



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 08 OCTOBER 2020

Room 30, 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
Mrs 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)

The meeting commenced at 2.01 p.m. in public session.

Ms Woods declared an interest in relation to Agenda Item 7 in that a member of her family is a Lay Magistrate.

1. Apologies

There were no apologies.

The Clerk informed the Committee that, under Standing Order 115(6), Ms Dolan had delegated authority to Ms Dillon to vote on her behalf should she need to leave the meeting early.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 29 September 2020.

Agreed: The Committee agreed the minutes of the meeting held on 1 October 2020.

3. Matters Arising

Item 1 - First Minister and deputy First Minister response regarding Victims' Pension Scheme

The Committee noted correspondence from the First Minister and deputy First Minister regarding the Victims' Pension Scheme, that reiterated their commitment to delivering the scheme, acknowledged that any further delay in payments to victims and survivors needs to be avoided and outlining the approach being adopted in relation to seeking funding for the scheme.

Item 2 - Department of Justice response regarding the Domestic Abuse and Family Proceedings Bill - Compensation Payments for Victims of Sexual Abuse in the Home

The Committee noted a response from the Department of Justice to the Committee's request for clarification on the current position in relation to an individual claiming compensation for being sexually abused by a parent in the home. The Department advised that the current Northern Ireland Criminal Injuries Compensation Scheme 2009 permits such applications following the removal of the same household rule on 9 June 2020 and anyone whose claim was previously denied will now be able to make a fresh claim.

Item 3 – Committee Forward Work Programme

The Committee noted an updated Work Programme for October 2020.

Item 4 - Copy of response from the Minister of Justice to the Women's Resource and Development Agency regarding Parental Alienation

The Committee noted a copy of a response from the Minister of Justice to the Women's Resource and Development Agency on the issue of parental alienation and the Domestic Abuse and Family Proceedings Bill.

4. SL1: Draft Justice Act (Northern Ireland) 2016 (Relevant Benefits) Order (Northern Ireland) 2020

The Committee considered further information from the Department of Justice on a proposal to make a Statutory Rule under section 14(7) of the Justice Act (Northern Ireland) 2016 to add Universal Credit to the list of benefits from which payments can be taken under the system of collection and enforcement of unpaid fines and other financial penalties introduced by Part 1 of the Act. The information outlined legislative safeguards relating to deductions from benefits and details of how the change will be notified to claimants and the advice sector.

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

5. Minor Changes to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 – Consultation Responses and Proposed Next Steps

The Committee considered information provided by the Department of Justice on the results of the consultation on minor changes to the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

The Committee noted the summary of consultation responses and the intention of the Department to take forward two amendments to change the statutory requirement to publish a Modern Slavery Strategy annually and extend support under the 2015 Act to potential victims of slavery, servitude and forced or compulsory labour in the proposed Justice (Miscellaneous Provisions) Bill.

6. Draft Modern Slavery Strategy 2020-21 – Proposed Consultation - and Modern Slavery End of Year Report 2019/20 – written paper

The Committee considered the draft Modern Slavery Strategy 2020-21 and the associated draft consultation document provided by the Department of Justice and a progress update on the Modern Slavery Strategy 2019-20.

Agreed: The Committee agreed to request further information on the timescales for completion of a number of the actions in the 2019-20 Strategy progress update.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results are available.

7. Mandatory Retirement Age for Devolved Judicial Office Holders in NI – Proposed Consultation

The Committee considered information from the Department of Justice on a proposed consultation on proposals to raise the judicial mandatory retirement age of devolved tribunal members and Lay Magistrates in Northern Ireland.

Agreed: The Committee agreed to request further information regarding when the last recruitment exercise for lay magistrates was undertaken and a list of stakeholders that are being specifically targeted in this consultation.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results are available.

The Committee indicated that a Legislative Consent Motion may not be its preferred option for making the necessary legislative changes but would consider the matter further at the appropriate time.

8. Judicial Pensions – Proposed Response to McCloud and Future Pension Reforms – Two Proposed Consultations

The Committee considered information from the Department of Justice on proposals for two consultations in relation to judicial pensions. The first covers how to address the McCloud judgement findings and the second covers future reforms to judicial pensions.

Agreed: The Committee agreed to request further information from the Department of Justice regarding the estimated costs and source of funding for the proposals and clarification on the rationale for having an 8-week consultation period.

Agreed: The Committee agreed to request information from the Department of Finance on whether there is an agreed approach across the public sector to the McCloud judgement and on plans to take forward a remedy.

Agreed: The Committee agreed that it was content for the consultations to take place and to consider the matters further when the results are available.

9. The Use of Live Link Technology for Police Detention/Interviews – Results of the Targeted Consultation and Proposed Way Forward

The Committee considered further information provided by the Department on the results and the proposed way forward in relation to the use of live link technology for police interviews.

Agreed: The Committee agreed that it was content with the Department of Justice's proposal to include provisions for all the live link proposals, including police interviews, in the proposed Justice (Miscellaneous Provisions) Bill and it would scrutinise the legislative proposals in due course.

10. Committee on Procedures Review of Standing Orders 110-116

The Committee considered correspondence from the Committee on Procedures inviting the views of all Assembly Committees on the provisions provided for by Standing Orders 110 - 116.

Agreed: The Committee agreed that it was content with the extension of the provisions of Standing Orders 110 - 116 until 31 January 2021 given the current circumstances relating to the Covid 19 pandemic.

11. Correspondence

- i. The Committee considered a Criminal Justice Inspection Northern Ireland Report into Police Custody: The Detention of Persons in Police Custody in Northern Ireland.

Agreed: The Committee agreed to request information from the Department of Justice on how it intends to take forward the strategic recommendation that falls within its remit.

- ii. The Committee considered a response from the Department of Justice providing information and figures on the current backlog of criminal, civil and family court cases and how these figures compare to the position prior to the Covid-19 restrictions being put in place.

Agreed: The Committee agreed to request further clarification from the Department of Justice of the position when the July to September figures are available.

- iii. The Committee considered a response from the Department of Justice providing further information on the timescale for the interim report on fraud and error from Business Consultancy Services and the 2019 Official Error Report following the Legal Aid update on progress to implement NI Audit Office and Public Accounts recommendations.

Agreed: The Committee agreed to consider scheduling an oral evidence session following receipt of the interim report on fraud and error and the 2019 Official Error Report.

- iv. The Committee considered correspondence from the Association of British Insurers setting out its position on a number of issues covered by the Gillen Review of Civil Justice.

Agreed: The Committee agreed to request an update from the Department of Justice on the current position regarding the implementation of the recommendations in the Gillen Review of Civil Justice and the other issues covered in the correspondence.

- v. The Committee considered correspondence dated 7 and 8 October 2020 from the Minister of Justice regarding positive tests for Covid 19 for members of the Healthcare Team working in Magilligan Prison. The letters also provided information on the number of the number of members of the Healthcare Team and Prison Service staff who are self-isolating and the number of prisoners being held in isolation.

Agreed: The Committee agreed to ask the Minister of Justice to consider making an oral statement to the Assembly on Monday 12 October or Tuesday 13 October 2020 depending on developments over the weekend .

Agreed: The Committee agreed to request clarification from the Minister of Justice on the criteria used to determine whether information is provided to the Committee when incidents occur.

The Committee noted the following:

- vi. A response from the Department of Justice providing details of the information provided by the Department to the Executive's Review of Arms-Length Bodies.
- vii. A letter from Clare Bailey MLA advising of her intention to take forward a Private Members Bill on Safe Access Zones outside sexual health clinics in this mandate.
- viii. The Official Statistics Bulletin: Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings – 2019/20

- ix. A copy of a response from the Permanent Secretary of the Department of Justice to the Public Accounts Committee on the progress on the recommendations in the NI Audit Office report on Mental Health in the Criminal Justice System

12. Chairperson's Business.

None.

13. Any Other Business

The issue of funding for the Regional Support Hub Scheme was raised.

Agreed: The Committee agreed to request clarification from the Department of Justice on the cost of the scheme, whether a cost/benefit analysis had been completed on its operation and clarification of whether it has been rolled out consistently across all local councils.

Agreed: The Committee agreed to request the views of the NI Policing Board on the Support Hubs..

The issue of enforcement of Covid 19 regulations and what direction has been given to the PSNI was raised.

Agreed: The Committee agreed to seek clarification from the Department of Justice on what direction has been given to the PSNI in relation to enforcement of the Covid-19 regulations and whether the 'engage, explain and encourage' approach is still in place.

14. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 15 October 2020 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 2.59 p.m.

Mr Paul Givan MLA
Chairperson, Committee for Justice