

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Caroline Perry
Clerk to the Justice Committee
Northern Ireland Assembly
Parliament Buildings
Stormont
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13 November 2024

Dear Caroline,

JUSTICE BILL: FINANCIAL INFORMATION

Thank you for your letter of 30 October in relation to the financial implications of the Justice Bill.

You asked, firstly, which provisions of the Bill will require a business case to be approved and how has this been determined.

When business areas are initially invited to put forward bids for inclusion in the legislative programme, they are prompted to consider any cost implications and / or pressures that implementation of their proposed provisions may create and to plan accordingly, including bidding for resources in the normal way and engaging with relevant stakeholders. Individual business areas are also responsible for putting in place any project management or governance arrangements that may be required to support implementation, and to prepare and seek approval of any business cases that may be required. At this stage, any costings will be early estimates, and these will need to be revisited both prior to and during the implementation phase. They may also require revision in light of any changes made to the Bill during its Assembly passage.

The DOJ's Legislation Steering Group, which is responsible for developing the draft legislative programme and recommending the proposed content of the potential bills that will make up the programme, will consider the financial aspects of any proposed legislative reforms as part of their assessment of the bids put forward before recommendations on the legislative programme are submitted to the Minister.

Where possible, the aim is to implement the Bill from within existing resources, based on the financial information provided by business areas for their respective policy content of the Bill.

The Department is undoubtedly facing significant budgetary challenges. However, many of the provisions of this Bill relate to matters where we are seeking to meet our obligations under the ECHR and international law. We, therefore, have to make their implementation a priority so that we can fulfil our statutory duties and any associated pressures are deemed inescapable. The Department continues to manage its resources very carefully, which may include taking difficult decisions to allow it to remain within budget.

There are provisions contained in the Bill which are not expected to incur any costs along with some measures which may, in fact, generate cost savings. A summary of where we consider there may be costs associated with the Bill's provisions is attached.

The only provisions in this Bill so far identified as requiring the development of a business case are those in respect of the new Northern Ireland Commissioner for the Retention of Biometric Material.

In your letter you requested more detailed financial information on establishing a Biometrics Commissioner. Work is ongoing to assess the potential costs associated with establishing these new arrangements and to come to an initial estimate. This will be an ongoing process, as policy leads finalise the detail of the Commissioner's role and proceed to develop plans and timelines for implementation. As required in Schedule 2B para 5(b), there will also be a need to consult with the Commissioner once in post to

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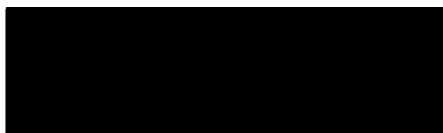
confirm the resources to be provided by the Department for the carrying out of their functions.

We will provide more detailed information to the Committee as soon as we have a firm initial assessment of potential costs.

We note that at the Committee meeting on 24 October, the Committee Chair suggested the Minister had given an undertaking during the Second Stage debate on the Bill on 1 October that a detailed finance paper would be provided to the Committee and queried why this had not yet been received. This was not, in fact, the case. The Hansard from the debate states:

“I think that it was the Committee Chair who said that the financial information was to be passed on to RaISe. That was done by my Department on 18 September and was also copied to the Committee Clerk at the same time. I am therefore not clear as to why the Committee has not had sight of it, but the Department has provided that information. If there are any issues with it, however, I am more than happy to engage with the Chair directly and resolve them.”
I hope this helps to provide clarity on that specific point.

I trust that this information is helpful and we will continue to update the Committee as further relevant information becomes available.



**DAVID GRAHAM
DALO**

Enc.

**ANNEX**

CONTENT	FINANCIAL IMPLICATIONS
Part 1 – Biometric data	<p>There will be costs involved in the creation of the new role of Northern Ireland Commissioner for the Retention of Biometric Material. These are still being assessed and will include the creation of an office to support the Commissioner.</p> <p>There will be costs to PSNI associated with implementation of the legislation, e.g. the development of software to support the new arrangements, which we understand will incorporate management of the new review arrangements. PSNI is not yet in a position to provide an estimate of costs.</p>
Part 2 – Children’s bail and remand	The Department does not believe there will be any additional costs as a result of the youth justice provisions, with the exception of a small one-off sum (approx. £5k) which may be required to make necessary IT changes to the Courts systems.
Part 3 – Use of live links in police interviews and detention	<p>At this stage, the Department does not anticipate any additional costs, given the technology required by PSNI is already in place.</p> <p>There is the potential for greater operational flexibility and efficiencies on travel and escort costs.</p>
Part 4 – Functions relating to the police	<p>The Department does not anticipate there being any additional costs associated with these provisions.</p> <p>The removal of a requirement on the Comptroller & Auditor General to audit the Northern Ireland Policing Board’s performance plan or performance summary would remove potential overlap and duplication in oversight activity.</p>
Part 4 – Criminal proceedings	<p>There are no anticipated cost implications associated with the provisions on consent for prosecution in cases of conspiracy to commit an offence outside Northern Ireland or in respect of the ‘No Bill’ amendment relating to the death of a child or vulnerable adult.</p> <p>With regard to extending the availability of registered intermediaries to appeal proceedings, the Department expects any costs to be modest and capable of being met from within existing budgets (potentially 2 to 3 cases per annum at a cost of between £300-£400 per case).</p>
Part 4 – Legal aid	The Department will take account of value for money in determining the new fee structure. It is not possible at this stage to determine whether there will be any financial savings.
Part 4 – Criminal records certificates	The Department does not anticipate there being any additional costs associated with these provisions.
Part 4 – Court security	The Department does not anticipate there being any additional costs associated with these provisions.
Part 5 – Final Provisions	The Department does not anticipate there being any additional costs associated with these provisions.



Northern Ireland Assembly Committee for Justice

David Graham
DALO
Department of Justice
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30 October 2024

Dear David

Financial information – Justice Bill

At its meeting on 24 October 2024 the Committee heard evidence on the potential financial implications of the Justice Bill from the Assembly's Research and Information Service (RaISE).

Following this session and the information received in your letter of 18 September 2024 in response to questions from RaISE, the Committee agreed to ask for further information on two areas:

- The Explanatory and Financial Memorandum states that “some provisions will be the subject of individual costs and benefit analysis and subsequent proportionate business case requiring appropriate approvals”. Which provisions of the Bill will require a business case to be approved and how has this been determined?
- Your letter of 18 September states “*The Department is progressing work to assess potential costs associated with establishing a Biometrics Commissioner... This work is still ongoing and, therefore, would not be appropriate to share at this stage*”. The Committee would be grateful if you could advise when more detailed financial information on this and the other costs arising from the Bill will be available: please provide a timeline for this information.

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I would appreciate the information by 13 November 2024.

Yours sincerely

Caroline Perry

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