



**Northern Ireland  
Assembly**

**COMMITTEE FOR JUSTICE**

**MINUTES OF PROCEEDINGS**

THURSDAY 22 OCTOBER 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 Emma Rogan MLA\*  
Ms Rachel Woods MLA

\* These Members attended the meeting via video conferencing.

In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Mrs Kathy O'Hanlon (Senior Assistant Assembly Clerk)  
Mr Peter Madine (Assistant Assembly Clerk)  
Mrs Allison Mealey (Clerical Officer)

*The meeting commenced at 2.04 p.m. in closed session in accordance with normal protocol to receive advice from the Clerk Assistant on Standing Order 42A.*

**1. Standing Order 42A – Legislative Consent Motions – Procedural Advice by the Clerk Assistant**

Mr Paul Gill, Assembly Clerk Assistant, attended the meeting to provide procedural advice on Standing Order 42A – Legislative Consent Motions and answered Members' questions.

*Sinéad Bradley MLA joined the meeting at 2.09 p.m.*

The Chairperson thanked Mr Gill for his advice and he left the meeting.

*The meeting moved into public session at 2.15 p.m.*

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

## **2. Apologies**

There were no apologies.

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 should they encounter connectivity problems with the video conferencing system.

## **3. Draft Minutes**

*Agreed:* The Committee agreed the minutes of the meeting held on 15 October 2020.

## **4. Matters Arising**

### Item 1 - Additional Written Evidence from La Dolce Vita Project on Parental Alienation

The Committee noted additional information from La Dolce Vita in relation to parental alienation and the Domestic Abuse and Family Proceedings Bill.

The Chairperson informed the Committee that the information had been received after the Committee Report on the Bill had been agreed. The La Dolce Vita Project would therefore be advised that the information had been provided to Members and, while it could not be included in the Committee Report on the Bill, the issue of parental alienation was covered in the report.

### Item 2 - NI Prison Service - Covid-19 Emergency Temporary Release Scheme and Revised Overtime Payments

The Committee noted correspondence from the Minister of Justice advising that she had taken the decision to recommence the Covid-19 Public Health Emergency Temporary Release Scheme which provides for the early release of certain prisoners in the last three months of their sentence and to put in place a revised overtime payments scheme for prison staff during November and December.

### Item 3 - Counter-Terrorism (Sentencing and Release) Bill

The Committee noted a response from the Minister of Justice confirming her intention to lay a memorandum before the Assembly explaining why a Legislative Consent Motion was not being sought in relation to the Counter-Terrorism (Sentencing and Release) Bill in accordance with Standing Order 42A.

## **5. New Legal Framework for the Personal Injury Discount Rate – Summary of Consultation Responses and Proposed Way Forward**

The following officials joined the meeting by video conferencing at 2.21 p.m.:

Ms Laurene McAlpine, Deputy Director, Civil Justice Policy Division, Department of Justice  
Ms Jane Maguire, Assistant Deputy Director, Family Courts and Tribunals, Department of Justice  
Mr Martin Moore, Head of Branch, Family Courts and Tribunals, Department of Justice

The officials provided an overview of the results of the consultation on a new legal framework for setting the Personal Injury Discount Rate and the Department's proposed way forward which included taking forward legislative changes by way of an accelerated passage Bill and maintaining the current personal injury discount rate until a new framework for setting it is in place.

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

*This Agenda item was suspended at 2.54 p.m. due to a fire alarm and resumed later in the meeting.*

## **6. Simplifying the Legal Aid Approval Process for Engagement of Expert Witnesses in Family Proceedings in the Magistrates' Courts – Summary of Consultation Responses and Proposed Way Forward**

The following officials joined the meeting in person at 2.55 p.m.:

Mr Stephen Martin, Deputy Director, Enabling Access to Justice Division, Department of Justice  
Mr John Bradley, Head of Branch, Civil Legal Aid Reform Branch, Department of Justice

The officials provided an overview of the results of the consultation on a proposed pilot scheme to simplify the legal aid approval process for engagement of expert witnesses in family proceedings in the magistrates' courts.

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.

*Agreed:* The Committee agreed that it was content with the Department of Justice's proposal for a year-long pilot scheme to take place from 1 January 2021.

## **7. SL1: The Maximum Number of Judges (Northern Ireland) Order 2020**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 2(3) of the Judicature (Northern Ireland) Act 1978 to increase the statutory limit on the number of High Court judges from ten to fifteen.

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

## **8. SI: The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020**

The Committee considered information provided by the Department of Justice on Statutory Instrument: The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 which would reverse amendments made by The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 to ensure Northern Ireland's continued alignment with EU law in accordance with Annex 2 to the NI Protocol.

*Agreed:* The Committee was not content with the timeframe within which the information on the SI was provided for consideration and agreed to ask the Department of Justice why it could not provide the information sooner when the Minister proposes to agree to a request that a UK Government Minister takes forward an SI which relates to devolved matters and to provide information on how many SIs relating to the EU Exit are anticipated for justice-related matters including whether they will cover technical amendments or more substantive policy changes.

*Agreed:* The Committee agreed to note the information provided in relation to SI: The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020.

## **9. SI: The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2020**

The Committee considered information provided by the Department of Justice on Statutory Instrument: The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2020 which will reverse amendments to the Firearms (Northern Ireland) Order 2004 which were taken forward by the Home Office in the UK-wide Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 to ensure that Northern Ireland remains in alignment with the Weapons Directive which allows for the retention of the European Firearms Pass. It will also ensure that 'no deal' amendments to Commission Implementing Regulation (EU 2015/2403) will not extend to Northern Ireland so the regulatory framework will remain in compliance with the Weapons Directive as required by the NI Protocol.

*Agreed:* The Committee agreed to note the information provided in relation to SI: The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2020.

## **10. Community Safety Board and Framework – Overview**

The Committee considered information provided by the Department of Justice on the terms of reference for the Community Safety Board and the Framework which aims to link the strategic and operational response to community safety issues and embed and build on the strategic direction of travel provided for by the 2012-17 Community Safety Strategy for Northern Ireland.

*Agreed:* The Committee agreed to request further information from the Department of Justice on a number of issues including the relationship

between the Community Safety Board and PCSPs and the mechanism to connect with the community following which consideration would be given to the need for an oral briefing.

### **11. Draft Private Family Law Early Resolution Action Plan**

The Committee noted information provided by the Department of Justice on a proposed Private Family Law Early Resolution Action Plan which aims to improve outcomes for children and families by diverting parental disputes which do not require judicial adjudication away from court and supporting the early resolution of parental disputes which do come before the courts.

### **12. 5 Year Problem Solving Justice Strategy**

The Committee considered the Department of Justice's 5 Year Problem Solving Justice Strategic Plan.

*Agreed:* The Committee agreed to request details of the assessment of the cost/benefit analysis for each of the projects in the plan.

*Agreed:* The Committee agreed to request clarification from the Department of Justice regarding the funding of Support Hubs and the position in relation to funding successful projects more generally.

### **13. Northern Ireland Courts and Tribunals Service Business Plan 2020-21**

The Committee noted the Northern Ireland Courts and Tribunal Service Business Plan for 2020/21.

### **14. Committee Draft Forward Work Programme – November 2020**

The Committee considered information provided by the Department of Justice regarding work items that it wished to schedule during November 2020.

*Agreed:* The Committee agreed to schedule the work items requested by the Department of Justice for November 2020.

*Agreed:* The Committee agreed to request an update from the Department of Justice on the position regarding the work items it had previously provided for September to December 2020 that have not yet been scheduled.

*Agreed:* The Committee agreed to provisionally schedule an informal discussion on Committee strategic priorities and work items on Thursday 12 November 2020.

### **15. Correspondence**

The Committee noted the following:

- i. A response from the Minister of Justice providing further information on the protest in HM Prison Maghaberry and Ash House Women's Prison which had come to an end.
- ii. A response from the Minister of Justice regarding the deaths of two prisoners in HM Prison Maghaberry in September 2020.
- iii. The Department of Justice's October Monitoring Round returns to the Department of Finance.
- iv. A response from the Public Accounts Committee regarding its decision not to hold an evidence session on the NI Audit Office Report on Mental Health in the Criminal Justice System.
- v. The Northern Ireland Policing Board Annual Report and Accounts 1 April 2019 – 31 March 2020
- vi. A National Statistics Bulletin: 'Perceptions of Policing and Justice: Findings from the 2018/19 Northern Ireland Safe Community Survey'.
- vii. A response from the PSNI providing the statistical breakdown and categorisation of the 12,000 alleged breaches of the Covid-19 regulations reported via the 101 telephone number and the online reporting form following the Chief Constable's oral evidence session on 24 September 2020.

## **16. Chairperson's Business.**

The Chairperson advised the Committee that he and the Deputy Chairperson had met with the Minister of Justice on Tuesday 20 October 2020 to discuss the Department's legislative programme for the rest of the mandate and provided an update on the likely timescales for the Committal Reform Bill, the Stalking Bill and the Miscellaneous Provisions Bill.

## **17. Any Other Business**

The situation regarding Covid-19 within the NI Prison Service was raised.

*Agreed:* The Committee agreed to request an update on Covid-19 within the NI Prison Service from the Department of Justice.

## **5 (continued). New Legal Framework for the Personal Injury Discount Rate – Summary of Consultation Responses and Proposed Way Forward**

The following officials joined the meeting in person at 3.43 p.m.:

Ms Laurene McAlpine, Deputy Director, Civil Justice Policy Division, Department of Justice

Ms Jane Maguire, Assistant Deputy Director, Family Courts and Tribunals, Department of Justice

Mr Martin Moore, Head of Branch, Family Courts and Tribunals, Department of Justice

The question and answer session on the overview of the results of the consultation on a new legal framework for setting the Personal Injury Discount Rate and the Department's proposed way forward which included taking forward legislative changes by way of an accelerated passage Bill and maintaining the current personal injury discount rate until a new framework for setting it is in place resumed.

The officials agreed to provide further information on the Department's timescales for accelerated passage of the proposed legislation.

The oral evidence session was reported by Hansard.

The Chairperson thanked the officials for their attendance.

*Agreed:* The Committee agreed to request further information regarding the policy decision making process and the need for accelerated passage for the legislation.

*Agreed:* The Committee agreed to advise the Department that it is currently not convinced of the merits of adopting accelerated passage for the proposed legislation.

### **18. Date, Time and Place of the next meeting**

The next meeting will be held on Tuesday 3 November 2020 at 12.30 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.18 p.m.

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