



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

10 March 2022

Meeting Location: Room 30, Parliament Buildings, Belfast

Present: Mr Mervyn Storey MLA (Chairperson)

Present by Video or Teleconference:

Ms Sinéad Ennis MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Mr Robin Newton MLA

Mr Peter Weir MLA

Ms Rachel Woods MLA

Apologies: Ms Emma Rogan MLA

In Attendance: Mrs Christine Darrah (Assembly Clerk)
Mrs Clairita Frazer (Assistant Assembly Clerk)

Mr Stephen Corr (Clerical Supervisor)

In Attendance by Video or Teleconference:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)



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The meeting commenced at 2:01 p.m. in public session.

1. Apologies

As above.

The Chairperson informed the Committee that, under Standing Order 115(6), Emma Rogan MLA had delegated authority to the Deputy Chairperson, Sinéad Ennis MLA, to vote on her behalf and Robin Newton MLA had delegated authority to him to vote on his behalf should he be absent from the meeting at any stage.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 3 March 2022.

3. Matters Arising

Item 1 – Request from Criminal Justice Inspection Northern Ireland

The Chairperson advised the Committee that Criminal Justice Inspection Northern Ireland (CJINI) had requested a copy of the update provided by the Department of Justice on the position regarding the implementation of the action plan to address the findings and recommendations of the CJINI Report on the Care and Treatment of Victims and Witnesses by the Criminal Justice System in Northern Ireland that the Committee had considered at the meeting on 24 February 2022.

Agreed: The Committee agreed to provide a copy of the update to CJINI.



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4. Draft SR – The Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022

The Committee considered Draft Statutory Rule: The Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022, that will amend the table of rehabilitation bands under Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 to re-organise the custody bands under which convictions are grouped for rehabilitation purposes, reduce the existing rehabilitation periods for those convictions that are currently capable of becoming spent and raise the upper limit for convictions that can currently become spent from 30 months to ten years.

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

Agreed: The Committee considered Draft Statutory Rule The Rehabilitation of Offenders (Amendment) Order (Northern Ireland) 2022 and recommended that it be approved by the Assembly.

Sinéad Bradley MLA joined the meeting at 2:08 p.m.

5. Draft SR – The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022

The Committee considered Draft Statutory Rule: The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 which will provide for an Operation Encompass model for Northern Ireland which is a police and education early intervention partnership enabling support for children and young people who are experiencing domestic abuse.

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

Agreed: The Committee considered Draft Statutory Rule The Domestic Abuse Information-sharing with Schools etc. Regulations (Northern Ireland) 2022 and recommended that it be approved by the Assembly.



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6. Draft SR – The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022

The Committee considered Draft Statutory Rule: The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order (Northern Ireland) 2022 which will enable the new domestic abuse offence, convictions of the domestic abuse offence (with child aggravator(s)) as well as current convictions for other offences for which there is a domestic abuse aggravator to be disclosed as part of the AccessNI disclosure process.

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

Agreed: The Committee considered Draft SR Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) Order 2022 and recommended that it be approved by the Assembly.

7. SR 2022/65 Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022

The Committee considered SR 2022/65 The Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022 which will make it clear that the process to provide a summary of reasons for decisions when requested by victims or others can be undertaken by a single Commissioner to ensure value for money in relation to the transactional costs. The Committee noted the reasons for the delay in making the Statutory Rule and that it contained an appeal mechanism where a request for a summary of reasons has been refused.

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

Agreed: The Committee considered SR 2022/65 The Parole Commissioners' (Amendment) Rules (Northern Ireland) 2022 and had no objection to the Rule.



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8. SR 2022/73 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2022

The Committee considered SR 2022/73 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2022 which will support the provisions in the Public Service Pensions and Judicial Offices Bill by making amendments that are needed to the 2015 pension scheme in light of the age discrimination remedies in the Bill including changes in relation to partial retirement from the 2015 pension scheme.

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

Agreed: The Committee considered SR 2022/73 The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2022 and had no objection to the rule.

Agreed: The Committee agreed to consider the next four agenda items together.

9. SL1 –The County Court (Amendment No. 2) Rules (Northern Ireland) 2022

10.SL1 – The Magistrates’ Courts (Licensing) (Amendment) Rules (Northern Ireland) 2022

11.SL1 - The County Court (Amendment No. X) Rules (Northern Ireland) 2022

12. SL1 - The Magistrates’ Courts (Licensing) (Amendment No. X) Rules (Northern Ireland) 2022

The Committee considered four proposals for Statutory Rules, which are subject to the negative resolution procedure, under Article 47 of the County Courts (Northern Ireland) Order 1980 and Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981, that will make a number of consequential and technical amendments to relevant Court Rules which prescribe the forms to be used and information to be provided with applications as a result of the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland) 2021.

The Committee noted correspondence from the Committee for Communities asking it to expedite the secondary legislation to support local producers.



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Agreed: The Committee agreed that it was content with the proposals for the four Statutory Rules.

Agreed: The Committee agreed to seek information from the Department of Justice on what communication there had been with local producers regarding the timescales for commencement of Section 11 of the Licensing and Registration of Clubs (Amendment) Act (Northern Ireland 2021).

13. Strategic Framework for Youth Justice in Northern Ireland – Update

The Committee noted the final version of the Strategic Framework for Youth Justice for 2022-27 and related 5-year Action Plan, the Framework Summary and a summary of engagement with children on the Framework provided by the Department of Justice.

The Committee considered correspondence from the Northern Ireland Commissioner for Children and Young People and from various children's organisations setting out a number of concerns in relation to the Strategic Framework and the approach being adopted.

Robin Newton MLA joined the meeting at 2:27 p.m.

Agreed: The Committee agreed to request further information on a range of issues relating to the Strategic Framework for Youth Justice from the Department of Justice including how it intends to address the concerns raised.

14. EU Exit and Justice Related issues – Update

The Committee considered an update from the Department of Justice on EU Exit and justice related issues including progress on a number of key areas across law enforcement, security and criminal justice.

Agreed: The Committee agreed to request information from the Department of Justice on its engagement with the Office of the Northern Ireland Executive in Brussels.



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15. Revised Domestic Abuse Offence Guidance

The Committee considered the revised Statutory Guidance associated with the new Domestic Abuse Offence, which reflects that the offence is now operational, provided by the Department of Justice.

Agreed: The Committee agreed to request information on the process for making the Statutory Guidance available and how widely it is circulated.

16. Stopping Domestic and Sexual Violence and Abuse Seven Year Strategy – Year 6 Action Plan – Update on Delivery

The Committee considered an update on delivery against each of the actions in the Year Six Action Plan for the Domestic and Sexual Violence and Abuse Seven Year Strategy that are the responsibility of the Department for Justice and criminal justice partners.

Agreed: The Committee agreed to request further information from the Department of Justice on the issues that are causing a delay in the introduction of the Domestic Violence Court.

17. Progress to Implement NI Audit Office and Public Accounts Recommendations and Action Plan to address Legal Aid Fraud and Error – Update

The Committee noted an update on progress by the Legal Services Agency to implement the recommendations of the Northern Ireland Audit Office and Public Accounts Committee Reports to address Legal Aid Fraud and Error and the recommendations of the Business Consultancy Service final report on a 'Review of Processes, Governance and Structures in the Legal Services Agency'.

18. Publication of the Strategy for Supporting Women and Girls in Contact with the Justice System



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The Committee considered the final version of the 'Supporting Change: A Strategy for women and girls in or at risk of contact with the justice system' and an easy read version entitled 'Our Plan to Help Women and Girls Move Away from Crime' provided by the Department of Justice and noted its intention to launch the strategy on 23 March 2022.

Agreed: The Committee agreed to request information from the Department of Justice on resources to deliver the Strategy.

19. Correspondence

- i. The Committee considered correspondence from the Committee for the Economy providing a copy of the Women's Policy Group's Feminist Recovery Plan – Recommendations for the Department of Justice.

Agreed: The Committee agreed to forward the Plan to the Department of Justice for comment.

- ii. The Committee considered an email from an individual in relation to a petition calling on the PSNI to release all files regarding the disappearance and death of Noah Donohue.

Agreed: The Committee agreed to advise the individual that there is no opportunity to debate issues at this stage of the Assembly mandate and he may wish to raise the matter with the Northern Ireland Policing Board which has responsibility for oversight of the PSNI.

- iii. The Committee considered a response from the Department of Justice outlining its views and assessment of a proposal for a bespoke Prevent Strategy for Northern Ireland

Rachel Woods MLA indicated that she had met with Dr Lowe separately regarding his proposal.

Agreed: The Committee agreed to advise Dr Lowe that it was content that there are already a number of programmes operating in Northern Ireland which address the aims of the Prevent Strategy.



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- iv. The Committee considered a response from the Department of Justice providing information on the funding model, wider funding issues and full budget implications of the draft 2022-25 Budget for Forensic Science Northern Ireland.

Agreed: The Committee agreed to publish the response on the Committee webpages with the other budget information already being published.

The Committee noted the following:

- v. A response from the Department of Justice providing information on the responses received to date to the call for views on the Development of a Domestic and Sexual Abuse Strategy and A Strategy to Tackle Violence against Women and Girls.
- vi. Correspondence from the Department of Justice outlining the current position regarding the Market Surveillance (NI) (Consequential Amendment etc.) Regulations 2022.
- vii. Correspondence from the Department of Justice providing a copy of the 'Benefits of your Police Pension Scheme Guidance'.
- viii. Correspondence from the Department of Justice outlining the current position regarding the Transfer of Functions Order for the Appeals Service and Rent Assessment Panel from the Department of Communities to the Department of Justice.
- ix. A response from the Department of Justice clarifying the reasons for not progressing a proposal for a Statutory Rule to extend the protection of payments for the purposes of civil legal aid means testing to beneficiaries of redress payments arising out of the Scottish redress scheme before the end of the current mandate.
- x. SR 2022/59 (C.8) The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (Commencement No. 2) Order (Northern Ireland) 2022.
- xi. A copy of correspondence from Lord Jay of Ewelme, Chair of the House of Lords European Affairs Sub-Committee on the Protocol on Ireland/Northern Ireland to Baroness Williams of Trafford, Minister of State at the Home Office, requesting further information on the Nationality and Borders Bill.



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- xii. The Call for Evidence from Sir Michael Lyons on the Independent Review of Invest Northern Ireland.
- xiii. A response from the Department of Justice on the potential impact of reduced resources for legal aid on the consultation on the initial findings of the Review of the Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005 (as amended).
- xiv. A response from the Probation Board regarding the invitation to join the Department of Health Implementation Board to oversee the implementation of the recommendations of the Review of the Social Work Workforce.
- xv. A copy of a joint submission from the Law Society of Northern Ireland and Bar of Northern Ireland to the consultation on the draft NI Executive Budget for 2022-25.

20. Chairperson's Business

None.

21. Any Other Business

Item 1 - The Criminal Justice (Committal Reform) Bill

The Chairperson advised the Committee that the Criminal Justice (Committal Reform) Bill had received Royal Assent and became law on 7 March 2022.

Item 2 - Members Attendance

The Chairperson advised Members that attendance figures at committee meetings would be included in Committee Legacy Reports. Details of attendance would be provided to Members who may wish to check them for accuracy and draw any issues to the attention of the Committee staff.



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Item 3 - Economic Crime (Transparency and Enforcement) Bill

The Committee noted correspondence from the Minister of Justice advising that she had written to the UK Government to indicate her support in principle for the Unexplained Wealth Order provisions in the Economic Crime (Transparency and Enforcement) Bill to be extended to Northern Ireland and would lay a Memorandum under Standing Order 42A(4)(b) setting out the reasons why she was unable to bring forward a Legislative Consent Motion on the matter.

Item 4 - Northern Ireland Civil Service – Permanent Secretary Appointments

The Committee considered correspondence from the Head of the Northern Ireland Civil Service regarding forthcoming Permanent Secretary Appointments.

The Chairperson, on behalf of the Committee, expressed thanks and appreciation to the outgoing Permanent Secretary of the Department of Justice Peter May, wished all appointees, including the new Permanent Secretary for the Department of Justice, Richard Pengelly, best wishes in their new posts and wished Tracy Meharg well on her pending retirement.

Agreed: The Committee agreed that the Chairperson should write to Peter May on behalf of the Committee to place on record its thanks and appreciation for his contribution in his role as Permanent Secretary of the Department of Justice.

22. Date, Time and Place of the next meeting

The next meeting will be held on Tuesday 22 March 2022 at 10:30 a.m. in Room 30, Parliament Buildings. Members noted that the time may have to be changed depending on Plenary business that day.

The meeting was adjourned at 2:54 p.m

Mervyn Storey MLA Chairperson, Committee for Justice 22 March 2022