



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

17 June 2021

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)
Ms Linda Dillon MLA (Deputy Chairperson)

Present by Video or Teleconference:

Mr Doug Beattie MLA
Ms Sinéad Bradley MLA
Ms Jemma Dolan MLA
Ms Rachel Woods MLA

Apologies: Mr Gordon Dunne MLA
Mr Paul Frew MLA
Ms Emma Rogan MLA

In Attendance:

Mrs Christine Darrah (Assembly Clerk)
Mrs Clairita Frazer (Assistant Clerk)



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Ms Sarah Preece (Clerical Officer)

In Attendance by Video or Teleconference:

Mrs Allison Mealey (Clerical Supervisor)

The meeting commenced at 2:00 p.m. in open session.

Ms Rachel Woods joined the meeting at 2:01 p.m.

The Chairperson, Mervyn Storey MLA, opened the meeting by paying tribute to his predecessor Paul Givan MLA and indicated that he was looking forward to working with the other Members on the Committee for Justice.

The Chairperson also sent his thoughts and prayers to Gordon Dunne MLA following his recent announcement to step down from the Assembly.

The Deputy Chairperson, Linda Dillon MLA, welcomed Mervyn Storey following his appointment as Chairperson of the Committee and sent best wishes to his predecessor, Paul Givan MLA, in his new role.

The Deputy Chairperson, Linda Dillon MLA, declared an interest in relation to Agenda Item 4 as she was one of the individuals who had been investigated following the funeral of Mr Bobby Storey.

Agreed: The Committee agreed that the oral evidence session with the Director of Public Prosecutions should be reported by Hansard.



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1. Apologies

As above.

The Clerk informed the Committee that, under Standing Order 115(6), Gordon Dunne MLA and Paul Frew MLA had delegated authority to the Chairperson, Mervyn Storey MLA, to vote on their behalf and Emma Rogan MLA had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf. Jemma Dolan had also delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf until she joined the meeting.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 10 June 2021.

3. Matters Arising

Item 1 – Minister of Justice – Current Position on the Justice Bill

The Committee considered correspondence from the Minister of Justice providing an update on the timeframe for the introduction of the Justice Bill and the reasons for the delay.

A number of Members raised concerns regarding the delay in the Bill being brought forward.

Agreed: The Committee agreed to write to the Executive regarding the delay in agreeing to the introduction of the Justice Bill.

The Chairperson advised the Committee that he would be meeting informally with the Minister of Justice the following week and would discuss the matter at that meeting.



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Item 2 – Forum of Complex Injury Solicitors – Further Information following oral evidence session

The Committee noted additional information provided by the Forum of Complex Injury Solicitors on the margin of adjustment to mitigate against the broader risk of under-compensation following its oral evidence session on the Damages (Return on Investment) Bill at the meeting on 10 June 2021.

Item 3 - Committee Forward Work Programme

The Committee noted an updated Forward Work Programme for June and July 2021.

4. Public Prosecution Service – Oral Evidence Session on Prosecutorial Matters

The following representatives from the Public Prosecution Service joined the meeting at 2.13 p.m.

Mr Stephen Herron, Director of Public Prosecutions

Mr Michael Agnew, Deputy Director, Public Prosecution Service

Mr Herron provided an overview of the key issues relating to the role and responsibilities of the Public Prosecution Service and the accountability mechanisms currently in place.

This was followed by a question and answer session.

Mr Herron provided an overview of the key issues relating to criminal justice transformation, Covid recovery and tackling delay in the system.

Ms Jemma Dolan joined the meeting at 2:58 p.m.



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This was followed by a question and answer session.

Mr Herron provided an overview of the key issues relating to funding pressures and legacy.

This was followed by a question and answer session.

The representatives agreed to provide further information on a number of issues raised during the oral evidence session.

The oral evidence session was reported by Hansard.

The Chairperson thanked the Director and Deputy Director for their attendance.

5. Damages (Return on Investment) Bill – Update on Oral Evidence sessions

The Committee considered an update on the position regarding the oral evidence sessions on the Damages (Return on Investment) Bill.

Agreed: The Committee agreed to request a written response from the Institute and Faculty of Actuaries on any specific questions submitted by Members rather than scheduling an oral evidence session as previously intended.

Agreed: The Committee agreed that no further oral evidence sessions were required on the Damages (Return on Investment) Bill.

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 at the meeting scheduled for Thursday 9 September 2021.



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6. Domestic Abuse and Civil Proceedings Act - Update on Due Diligence Process and Implementation of the Financial Eligibility Waiver for Victims of Domestic Abuse

The Committee considered further information provided by the Department of Justice on the timeline for the work to assess and quantify the repercussive risks and give effect to the legal aid provisions in the Domestic Abuse and Civil Proceedings Act.

Agreed: The Committee agreed to request additional information and clarification on a number of issues relating to the evidential test and the size of the financial contribution to be made by a legally aided victim and to seek confirmation that the Department would provide a further update on the work in September 2021.

7. SR 2021/129 The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2021

The Committee considered SR 2021/129: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2021 which makes amendments to Order 97 of the Rules of the Court of Judicature to enable applications in non-contentious probate cases to be made online, replace the sworn affidavit with a statement of truth and make changes to the marking of exhibits.

The Committee noted that the Examiner of Statutory Rules had raised no issues with regard to the technical aspects of the Rule.

Ms Linda Dillon MLA left the meeting at 4:16 p.m.

Agreed: The Committee considered SR 2021/129: The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2021 and had no objection to the Rule.

Agreed: The Committee agreed to ask the Department of Justice if there would be any reduction in costs for applicants following the introduction of the on-line facility.



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8. Draft S.R.: The Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021

The Committee considered Draft S.R.: The Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021, which will add Universal Credit to the list of benefits from which deductions may be made by the Fine Collection Service, located within the NI Courts and Tribunal Service, for the payment of a fine or other penalty and noted that legislative safeguards limit the maximum amount that can be taken to minimise hardship.

The Committee noted that the Examiner of Statutory Rules had drawn attention to a required clarification in the drafting of the Rule that had been made by the Department of Justice by way of a correction slip laid in the Assembly Business Office on 8 June 2021.

Agreed: The Committee for Justice considered Draft Statutory Rule: The Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2021 and recommended that it be approved by the Assembly.

9. Statutory Instrument – The Market Surveillance (Northern Ireland) Regulations 2021 (MSC SI)

Ms Linda Dillon MLA re-joined the meeting at 4:19 p.m.

The Committee noted information provided by the Department of Justice regarding a Statutory Instrument – The Market Surveillance (Northern Ireland) Regulations 2021 (MSC SI) which had been laid in draft on 10 June 2021 by the Department for Business, Energy & Industrial Strategy and which ensures that the EU Market Surveillance and Compliance of Products Regulation 2019/1020 can operate effectively in Northern Ireland.



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10. SL1: The Proceeds of Crime Act 2002 (Application of the Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment No.2) Order (Northern Ireland) 2021

The Committee considered a proposal for a Statutory Rule, which is subject to the negative resolution procedure, to make four minor drafting amendments and add a new Schedule to the Proceeds of Crime Act 2002 (Application of the Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland 2016) to assist practitioners in the reading and application of the relevant Articles of the 1989 Order when exercising relevant powers under POCA including the new powers which are due to take effect on 28 June 2021 when the range of Northern Ireland provisions of the Criminal Finances Act 2017 commence.

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

11. Addressing Anti-Social Behaviour - Proposed Legislative Powers and Non Legislative Initiatives

The Committee considered information provided by the Department of Justice on the review of the criminal legislation framework to tackle anti-social behaviour including nine proposed legislative powers currently being considered for which policy responsibility sits with the Department of Justice, the Department for Communities and the Department of Agriculture, Environment and Rural Affairs and a range of non-legislative initiatives also being progressed.

Agreed: The Committee agreed to request clarification on a number of issues in relation to the proposed legislative proposals from the Department of Justice.

Agreed: The Committee agreed to send the information to the Committee for Agriculture, Environment and Rural Affairs and the Committee for Communities and to seek an update from their respective Departments on the legislative proposals relevant to their responsibilities.



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12. Report into the Legislative Error in the Sexual Offences (Northern Ireland) Order 2008 - Update on Implementation of the Recommendations

The Committee considered an update on progress on the work to implement the recommendations in the Report into the Legislative Error in the Sexual Offences (Northern Ireland) Order 2008 provided by the Department of Justice.

Agreed: The Committee agreed to request a further update on the three recommendations relevant to the Police Service of Northern Ireland, the Public Prosecution Service and the Office of the Lord Chief Justice and a copy of the enhanced guide to tackling recurring policy issues in legislation published by the Office of Parliamentary Counsel.

13. Correspondence

- i. The Committee considered correspondence from the Committee for Health to the Department of Justice requesting information on what measures it had taken or intends to take regarding protests held outside premises providing abortion services and other healthcare services.

Agreed: The Committee agreed to request a copy of the response from the Department of Justice to the Committee for Health and to ask if there has been any departmental or Ministerial engagement in relation to the proposed Private Members Bill: Safe Access Zones (Public Health and Well Being).

- ii. The Committee considered correspondence from the Department of Justice advising of the decision by the President of the Victims' Payments Board to defer the opening date for applications to the Troubles Permanent Disablement Payment Scheme until 31 August 2021.



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Agreed: The Committee agreed that the victims' representative groups should be contacted regarding whether another informal meeting would be useful.

The Committee noted the following:

- iii. A letter from the Minister of Justice to Gordon Dunne MLA following his announcement that he was stepping down from the Assembly.
- iv. Correspondence from the Minister of Justice and Minister of Health advising that the analysis report outlining the findings from the recent consultation on the Establishment of a Regional Care and Justice Campus for children and young people was due to be published on 16 June 2021.
- v. A research paper provided by the Committee for Communities on a High Street Task Force for Northern Ireland: Key Preliminary Considerations.
- vi. A research paper provided by the Chairpersons' Liaison Group on Gender Budgeting and Gender Inequalities in NI Education Policy.

14. Chairperson's Business

Item 1 – Meeting with the Chair of the NI Affairs Committee on Scrutiny of the Northern Ireland Protocol

The Chairperson advised the Committee that the next meeting with the Chair of the Northern Ireland Affairs Committee to discuss committee scrutiny of the Northern Ireland Protocol had been postponed from early July and would now take place in the autumn.

Item 2 – Introductory Meeting with the Lord Chief Justice

The Chairperson informed the Committee that he had held an introductory meeting with the Lord Chief Justice, who would be attending the Committee meeting next week, and had the opportunity to also meet the newly appointed Lady Chief Justice, Mrs Justice Siobhan Keegan, who would take up the post in September 2021.



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Agreed: The Committee agreed that the Chairperson should write to Mrs Justice Keegan to congratulate her on her appointment.

15. Any Other Business

None.

16. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 24 June 2021 at 11.00 a.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4:38 p.m.

Mervyn Storey MLA
Chairperson, Committee for Justice
24 June 2021