



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

10 June 2021

Meeting Location: The Senate Chamber, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Mr Paul Frew MLA

Ms Rachel Woods MLA

Apologies: Mr Doug Beattie MLA

Mr Gordon Dunne MLA

Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)

Mrs Clairita Frazer (Assistant Clerk)

Mrs Allison Mealey (Clerical Supervisor)



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In Attendance by Video or Teleconference:

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 11:02 a.m. in open session.

Agreed: The Committee agreed that the oral evidence sessions on the Damages (Return on Investment) Bill and the Protection from Stalking Bill 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 MLA had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf.

The Chairperson and Members paid tribute to the commitment and contribution of Gordon Dunne MLA to the Committee and sent their thoughts and best wishes to him and his family following his announcement that he was stepping down as an MLA to focus on his health.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 3 June 2021.



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3. Matters Arising

Item 1 – Committee for Finance – Forecast Outturn Data March 2021

The Committee noted correspondence from the Committee for Finance providing the monthly forecast outturn data for March 2021 which showed some very significant end of year surges in respect of both capital and resources.

Item 2 – Department of Justice – Request for a change to the Committee Forward Work Programme

The Committee considered correspondence from the Department requesting the deferral of the written briefing paper on the Programme for Government 2021 – Draft Department of Justice Action Plan scheduled for the meeting on 17 June 2021 and the inclusion of a written briefing paper on a proposal for a Statutory Rule relating to the Proceeds of Crime Act 2002 on that date instead.

Agreed: The Committee agreed the changes to the Forward Work Programme requested by the Department of Justice.

4. Damages (Return on Investment) Bill – Oral Evidence from the Forum of Injury Lawyers and Confederation of British Industry NI

The Committee noted a paper setting out potential issues it may wish to explore during the oral evidence sessions on the Damages (Return on Investment) Bill.

The following representatives from the Forum of Injury Lawyers and Confederation of British Industry NI joined the meeting via StarLeaf at 11:08 a.m.

Mr Kevin Shevlin, Representative, Forum of Injury Lawyers

Mr Stuart Anderson, Senior Policy Advisor, Confederation of British Industry Northern Ireland



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Ms Sinéad Bradley MLA joined the meeting at 11:12 a.m.

Mr Shevlin and Mr Anderson outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The representatives agreed to provide further information on one issue discussed during the session.

The Chairperson thanked the representatives for their attendance.

5. Damages (Return on Investment) Bill – Oral Evidence from the Association of British Insurers

The following representative from the Association of British Insurers joined the meeting via StarLeaf at 11:54 a.m.

Mr Alastair Ross, Assistant Director, Association of British Insurers

Mr Ross outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

The Chairperson thanked Mr Ross for his attendance.

Agreed: The Committee agreed to take agenda items 6 and 7 together with the consent of the witnesses in order to progress business on time.



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Mr Paul Frew MLA joined the meeting at 12:26 p.m.

6. Damages (Return on Investment) Bill – Oral Evidence from the Forum of Complex Injury Solicitors and the Association of Personal Injury Lawyers

The following representatives from the Forum of Complex Injury Solicitors and the Association of Personal Injury Lawyers joined the meeting via StarLeaf at 12:31 p.m.

Mr Julian Chamberlayne, Chairman, Forum of Complex Injury Solicitors

Ms Oonagh McClure, Representative, Association of Personal Injury Lawyers

Mr Chamberlayne and Ms McClure outlined a number of key issues in relation to the provisions of the Damages (Return on Investment) Bill and the proposed new framework to set the Personal Injury Discount Rate.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.

Mr Chamberlayne agreed to provide further information on one issue discussed during the session.

The Chairperson thanked the representatives for their attendance.

The meeting was suspended at 1:14 p.m. and resumed at 1:49 p.m.

Present: Mr Paul Givan MLA (Chairperson)

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)



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Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Mr Paul Frew MLA

Ms Rachel Woods MLA

The Deputy Chairperson, Ms Linda Dillon MLA, indicated that she had to leave the meeting at approximately 2.00 p.m. for a prior engagement therefore wished to raise several issues at this stage of the meeting.

Ms Dillon wished the Chairperson, Mr Paul Givan MLA, and Mr Paul Frew MLA, well in their forthcoming ministerial appointments and asked them to use their influence at the Executive to ensure the Justice Bill was progressed as soon as possible for introduction into the Assembly. With regard to the proposed informal meetings with individuals who had suffered stalking behaviour that were due to be discussed under Agenda Item 8 Ms Dillon indicated that it would be helpful to complete these before September if possible.

Ms Linda Dillon MLA left the meeting at 1:53 p.m.

7. Protection from Stalking Bill – Oral Evidence from Action Against Stalking, Scotland

The following representative from Action Against Stalking, Scotland joined the meeting via StarLeaf at 1:54 p.m.

Ann Moulds, Founder & Chief Executive, Action Against Stalking, Scotland

Ms Moulds outlined a number of key issues in relation to the provisions of the Protection from Stalking Bill and her experience of the Scottish stalking offence.

The oral evidence was followed by a question and answer session.

The oral evidence session was reported by Hansard.



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Ms Moulds agreed to provide further updates on one issue discussed during the session if available.

The Chairperson thanked Ms Moulds for her attendance.

8. Protection from Stalking Bill – Update on Oral Evidence Sessions

The Committee noted that the oral evidence sessions it had agreed to schedule on the Protection from Stalking Bill were now complete.

Agreed: The Committee agreed to send a summary of the issues raised in the written and oral evidence to the Department of Justice for a written response following which arrangements would be made for officials to attend and give oral evidence.

The Committee considered a format for informal private meetings with individual victims of stalking behaviour to inform its consideration of the Bill.

Agreed: The Committee agreed the approach to be taken to hear informally from individual victims of stalking behaviour.

Agreed: The Committee agreed to hold an informal meeting with groups that support victims of honour-based abuse including stalking.

9. Criminal Justice (Committal Reform) Bill – Consideration and Approval of Committee Report

The Committee considered the final draft report on the Criminal Justice (Committal Reform) Bill.



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Title Page, Committee Membership and Powers Page, Table of Contents Page and List of Abbreviations Page

The Committee considered the Title Page, the Committee Membership and Powers Page, the Table of Contents Page and the Abbreviations Page as drafted.

Agreed: The Committee agreed that it was content with the Title Page, Committee Membership and Powers Page, Table of Contents Page and List of Abbreviations Page.

Introduction

The Committee considered the Introduction section of the report (paragraphs 1 to 20) as drafted.

Agreed: The Committee agreed that it was content with the Introduction section of the report.

Consideration of the Bill Provisions Section

The Committee considered the Consideration of the Bill Provisions section of the report (paragraphs 21 to 164) as drafted.

Agreed: The Committee agreed that it was content with the Consideration of the Bill Provisions section of the report.

Other Issues raised in the consideration of the Bill

The Committee considered the Other Issues raised in the consideration of the Bill section of the report (paragraphs 165 to 187) as drafted.

Agreed: The Committee agreed that it was content with the Other Issues raised in the consideration of the Bill section of the report.



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Clause by Clause Consideration of the Bill

The Committee considered the Clause by Clause Consideration of the Bill section of the report (paragraphs 188 to 198) as drafted.

Agreed: The Committee agreed that it was content with the Clause by Clause Consideration of the Bill Section of the report.

Appendices

The Committee considered the Appendices section of the report.

Agreed: The Committee agreed that it was content that the Appendices be included in the report.

Executive Summary

The Committee considered the Executive Summary of the report as drafted.

Agreed: The Committee agreed that it was content with the Executive Summary.

Agreed: The Committee agreed that it was content for the Chairman to approve the Minutes of Proceedings of this meeting for inclusion in Appendix 1 of the report. They would then be replaced by the final version of the Minutes of Proceedings once agreed by the Committee.

Agreed: The Committee agreed that it was content for the Report on the Criminal Justice (Committal Reform) Bill to be published and issued to all MLAs and the Minister of Justice.

Agreed: The Committee agreed that an electronic copy of the Bill report should be sent to all organisations and individuals who provided evidence to the Committee on the Bill.



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On behalf of the Committee the Chairperson thanked the Committee team, Hansard and other Assembly staff as well as the Department of Justice officials who assisted the Committee during its scrutiny of the Bill.

10. Public Service Pensions and Judicial Offices Bill - Proposed Legislative Consent Motion

The Committee noted correspondence from the Committee for Finance providing information on a forthcoming Legislative Consent Memorandum for the Public Services Pensions and Judicial Offices Bill which will give effect to changes in public sector pensions in line with the McCloud judgement and make other provisions in relation to Judicial Pension Schemes including increasing the mandatory retirement age from 70 to 75 and policy and payment of allowances for judges sitting in retirement.

11. SL1: County Court (Amendment) Rules (Northern Ireland) 2021

The Committee considered further information provided by the Department of Justice regarding the outcome of a targeted consultation undertaken by the County Court Rules Committee on a proposal for a Statutory Rule under Article 47 of the County Courts (Northern Ireland) Order 1980 to allow a judgement to be obtained by a plaintiff on a summary basis for all or part of a claim after a Notice of Intention to Defend has been lodged. The Rule would also make provision for provisional damages mirroring, as appropriate, the rules which apply in the High Court.

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



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12.SL1: The Magistrates' Court (Civil Jurisdiction and Judgements Act 1982) (Amendment) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule to reinsert provisions in the Magistrates' Courts Rules supporting the procedure for maintenance applications under the Lugano Convention, which were omitted in court rule amendments made when the UK left the Convention on its withdrawal from the European Union.

Agreed: The Committee agreed to request further information from the Department of Justice regarding when the outcome of the UK's application to re-join the Lugano Convention will be available and the rationale for bringing forward this rule before the outcome of the application is known.

13.SL1: The Crown Court (Amendment No.2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule to reinsert provisions in the Crown Court Rules in respect of referrals to the Court of Justice of the EU, which were omitted in amendments made in preparation for withdrawal from the EU and which are required for certain limited circumstances.

Agreed: The Committee agreed to request further information on the limited circumstances under which referrals may be made to the Court of Justice of the EU.

14.SL1: The Court of Judicature (Amendment No.2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule to reinsert provisions in the Court of Judicature Rules that govern the practice and procedure in the High Court and Court of Appeal supporting the procedure for applications under the Lugano Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, which were omitted in court rule amendments made when the UK left the Convention on its withdrawal from the EU, and in respect of referrals to the Court of Justice of the EU which were omitted in



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amendments made in preparation for withdrawal from the EU and which are required for certain limited circumstances.

Agreed: The Committee agreed to write to the Department of Justice to request further information on the limited circumstances under which referrals may be made to the Court of Justice of the EU.

15. SL1: The County Court (Amendment No.2) Rules (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule to reinsert provisions in the County Court Rules that govern the practice and procedure supporting the procedure for applications under the Lugano Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, which were omitted in court rule amendments made when the UK left the Convention on its withdrawal from the EU and in respect of referrals to the Court of Justice of the EU which were omitted in amendments made in preparation for withdrawal from the EU and which are required for certain limited circumstances.

Agreed: The Committee agreed to write to the Department of Justice to request further information on the limited circumstances under which referrals may be made to the Court of Justice of the EU.

16. Making of a Statutory Rule to Amend Rule 22 of the Parole Commissioners (Northern Ireland) Rules 2009

The Committee considered an update from the Department of Justice on the laying of a Statutory Rule to amend Rule 22 of the Parole Commissioners (Northern Ireland) Rules 2009 to introduce provisions which allow registered victims, or other parties (where it is considered to be in the public interest), to receive summaries of parole decisions.



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Agreed: The Committee agreed to request further information from the Department of Justice on the level of engagement with key stakeholders including Victim Support that had taken place on the proposed change and on the expected timeframe for the outcome of the on-going legal challenges.

17. UK Financial Services Bill – Electronic Money Institutions Clause

The Committee considered responses from the Department of Justice and the Northern Ireland Policing Board providing further information on the potential consequences for Northern Ireland of not being included in the Electronic Money Institutions provision of the UK Financial Services Bill and the implications for the powers of the PSNI.

Agreed: The Committee agreed to forward the response from the NI Policing Board to the Department of Justice for comment on the issues raised and to request an update on its engagement with the Home Office to identify a suitable legislative vehicle to extend the relevant provision in the UK Financial Services Bill to Northern Ireland.

18. Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy – Further Information on Progress Against the Year Five Action Plan

The Committee noted the further information provided by the Department of Justice on delivery of the actions in the Stopping Domestic and Sexual Violence and Abuse Year Five Action Plan for which the Department and justice organisations were responsible.

19. Correspondence

- i. The Committee considered a response from the Department of Justice providing further information on progress to implement the



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recommendations in the NI Audit Office Report on Mental Health in the Criminal Justice System.

Agreed: The Committee agreed to request an update on progress to deliver the Report's recommendations in 6 months' time.

- ii. The Committee considered responses from the NI Policing Board and PSNI regarding the use of the Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) forms by the PSNI.

Agreed: The Committee agreed to forward both responses to Women's Aid.

The Committee noted the following:

- iii. Notification from the Minister of Justice of her intention to make an Oral Statement to the Assembly on Tuesday 8 June 2021 regarding Inter-Governmental Agreement on Co-operation on Criminal Justice Matters.
- iv. A copy of the Statutory Guidance on the Domestic Abuse Offence required under section 30 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021.
- v. Notification that the Minister of Justice had consented to the making of a Statutory Rule to commence on 1 June 2021 Section 13 of the Crime and Security Act 2010.
- vi. A memo from the Committee for the Executive Office advising of the attendance of the President of the Historical Institutional Abuse Redress Board, the Honourable Mr Justice Huddleston, at its meeting on 23 June in relation to concerns raised by Victim and Survivor Groups surrounding the Redress Board process.
- vii. Copy correspondence from Hewitt and Gilpin Solicitors on behalf of the Christian Institute in Northern Ireland to the Minister for Communities regarding potential legislation to ban 'Conversion Therapy'.



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18. Chairperson's Business

The Committee noted a response from the Chairpersons' Liaison Group regarding meetings with the Chair of the Northern Ireland Affairs Committee to discuss Committee scrutiny of the Northern Ireland Protocol.

The Chairperson advised the Committee that the next meeting is provisionally scheduled for early July 2021.

19. Any Other Business

Members of the Committee expressed their appreciation to the Chairperson, Paul Givan MLA, and Paul Frew MLA for their work on the Justice Committee and wished both well for their forthcoming Ministerial appointments.

20. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 17 June 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 2:55 p.m.

Mervyn Storey MLA
Chairperson, Committee for Justice
17 June 2021