court Operations, Northern Ireland Courts and Tribunals Service

Mr Luney provided an update on the steps being taken to restore the full range of court and tribunal services.

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



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The Chairperson left the meeting at 4.55pm and the Deputy Chairperson assumed the Chair.

Mr Beattie left the meeting at 4.55pm

The oral evidence session was reported by Hansard.

The Deputy Chairperson thanked the officials for their attendance.

17. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 22 April 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.14 p.m.

Paul Givan MLA

Chairperson, Committee for Justice

22 April 2021



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