

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
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9 March 2026

Dear Kathy,

JUSTICE BILL: COMMITTEE DELIBERATIONS ON LIVE LINKS

Thank you for your letter dated 2 March 2026, in which you asked whether the Minister would be willing to bring forward amendments to review the use of Live Links in custody and in courts and tribunals; and asked for further information on the provisions in Part 1 of the Bill associated with Reports by the Biometrics Commissioner.

Live Links in Police Custody

The Minister recognises the possible benefits there may be in carrying out a review of the live link provisions in police custody settings but notes that the PSNI already have internal governance arrangements in place and existing routes to monitor or review the use of live links.

Noting that the sample size is likely to be small and there may be resource implications for the police in conducting such a review, the Minister is not minded to bring forward such an amendment.



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If the Committee were to table an amendment along the lines of the draft provided, they might consider a provision to require the Department to appoint a suitable person or body to carry out a review and consult the stakeholders identified at para (3), rather than conduct the review itself.

For example, the Department could ask Criminal Justice Inspection for Northern Ireland (CJINI), His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HICFRS) or an academic or other professional to complete this task, allaying potential concerns that Departmental officials may not have the appropriate expertise to make the assessment required at para (b).

There would also be benefit in commissioning an independent party to conduct a review, who can then make recommendations for consideration by the Minister.

Live Links in Courts and Tribunals

Similarly, the Minister does not consider that a statutory review mechanism is needed, nor required on the face of the Bill, to report on the operation of live link provisions in courts and tribunal settings.

The powers in the Coronavirus Act that facilitated the broader use of live links in courts and tribunals have been operational for six years and are now well established, as are the multiple other pieces of existing live link provisions that have been in use for many years prior to the Coronavirus Act.

The use of live links in courts and tribunal settings is already monitored and recorded by court staff and this information is readily available without the need for a formal reporting requirement in legislation.

As such, the Minister is not minded to bring forward an additional amendment to require a formal review of the provisions in the planned live links amendment that the Committee published as part of their Call for Evidence. To do so would have resource



implications for the Department at a time of constraint and may lead to scarce resources being deflected from more critical areas of work.

Reports by the Biometrics Commissioner

Finally, the Committee raised a query regarding new Article 63Z1, which requires the Biometrics Commissioner to submit an annual report to the Department of Justice on the exercise of their functions.

The Minister considers that this reporting obligation will serve as an important accountability mechanism, ensuring continued oversight and regular review of the DNA and fingerprints retention legislative framework.

With regard to the Committee's specific query on paragraph 5, this provision enables the Department, after consulting the Commissioner, to withhold from publication any part of a report where it considers that publication would be contrary to the public interest.

This is a standard and proportionate safeguard, consistent with similar oversight frameworks. For example, comparable provisions appear in section 21(5) of the Protection of Freedoms Act 2012 in respect of reports of the UK Biometrics Commissioner, and in section 20(6) of the Scottish Biometrics Commissioner Act 2020, regarding reports by the Scottish Biometrics Commissioner.

The purpose of new Article 63Z1(5) is to protect the public interest while maintaining an effective oversight framework. There may be circumstances in which a Commissioner's report contains operationally sensitive policing material or other information which, if published, could potentially compromise policing methods, an individual's privacy rights, or public safety (particularly if a report has been commissioned by the Department in relation to a specific incident or issue).

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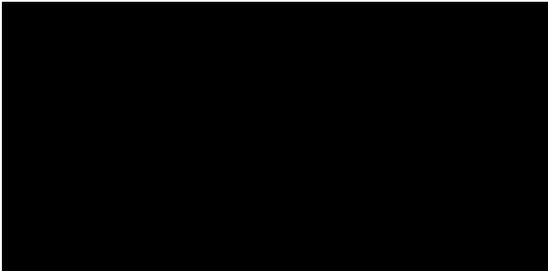
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The power to withhold such information provides an appropriate safeguard if such a scenario were to arise, while continuing to ensure that there is effective oversight and accountability.

It is envisaged that this provision would rarely be used and its use would be subject to approval by the Minister.

I trust that this is helpful and will be of benefit to the Committee.

Yours sincerely,



DALO



**Northern Ireland Assembly
Committee for Justice**

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Department of Justice
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2 March 2026

Dear [REDACTED]

Justice Bill – Committee deliberations

At its meeting on 26 February 2026 the Committee for Justice continued its deliberations on the Justice Bill.

Live Links

You will be aware from my letter of 20 February that the Committee was considering potential amendments to review the use of Live Links in custody and in courts and tribunals. The Committee agreed the text of a proposed amendment to review the operation of the Live Links provisions in Part 3 of the Bill as introduced, which is attached at Annex A. The Committee agreed to write to the Department to ascertain if the Minister will consider tabling this amendment at Consideration Stage.

The Committee also wishes to see a similar review mechanism for Live Links for courts and tribunals. As the Live Links amendment has not yet been tabled, the Committee agreed to ask if the Minister would bring forward a similar amendment to that at Annex A to make provisions to review the operation of Live Links in courts and tribunals when tabling the planned Live Links amendment.

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Reports by the Biometrics Commissioner

63Z1(5) at page 17 of the Bill provides that the Department may exclude part of a report by the Biometrics Commissioner if, in the Department's opinion, publication would be contrary to the public interest. The Committee agreed to request clarification on the rationale for the inclusion of this provision in the Bill and details of the circumstances in which it is envisaged this power may be used.

I would appreciate a response at the earliest opportunity to enable the Committee to reach its final position on these matters in advance of the formal clause by clause consideration of the Bill.

Yours sincerely

Kathy O'Hanlon

Kathy O'Hanlon
Clerk to the Committee for Justice

Annex A

After Clause 21, insert new clause:

“Review of use of live links

21A.--(1) The Department of Justice must monitor and review the operation of live link arrangements conducted under Articles 40(3A) to (3E), 40ZA and 40ZB of the Police and Criminal Evidence (Northern Ireland) Order 1989 (“the live link arrangements”) for the purpose of ascertaining whether, and to what extent, the arrangements are effective.

(2) The Department must prepare a report covering the review period, which must include-

(a) the number of times the live link arrangements have been conducted in each year of the review period, broken down by reference to policing district and offence;

(b) the Department’s assessment of the extent to which the live link arrangements safeguard the rights of arrested persons, including children, taking particular account of the information obtained under subsection (3); and

(c) any other information the Department considers appropriate.

(3) Before preparing the report, the Department must consult-

(a) the Police Service of Northern Ireland,

(b) the Northern Ireland Human Rights Commission,

(c) the Northern Ireland Commissioner for Children and Young People,

(d) the Incorporated Law Society of Northern Ireland, and

(e) such other persons as it considers appropriate.

(4) For the purposes of this section, the review period is the period of not more than 3 years beginning with the day on which sections 20 and 21 have come into operation.

(5) The Department must lay the report before the Northern Ireland Assembly and publish it in such manner as it considers appropriate.