



Northern Ireland  
Assembly

## Committee for Justice

### Minutes of Proceedings

18 March 2021

**Meeting Location:** Senate Chamber, Parliament Buildings, Belfast

**Present:** Mr Paul Givan MLA (Chairperson)

Ms Jemma Dolan MLA

Mr Paul Frew MLA

**Present by Video or Teleconference:**

Ms Linda Dillon MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Rachel Woods MLA

**Apologies:** Mr Gordon Dunne MLA

Ms Emma Rogan MLA

**In Attendance:** Mrs Christine Darrah (Assembly Clerk)

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)

**In Attendance by Video or Teleconference:**



Northern Ireland  
Assembly

Mrs Clairita Frazer (Assistant Clerk)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 2:07 p.m. in open session

**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 11 March 2021.

### 3. Matters Arising

#### **Item 1 - Response from the Probation Board on its draft 2021-22 Budget Allocation**

The Committee considered a response from the Probation Board providing further information on its budgetary position and the likely impact of its draft 2021-22 budget allocation.



## Northern Ireland Assembly

Members placed on record their concerns regarding the potential impact on victims despite the Minister's and Department's assurances regarding adopting a victim-centred approach when considering policy etc.

The Committee noted that an oral evidence session with Department of Justice officials on the final budget allocations would take place in April 2021 which would provide an opportunity to discuss the concerns further.

### **Item 2 – The Justice (Miscellaneous Provisions) Bill – Correspondence from the Department of Justice**

The Committee considered a response from the Department of Justice providing an update on the timetable for and content of the Justice (Miscellaneous Provisions) Bill which had originally been scheduled for introduction in March 2021.

**Agreed:** The Committee agreed to request details of the areas on which the Department intends to bring forward provisions by way of amendments during the passage of the Bill through the Assembly.

### **4. Consent to Serious Harm for Sexual Gratification: Not a Defence - Results of the Consultation and Proposed Way Forward**

The following officials joined the meeting at 2.13 p.m.

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

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

Mr Grzymek provided an overview of the responses to the consultation to put into legislation the legal premise that it is not a defence that an injured party consented to the infliction of serious harm for the purpose of sexual gratification and the Department's proposed way forward.



Northern Ireland  
Assembly

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.

**Agreed:** The Committee agreed to consider this matter further when scrutinising the Justice (Miscellaneous Provisions) Bill.

**5. Development and Implementation of a Statutory Registration Scheme for Legal Aid Practitioners in Northern Ireland – Report on 2017 Targeted Consultation and Proposed Way Forward**

The following officials joined the meeting at 3.13 p.m.

Mr Stephen Martin, Deputy Director, Enabling Access to Justice Division,  
Department of Justice

Ms Jenny Laverick, Project Manager, Enabling Access to Justice Division,  
Department of Justice

Mr Martin outlined the results of the 2017 targeted consultation and the proposals being developed for a Statutory Registration Scheme for legal aid practitioners.

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.

**Agreed:** The Committee agreed that it was content to note the report of the responses to the 2017 consultation and the Department's proposed way forward for a Statutory Registration Scheme for legal aid practitioners.

**Agreed:** The Committee agreed to the request by the Department for further engagement in the autumn on the planned public consultation.



Northern Ireland  
Assembly

## 6. Damages (Return on Investment) Bill – Proposals for Committee Stage

The Committee considered a potential timetable for the Damages (Return on Investment) Bill, the wording of a motion to extend the Committee Stage of the Bill until 28 October 2021 as agreed at the meeting on 11 March 2021 and proposals to seek written evidence on the Bill including a draft media sign-posting notice, a draft letter seeking evidence and a list of key stakeholders.

**Agreed:** The Committee agreed that it was content with the proposed timetable for the Committee Stage of the Damages (Return on Investment) Bill and that it would be reviewed regularly.

**Question put and agreed:**

“That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 28 October 2021, in relation to the Committee Stage of the Damages (Return on Investment) Bill (NIA 16/17-22).”

The Committee noted that the debate on the extension motion would be requested for week commencing 19 April 2021.

**Agreed:** The Committee agreed a closing date of Friday 30 April 2021 for receipt of written evidence.

**Agreed:** The Committee agreed that it was content with the media sign-posting notice, the targeted list of key stakeholders that would be invited to submit written evidence on the Bill and the letter to issue seeking written evidence including the issues on which views would be particularly welcome.

**Agreed:** The Committee agreed that if Members wished to add any other organisations to the list of key stakeholders they should advise the Clerk as soon as possible.

The Committee considered correspondence from the Department of Justice providing a copy of the Delegated Powers Memorandum relating to the Damages (Return on Investment) Bill.



## Northern Ireland Assembly

**Agreed:** The Committee agreed to forward a copy of the Delegated Powers Memorandum to the Assembly Examiner of Statutory Rules for her views/comments.

### **7. Protection from Stalking Bill - Further Proposals for Committee Stage**

The Committee considered proposals to bring the Protection from Stalking Bill to the attention of individuals who have experienced stalking behaviour and encourage them to share their experiences with the Committee and provide their views on the proposed legislation.

**Agreed:** The Committee agreed that the proposed measures should be taken forward in conjunction with the Assembly Communications Office and that appropriate services for victims should be signposted.

**Agreed:** The Committee agreed that Members should provide any further suggestions or relevant contacts to the Committee Clerk.

### **8. SR 2021/43 The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2021**

The Committee considered SR 2021/43: The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations which amends various instruments relating to the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 to ensure the Police Injury Duty Scheme continues to work effectively for officers who join the career average police pension scheme established in 2015, resolve the offset issue identified in the March 2020 NI Audit Office report and make several technical amendments.



## Northern Ireland Assembly

The Committee noted that the Examiner of Statutory Rules had drawn special attention to the Rule in relation to errors in its drafting and the Department of Justice had confirmed that it would make amendments to correct the errors at the earliest opportunity. There are also a number of minor typographical errors in the Rule which the Department has confirmed will be corrected by way of a correction slip.

**Agreed:** The Committee for Justice considered SR 2021/43: The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2021 and has no objection to the Rule.

### **9. Report into the Legislative Error in the Sexual Offences (Northern Ireland) Order 2008**

The Committee considered the report of the review of the lessons arising from the legislative error within the Sexual Offences (NI) Order 2008 which led to the Public Prosecution Service setting aside a number of convictions for certain sexual offences prosecuted between 2009 and 2017 provided by the Minister of Justice.

The Committee acknowledged the detrimental impact that the legislative error has had on those victims who have suffered trauma once again as a result of convictions being set aside and the need for every effort to be made to avoid such errors in the future.

**Agreed:** The Committee agreed to request a response from the Department of Justice on the recommendations in the report and how they will be implemented.

### **10. UK Financial Services Bill - Legislative Consent for Electronic Money Institutions Clause**

The Committee considered information provided by the Minister of Justice regarding a request from the Economic Secretary to the Treasury to consider legislative consent for a clause in the Financial Services Bill to ensure that law enforcement is able to quickly and efficiently freeze and forfeit the proceeds of crime and terrorist



## Northern Ireland Assembly

property not just held in bank and building society accounts but also when in e-money and payment institution accounts.

The Committee expressed concern regarding the timescale which has resulted in it not being feasible to proceed with an LCM and the UK Government tabling an amendment so that the provision does not extend to Northern Ireland.

**Agreed:** The Committee agreed to request information from the NI Policing Board on the implications for the powers of the PSNI and the risks given the provision will now not extend to Northern Ireland.

**Agreed:** The Committee agreed to write to the Department of Justice to express its concern regarding the lack of time provided by the Economic Secretary to the Treasury to obtain the legislative consent of the Assembly, request information on the potential consequences for Northern Ireland of not being included in the provision and request clarification of whether crypto-currency is covered by the provision.

### 11. Correspondence

- i. The Committee considered a response from the Department of Justice providing further information on the impact of the Ireland/Northern Ireland Protocol on the justice sector including any funding implications and the potential impact of the Lugano Convention on cross border civil justice cooperation.

**Agreed:** The Committee agreed to request a written update from the Department of Justice on EU Exit issues and how the new justice arrangements are working in September 2021.

- ii. The Committee considered correspondence from the Speaker of the Northern Ireland Assembly advising of a Public Petition laid by Joanne Bunting MLA on 16 February 2021 regarding 'Sanctions for Cyber Bullying.'

**Agreed:** The Committee agreed to request a copy of any response the Minister may make to this petition from the Department of Justice.





## Northern Ireland Assembly

The Committee noted the following:

- iii. A response from the Department of Justice to the Committee's request for a timeframe for the subordinate legislation to allow online applications in non-contentious probate cases.
- iv. A response from the Chairpersons' Liaison Group advising that it shares the Committee's concerns regarding the Executive's decision in relation to a condensed Committee Stage for the Damages (Return on Investment) Bill and has written to the Assembly Speaker on the matter and forwarded the correspondence to all Assembly Committees.
- v. The Northern Ireland Courts and Tribunals Service Trust Statement for year ended 31 March 2020.
- vi. Correspondence from the Chairpersons' Liaison Group providing a questionnaire seeking views from individual MLAs on how committee scrutiny could be improved and strengthened.

### **12. Chairperson's Business**

None.

### **13. Any Other Business**

An update on the timescale for the informal meeting with the reference group comprising of the various victims' representative groups on the Troubles Permanent Disablement Payment Scheme was provided to the Committee.



Northern Ireland  
Assembly

#### **14. Date, Time and Place of the next meeting**

The next meeting will be held on Thursday 25 March 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.11 p.m.

**Paul Givan MLA**

**Chairperson, Committee for Justice**

**25 March 2021**