



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 23 APRIL 2020

Room 30, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)
Mr Doug Beattie MLA
Mr Gordon Dunne MLA
Mr Paul Frew MLA*
Ms Rachel Woods MLA*

* These Members attended the meeting via telephone conferencing

Apologies: Ms Jemma Dolan MLA
Mr Patsy McGlone MLA
Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)
Mr Peter Madine (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)

The meeting commenced at 10.38 a.m. in open session.

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

1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Ms Dolan and Ms Rogan had delegated authority to the Deputy Chairperson, Ms Dillon, to vote on their behalf.

The issue of Members not attending committee meetings to assist with compliance with social distancing requirements in committee meeting rooms and being recorded as an apology for the meeting was raised.

Agreed: The Committee agreed to write and ask that the recording of such absences is changed to reflect the current on-going circumstances relating to Covid-19.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 9 April 2020.

3. Matters Arising

Access to Means Tested Benefits for Individuals on Temporary Release from Prison due to the outbreak of Covid-19

The Committee noted correspondence from the Minister of Justice advising that the Minister for Welfare Delivery at the Department for Work and Pensions, in consultation with the Department for Communities, had brought forward regulations making provision for individuals on temporary release from prison due to the outbreak of COVID-19 in Northern Ireland to access means tested benefits during the period of that release.

The Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020

The Committee noted a response from the Minister of Health regarding the mechanisms to be used and the criteria and information to be taken into account to determine either the continuation or relaxation of the restrictions provided for in the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020.

Up-date on Covid-19 Justice Issues

The Committee discussed the on-going rapidly changing situation in relation to Covid-19 and the need for information and transparency to assist public knowledge and understanding of the issues.

Agreed: The Committee agreed to schedule a meeting next week and ask the Minister of Justice to provide a comprehensive oral update on Covid-19 justice related issues.

Agreed: The Committee agreed to highlight any particular issues they wished to cover during the evidence session to the Committee Clerk.

Supervised Access Arrangements during Covid-19

The Committee noted a response from the Minister of Justice regarding the provision of guidance on supervised access arrangements during the Covid-19 situation.

Agreed: The Committee agreed to request further information on how the Departments of Finance and Health will bring the guidance to the attention of relevant parents and individuals.

Further information on Covid-19 justice related issues

The Committee noted a response from the Department of Justice providing further information on a range of issues following the oral evidence session on Covid-19 preparations on 2 April 2020.

4. Consultation on Proposed COVID-19 Interim Payment Scheme for Legal Aid Suppliers – Evidence Session

The following officials joined the meeting at 10.55 a.m.:

Mr Paul Andrews, Chief Executive, Legal Services Agency

Mr Eamon O'Connor, Acting Deputy Director, Enabling Access to Justice Division, Department of Justice

The officials provided an overview of a proposed Covid-19 interim payment scheme for legal aid suppliers.

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.

Some Members highlighted some issues and concerns with the proposed scheme but indicated that, given the current circumstances, they would not object to it, albeit with the caveats outlined.

Agreed: The Committee agreed that, given the current circumstances, it was content with the general thrust of the interim scheme and would support the scheme proceeding as proposed.

5. Domestic Abuse and Family Proceedings Bill – Delegated Powers Memorandum and Research Paper

The Committee noted a research paper it had commissioned on domestic abuse related legislative developments in other jurisdictions to inform its consideration of the Domestic Abuse and Family Proceedings Bill.

Agreed: The Committee agreed to publish the research paper on the Assembly website.

Agreed: The Committee agreed that Committee for Justice research papers should automatically be published on the Assembly website once presented to the Committee unless it decided otherwise.

The Committee considered correspondence from the Department of Justice providing a copy of the Delegated Powers Memorandum relating to the Domestic Abuse and Family Proceedings Bill.

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

6. Legislative Consent Motion - Private International Law (Implementation of Agreements) Bill

The Committee considered the Legislative Consent Memorandum in respect of the Private International Law (Implementation of Agreements) Bill which the Department of Justice had laid in the Assembly on 20 April.

Agreed: The Committee agreed that it was content with the Department of Justice's proposal to extend provisions in the Private International Law (Implementation of Agreements) Bill to make the legislative changes necessary to implement three Hague Conventions in domestic law and create the power to implement further PIL international agreements in domestic law via secondary legislation.

Agreed: The Committee agreed that it was content to support the Minister of Justice in seeking the Assembly's endorsement of the Legislative Consent Motion:

"That this Assembly endorses the principle of the extension of the provisions of the Private International Law (Implementation of Agreements) Bill to Northern Ireland."

7. Legislative Consent Motion - Sentencing (Pre-Consolidation Amendments) Bill

The Committee considered information provided by the Department of Justice on a proposal for a Legislative Consent Motion to extend three provisions in the Sentencing (Pre-Consolidation Amendments) Bill relating to the transfer of Community Orders, Youth Rehabilitation Orders and Suspended Sentence Orders imposed by the courts in England and Wales to Northern Ireland. The provisions are largely technical in nature and aim to facilitate the consolidation of the law on sentencing procedure in England and Wales.

Agreed: The Committee agreed that an oral evidence session on the proposal for a Legislative Consent Motion was not required.

8. Counter-Terrorism (Sentencing and Release) Bill

The Committee considered correspondence from the Minister of Justice providing an update on the Counter-Terrorism (Sentencing and Release) Bill and a summary of the position on the key issues that were discussed with the Lord Chancellor and Secretary of State for Justice the Rt Hon Robert Buckley QC MP on 27 March 2020. The Committee noted the current position.

9. Department of Justice Budget 2020-21

The Committee considered information on the Department of Justice 2020-21 budget and a list of questions from Members seeking further details and clarification on a range of areas.

Agreed: The Committee agreed to send the questions, with three additions, to the Department of Justice for an immediate response to enable a discussion on the budget to take place next week.

10. SL1: The Sexual Offences Act 2003 (Prescribed Police Stations) Regulations (Northern Ireland) 2020

The Committee considered a response from the Department of Justice providing further information in relation to a proposal to make a statutory rule to update the list of police stations across Northern Ireland where convicted sex offenders can attend to notify the police of their personal details.

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

Agreed: The Committee agreed to request further information in relation to the removal of three police stations from the list.

11. Simplifying the Legal Aid Approval Process for Engagement of Expert Witnesses in Family Proceedings in the Magistrates' Courts – Consultation on a Pilot Scheme

The Committee considered additional information provided by the Department of Justice on the consultation and the proposed pilot scheme to enable solicitors to instruct psychiatrists and psychologists in public law proceedings in the Family Proceedings Court within fixed hourly rates and a cap on hours without the need for prior authority from the Legal Services Agency.

Agreed: The Committee agreed that it was content to consider the pilot scheme further when the results of the consultation and details of the final proposals are available.

12. Correspondence

- i. The Committee considered responses from the Minister of Justice and the NI Policing Board on the action being taken in response to the recommendations in the NI Audit Office Report on Injury on Duty Schemes for Officers in the PSNI and the NI Prison Service.

Agreed: The Committee agreed to request a copy of the action plan setting out how each of the report recommendations would be addressed when available.

- ii. The Committee considered a response from the Department of Justice providing additional information following the overview briefing on the Safer Communities Directorate.

Agreed: The Committee agreed to defer this item of correspondence until the next Committee meeting.

- iii. The Committee considered a response from the Department of Justice on the implications for the PSNI of the ‘Bear Scotland v Fulton and others case’ and what consideration is being given to legislation to limit the impact of retrospection.

Agreed: The Committee agreed to write to the Department for the Economy and request an update on the progress of the Working Group established to examine the financial and practical consequences of the issues and why similar legislation to that in England, Wales and Scotland was not introduced in 2015.

- iv. The Committee considered a response from the Department of Justice on the timescale for consideration of proposed amendments to the Firearms (Northern Ireland) Order 2004 by the British Association for Shooting and Conservation (BASC).

Agreed: The Committee agreed to request further details of the PSNI concerns around the current operation of the “one on – one off” system.

Agreed: The Committee agreed to forward the departmental response to BASC for information.

- v. The Committee considered a copy of a letter from BASC to the PSNI Firearms and Explosives Branch raising issues regarding the advice sent to Firearms Dealers on 9 April stating that customers should not be provided with dealer notes at this time.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice for information and comment and to ask the PSNI to provide a copy of its response to BASC on the issues raised.

- vi. The Committee considered correspondence from the Committee for Finance outlining revised arrangements for the In-Year Monitoring process.

Agreed: The Committee agreed to forward the information outlined to the Committee for Finance when it is received from the Department of Justice as part of the In-Year Monitoring process.

The Committee noted the following:

- vii. A response from the Minister of Justice providing information on the rationale for the Secretary of State for Northern Ireland requesting that a new competition for the appointment of independent members to the Northern Ireland Policing Board should be undertaken.

- viii. A copy of the Department of Justice's response to the Committee for Finance on a number of issues regarding writs relating to procurement contracts raised following amendments to the Public Contracts Regulations.
- ix. Correspondence from the Clerk to the Committee on Procedures advising that the inquiry on LCMs had been paused indefinitely due to the current circumstances.
- x. Correspondence from the Committee for Health providing guidance from the Royal National Institute for the Blind (RNIB) on the provision of accessible online information on Covid-19.
- xi. Correspondence from the charity We Are Hourglass requesting urgent advice and guidance during Covid-19 which had already been forwarded to the Department of Justice with a request that officials contact the organisation to discuss the issues raised.
- xii. The Northern Ireland Judicial Appointments Ombudsman's 2018/19 Annual Report.

13. Chairperson's Business

None.

14. Any Other Business

None.

15. Date, time and place of next meeting

The next meeting will take place on a suitable date and time week commencing 27 April 2020 in Parliament Buildings.

The meeting was adjourned at 12.16 p.m

Paul Givan MLA
Chairperson, Committee for Justice