



**Northern Ireland  
Assembly**

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

THURSDAY 3 SEPTEMBER 2020

Senate Chamber, Parliament Buildings, Belfast

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

\* This Member attended the meeting via video conferencing.

Apologies: 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 Committee noted that the meeting would commence in closed session to receive legal advice on Clause 10 of the Domestic Abuse and Family Proceedings Bill and a briefing by the Assembly Bill Clerk on the Domestic Abuse and Family Proceedings Bill in accordance with normal protocol.*

*The meeting commenced at 10.05 a.m. in closed session.*

**1. Domestic Abuse and Family Proceedings Bill – Legal Advice on Clause 10**

Ms Alice McKelvey, Assembly Legal Adviser, attended the meeting to provide legal advice on the legislative competence issue raised by the former Attorney General for Northern Ireland, Mr John Larkin QC, in relation to Clause 10 of the Domestic Abuse and Family Proceedings Bill and answered Members' questions.

The Chairperson thanked Ms McKelvey for her advice and she left the meeting.

## **2. Domestic Abuse and Family Proceedings Bill – Briefing by the Assembly Bill Clerk**

Ms Stephanie Mallon, Assembly Bill Clerk, attended the meeting to provide advice on the Domestic Abuse and Family Proceedings Bill.

The Chairperson thanked Ms Mallon for her advice and she left the meeting.

*The meeting moved into public session at 10.36 a.m.*

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

## **3. Apologies**

As above.

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

## **4. Draft Minutes**

*Agreed:* The Committee agreed the minutes of the meeting held on Tuesday 30 June 2020.

*Agreed:* The Committee agreed the minutes of the meeting held on Thursday 2 July 2020.

## **5. Matters Arising**

### Item 1 – Response from the Minister of Justice on Clause 10 of the Domestic Abuse and Family Proceedings Bill

The Committee noted a response from the Minister of Justice outlining her position on the legislative competence issue raised by the former Attorney General for Northern Ireland in relation to Clause 10 of the Domestic Abuse and Family Proceedings Bill.

### Item 2 – Response from the Department of Justice to the issues raised by the Committee on the proposed consultation on proposals to amend the legislation governing the retention of DNA and Fingerprints

The Committee noted a response from the Department of Justice advising that it would carry out a full eight-week public consultation on the proposals to amend the legislation governing the retention of DNA and Fingerprints given the views expressed by the Committee.

Item 3 - The Year 5 Action Plan Relating to the Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy

The Committee noted the Year 5 Action Plan relating to the Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy which would be considered further at a future meeting.

Item 4 – Response from the Minister of Justice on the Victims’ Payments Scheme

The Committee considered a response from the Minister of Justice to the range of issues raised by the Committee on the Victims’ Payments Scheme.

*Agreed:* The Committee agreed to schedule an oral evidence session with Department of Justice officials on the processes and other arrangements to be established for the Victims’ Payments Scheme and the timescales.

*Agreed:* The Committee agreed that a note of the areas raised by Members would be provided to the Department of Justice in advance of the oral evidence session.

*Agreed:* The Committee agreed to write to the First Minister and deputy First Minister, the Minister of Justice and the Secretary of State for Northern Ireland to request an update on the current position in respect of funding for the Scheme payments.

Item 5 - Department of Justice – Further information on EU Exit and justice related issues

The Committee noted additional information provided by the Department of Justice on a range of EU Exit justice related issues.

Item 6 - Responses from the Assembly Speaker and the First Minister and deputy First Minister regarding the Attorney General vacancy

The Committee considered responses from the Assembly Speaker and the First Minister and deputy First Minister regarding the arrangements to fulfil the responsibilities and statutory functions of the Office of the Attorney General for Northern Ireland on an interim basis and to appoint a permanent replacement.

*Agreed:* The Committee agreed to request an update from the First Minister and deputy First Minister on the recruitment process for a permanent replacement and information on how the role of First Legislative Counsel is being covered while Ms King undertakes the responsibilities of Attorney General.

**6. Domestic Abuse and Family Proceedings Bill – Research Papers on Clause 12 – Defence on Grounds of Reasonableness; and Information Sharing between Police Forces and the Home Office.**

The Committee considered two research papers from the Assembly Research and Information Service, commissioned to assist consideration of issues arising in relation to the Domestic Abuse and Family Proceedings Bill, on Clause 12 and the reasonableness

defence and on the arrangements governing the sharing of information in relation to migrant victims of domestic abuse.

*Agreed:* The Committee agreed to request clarification from the PSNI and the NI Policing Board on the rationale for following the National Police Chiefs' Council guidance on the approach to sharing information with the Home Office and the criteria used when considering individual cases.

## **7. Domestic Abuse and Family Proceedings Bill – Update**

The Committee noted the following additional information received in relation to the Domestic Abuse and Family Proceedings Bill:

- i. A response from the Northern Ireland Human Rights Commission to issues raised during the oral evidence session on 2 July 2020.
- ii. A response from the Bar of Northern Ireland to issues raised during the oral evidence session on 2 July 2020.
- iii. Further information from Women's Aid Federation Northern Ireland on its views on a Domestic Abuse Commissioner and Domestic Abuse Advocacy Service.
- iv. A response from the Department of Justice providing further information on Operation Encompass including any legislative gaps and how a proposed pilot scheme can operate in the absence of legislative changes.
- v. A response from the PSNI outlining its views on Domestic Abuse Protection Notices and Domestic Abuse Protection Orders.
- vi. A response from the Department for Communities regarding access to public funds by migrants.
- vii. A response from the Department of Justice providing the draft terms of reference and further information on the Review of Law on Strangulation and information on the delivery of the proposed advocacy service for victims of domestic and sexual abuse.
- viii. The written response from the Department of Justice to the issues raised in the evidence received by the Committee on the Bill.
- ix. A copy of correspondence from the Minister of Justice to the UK Minister for Small Business, Consumers and Labour Markets in the Department for Business, Energy and Industrial Strategy regarding a Review into Support in the Workplace for Victims of Domestic Abuse.
- x. A paper on the provisions of the Westminster Domestic Abuse Bill that are not included in the Domestic Abuse and Family Proceedings Bill.

The Committee considered a draft timetable for the Committee consideration of the Bill and agreement of the report by 15 October 2020.

*Agreed:* The Committee agreed the timetable for completion of the Committee Stage of the Bill.

The Committee noted that a number of informal meetings previously agreed would be scheduled in the next few weeks.

The Committee considered additional requests for informal meetings received from five individuals.

*Agreed:* The Committee agreed that, in view of the limited time remaining to complete the Committee Stage of the Bill, it was not feasible to schedule any further informal meetings with individuals.

## **8. Domestic Abuse and Family Proceedings Bill – Oral Evidence from Department of Justice and PSNI Officials**

The following officials joined the meeting at 11.07 a.m.

Ms Veronica Holland, Head of Violence Against the Person Branch, Department of Justice

Ms Jane Maguire, Head of Family Courts and Tribunals Branch, Department of Justice

Mr Anthony McNally, Acting Detective Chief Superintendent, Police Service of Northern Ireland

The officials provided evidence on the clauses of the Domestic Abuse and Family Proceedings Bill and answered Members' questions.

*Mr Beattie left the meeting at 12.18 p.m.*

*Ms Dolan left the meeting at 12.33 p.m.*

The officials agreed to provide further information on a number of issues and several potential amendments.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance and they left the meeting.

*The meeting was suspended at 12.38 p.m.*

*The meeting recommenced at 12.49 p.m.*

Present: Mr Paul Givan MLA (Chairperson)  
Ms Linda Dillon MLA (Deputy Chairperson)  
Ms Sinead Bradley MLA\*  
Ms Jemma Dolan MLA  
Mr Gordon Dunne MLA  
Mr Paul Frew MLA  
Ms Rachel Woods MLA

\* This Member attended the meeting via telephone conferencing.

## **9. Counter –Terrorism (Sentencing and Release) Bill – Up-date**

The Committee noted information provided by the Department of Justice on the current position regarding the Counter-Terrorism and Sentencing Bill, the proposed approach by the UK Government and a potential limited Legislative Consent Motion.

## **10. SR 2020/113: The Attorney General’s Human Rights Guidance (The Application of Section 5 of the Criminal Law Act (Northern Ireland) 1967 to Victims of Serious Sexual Offences and those to whom they make Disclosures) Order (Northern Ireland) 2020**

The Committee had considered SR 2020/113: The Attorney General’s Human Rights Guidance (The Application of Section 5 of the Criminal Law Act (Northern Ireland) 1967 to Victims of Serious Sexual Offences and those to whom they make Disclosures) Order (Northern Ireland) 2020 at its meeting on 2 July 2020, and agreed that it had no objection to the Rule subject to the Examiner of Statutory Rules’ report.

The Committee noted the views of the Examiner of Statutory Rules which indicated that the 21-day rule had been breached in relation to the Rule but she was content with the explanation provided by the Attorney General for Northern Ireland that it was due to his tenure ending on 30 June.

## **11. Department of Justice Covid-19 Recovery Plan**

The Committee considered a copy of the latest version of the Department of Justice’s Covid-19 Recovery Plan and information on recovery planning in relation to the Northern Ireland Courts and Tribunal Service, the Northern Ireland Prison Service and the Youth Justice Agency.

*Agreed:* The Committee agreed to request further information and figures on the current backlog of criminal, civil and family court cases.

*Agreed:* The Committee agreed to continue to monitor the Covid-19 situation and a briefing with relevant officials would be scheduled when appropriate.

## **12. June 2020 Monitoring Round Outcome and Covid-19 Reprioritisation Exercise**

The Committee noted an update from the Department of Justice on the outcome of the June 2020 Monitoring round and the Covid-19 reprioritisation exercise.

## **13. Amendments to Judicial Co-operation No Deal Statutory Instruments Required before the end of the Transition Period**

The Committee considered information from the Department of Justice on amendments required to a number of UK-wide judicial co-operation statutory instruments to ensure

compliance with provisions in the Withdrawal Agreement and noted the position of the Minister of Justice that the proposed SIs should extend to Northern Ireland given they are purely technical, they are amending SIs that are UK-wide and many of the amendments are being made to UK-wide statutes.

#### **14. AccessNI – Proposed Amendments to the Filtering Scheme**

The Committee considered information provided by the Department of Justice on amendments to the AccessNI filtering scheme and the Minister’s proposed policy that, rather than a blanket non-disclosure of youth non-court disposals (NCDs) no such information should be disclosed before it is independently scrutinised by the Department’s Independent Reviewer (IR) of criminal record certificates. Disclosure could therefore still be made of a youth NCD where the IR believed that non-disclosure would undermine the safeguarding or protection of children and vulnerable adults or pose a risk of harm to the public.

*Agreed:* The Committee agreed to request information from the Department on whether the NI Commissioner for Children and Young People, the Youth Justice Agency and other key stakeholders had been consulted on the proposed policy and if so the views received.

#### **15. Committee Forward Work Programme September - December 2020**

The Committee considered information provided by the Department of Justice regarding work items that it intends to bring forward between September and December 2020 and its planned legislative work programme for the rest of the mandate.

*Agreed:* The Committee agreed to schedule the written briefing papers requested by the Department for the meetings in September with the caveat that priority would be given to completing the Committee Stage of the Domestic Abuse and Family Proceedings Bill and if necessary written papers would be deferred to the next meeting.

*Agreed:* The Committee agreed to schedule an informal Committee discussion on priorities for the rest of the year and early 2021 in October.

#### **16. Correspondence**

- i. The Committee considered a response from the Department of Justice providing further information requested by the Committee on the advice provided by the PSNI to firearms dealers on the provision of dealer notes in the Covid-19 situation and on the PSNI concerns around the current operation of the “one on – one off” banded system in the context of the proposed amendments to firearms legislation by BASC.

*Agreed:* The Committee agreed to send a copy of the response to BASC for information.

*Agreed:* The Committee agreed to request an update from the Department in January 2021 on the outcome of the PSNI operational review due to be completed by the end of 2020.

- ii. The Committee considered a memo from the Committee for Finance providing details of the scope and timeline of a Review of Arms-Length Bodies by the Executive.

*Agreed:* The Committee agreed to request details from the Department of Justice of the information it has provided on its Arms-Length Bodies to the Review.

- iii. The Committee considered a request from CARE for the Committee to consider the introduction of a Places of Worship Protection Scheme for Northern Ireland.

*Agreed:* The Committee agreed to request information from the Department of Justice on the current position regarding introducing a Places of Worship Protection Scheme for Northern Ireland and what further action can be taken to assist Places of Worship who have experienced attacks.

- iv. The Committee considered the Criminal Justice Inspection Northern Ireland Report on The Care and Treatment of Victims and Witnesses by the Criminal Justice System in Northern Ireland.

*Agreed:* The Committee agreed to schedule oral briefings on the report findings and recommendations and the justice bodies response when the action plan is received.

- v. The Committee considered the National Crime Agency Annual Report and Accounts for 2019-2020.

*Agreed:* The Committee agreed to schedule an oral briefing on organised crime in Northern Ireland with representatives from the National Crime Agency, the Police Service of Northern Ireland and other relevant organisations.

The Committee noted the following:

- vi. Correspondence from the Department of Justice regarding a Ministry of Justice project to review the intra-UK rules governing civil and family litigation involving more than one UK legal jurisdiction.
- vii. A response from the Department of Justice providing the action plan on how each of the recommendations in the NI Audit Office Report on the Injury on Duty Schemes for Officers in the PSNI and NI Prison Service will be addressed.
- viii. A response from the Department of Justice providing clarification on how the proposed new organised crime offences will link in with existing paramilitary related offences and sentencing frameworks and outlining the revised timescales for the consultations on the new offences and on a draft Organised Crime Strategy.
- ix. An update from the Department of Justice on the Implementation of the Gillen Review Recommendations and a copy of the Implementation Plan on which an oral briefing will be scheduled in late September/early October.



- x. A letter from the Department of Justice providing the Access NI Independent Reviewer of Criminal Record Information Annual Report 2020 and the Minister's response to the two specific recommendations in the report.
- xi. A response from the Department of Justice providing further information following the oral evidence session with Assistant Chief Constable Alan Todd on the PSNI Covid-19 response on 28 May 2020.
- xii. A response from the Department of Justice providing the further information, including the Terms of Reference, requested by the Committee in relation to the Review of Support Mechanisms for Frontline Prison Staff.
- xiii. A copy of a response from the Minister of Justice to the correspondence from the President of the Law Society regarding the proposed closure of the Legal Aid Interim Payments Scheme.
- xiv. A response from the Department of Justice providing the further information requested by the Committee in relation to the AccessNI performance and activity report for 2019/20.
- xv. A memo from the Committee for Communities providing a copy of a letter to the Minister of Justice providing an update briefing by Solace NI on Covid-19 and its financial impact on Local Government and encouraging the development of a cross-departmental strategic approach to support councils.
- xvi. A copy of the UK Chancellor's Summer Economic Update and Barnett Consequentials from the Department of Finance.
- xvii. A letter from the Speaker on the Assembly Commission Decision to Establish a Youth Assembly.
- xviii. A copy of correspondence from the Minister of Health to the Committee for Health setting out details of the funding provided across all Departments for the Seven Year Stopping Domestic and Sexual Violence and Abuse Strategy.
- xix. An email from the Chairman of West Tyrone Against Wind Turbines raising concerns regarding the accelerated passage of the Executive Committee (Functions) Bill through the NI Assembly.
- xx. Correspondence from the Royal College of Psychiatrists providing a copy of supplementary evidence to the House of Commons Justice Select Committee in relation to the minimum age of criminal responsibility following an oral evidence session on Children and Young People in Custody on 30 June 2020.
- xxi. Correspondence from the Chair of the All Party Group on UNSCR 1325 Women, Peace and Security, Ms Paula Bradley MLA, on embedding gender equality in future policy and requesting a response from the Executive to the Women's Policy Group NI's Covid-19 Feminist Recovery Plan.
- xxii. A Research and Statistical Bulletin on 'First Time Entrants to the Criminal Justice System in Northern Ireland 2018/19'.

- xxiii. The Northern Ireland Courts and Tribunals Service Quarterly Statistics Bulletins January – March 2020.
- xxiv. The Security Industry Authority Annual Report and Accounts 2019/20.
- xxv. The Northern Ireland Courts and Tribunal Service Quarterly Statistics Bulletins April – June 2020.
- xxvi. The Investment Strategy Northern Ireland – Department of Justice’s Procurement Activity Report July 2020.
- xxvii. A report from Pivotal on Covid-19 in Northern Ireland, a New Economic Vision.
- xxviii. The Police Rehabilitation and Retraining Trust Annual Report and Accounts for year end 31 March 2020.
- xxix. The Parole Commissioners for Northern Ireland Annual Report 2019-20.

**17. Chairperson’s Business.**

None.

**18. Any Other Business**

None.

**19. Date, Time and Place of the next meeting**

The next meeting will be held on Thursday 10 September 2020 at 10.00 a.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 1.08 p.m.

**Mr Paul Givan MLA**  
**Chairperson, Committee for Justice**