



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

13 May 2021

Meeting Location: The Senate Chamber, Parliament Buildings, Belfast

Present: Mr Paul Givan MLA (Chairperson)

Mr Paul Frew MLA

Present by Video or Teleconference:

Ms Linda Dillon MLA (Deputy Chairperson)

Mr Doug Beattie MLA

Ms Sinéad Bradley MLA

Ms Jemma Dolan MLA

Apologies: Mr Gordon Dunne MLA

Ms Emma Rogan MLA

Ms Rachel Woods 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:

Mrs Kathy O'Hanlon (Senior Assistant Clerk)

Ms Sarah Preece (Clerical Officer)

The meeting commenced at 2:03 p.m. in open session.

Agreed: The Committee agreed that the oral evidence sessions on 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 had delegated authority to the Deputy Chairperson, Linda Dillon MLA, to vote on her behalf.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on 6 May 2021.

3. Matters Arising

There were no matters arising.

Ms Linda Dillon MLA joined the meeting at 2:04 p.m.



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4. Protection from Stalking Bill – Oral Evidence from the Police Service of Northern Ireland

The Committee noted a summary of the key issues and proposed changes raised in the written evidence received on the Protection from Stalking Bill.

The following representatives from the Police Service of Northern Ireland joined the meeting at 2.06 p.m.

Detective Chief Superintendent Anthony McNally, Head of Public Protection Branch, Community Safety Department, Police Service of Northern Ireland

Detective Chief Inspector Lindsay Fisher, Public Protection Branch, Police Service of Northern Ireland

Detective Chief Superintendent McNally outlined a number of key issues in relation to the provisions of the Protection from Stalking Bill and highlighted some areas which required further clarification.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance.



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5. Protection from Stalking Bill – Oral Evidence from the Northern Ireland Human Rights Commission

The following representatives from the Northern Ireland Human Rights Commission joined the meeting via Starleaf at 2.30 p.m.

Les Allamby, Chief Commissioner, Northern Ireland Human Rights Commission

Sarah Simms, Policy and Research Officer, Northern Ireland Human Rights Commission

Mr Allamby outlined several key issues in relation to the provisions of the Protection from Stalking Bill and Ms Simms highlighted a number of issues regarding implementation of the legislation.

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

The oral evidence session was reported by Hansard.

The Chairperson thanked the representatives for their attendance.

Agreed: The Committee agreed to consider agenda items 7 through to 14 before the oral evidence session at agenda item 6.

6. Damages (Return on Investment) Bill – Proposals for Oral Evidence

The Committee noted four additional written submissions received on the Damages (Return on Investment) Bill.

The Committee considered proposals for oral evidence sessions on the Bill.



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Agreed: The Committee agreed that an updated paper on potential oral evidence sessions reflecting the views of Members would be considered at next week's meeting.

Agreed: The Committee agreed that the oral evidence sessions should run in tandem with the oral evidence sessions on the Protection from Stalking Bill.

7. S.R. 2021/115 The Damages (Personal Injury) Order (Northern Ireland) 2021

The Committee considered SR 2021/115: The Damages (Personal Injury) Order (Northern Ireland) 2021 which would amend the personal injury discount rate that is required to be taken into account by courts in determining the amount of damages payable for future financial loss in personal injury cases to -1.75%.

Agreed: The Committee considered SR 2021/115: The Damages (Personal Injury) Order (Northern Ireland) 2021 and, subject to the Examiner of Statutory Rules' Report, had no objection to the Rule.

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

The Committee considered a proposal by the County Court Rules Committee to make 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 to request details of the targeted consultation undertaken by the County Court Rules Committee on the proposal for the Statutory Rule and how any issues raised have been addressed.



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9. Making of a Statutory Rule to Amend the Police Act 1997 in relation to the Access NI Filtering Scheme - Update

The Committee noted an update from the Department of Justice setting out the reason for the delay in laying a Statutory Rule to remove the multiple conviction rule by which Access NI is required to automatically disclose all convictions relating to an applicant for standard and enhanced checks, where that applicant has more than a single conviction held on their criminal record.

Agreed: The Committee noted the reason for the delay and agreed to formally consider the Statutory Rule when the report from the Examiner of Statutory Rules is available.

10. Transfer of a Statutory Function Relating to the Procedures of the Special Educational Needs and Disability Tribunal

The Committee considered correspondence from the Committee for the Executive Office seeking its views on SR 2021 No 114: The Departments (Transfer of Functions) Order (Northern Ireland) 2021 which impacted on the work of the Department of Justice.

Agreed: The Committee agreed to inform the Committee for the Executive Office that it is content with the transfer of the power to make changes to the procedural regulations that govern the practice of the Special Educational Needs and Disability Tribunal from the Department of Education to the Department of Justice.

11. 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 an update from the Department of Justice outlining the work being undertaken to assess and quantify the repercussive risks and develop a



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plan to give effect to the legal aid provisions in the Domestic Abuse and Civil Proceedings Act.

Agreed: The Committee agreed to request a timeline for the conclusion of this work from the Department.

Agreed: The Committee agreed to request a further update on progress at the end of September 2021.

12. Pro-Bono Costs Orders - Proposed Consultation

The Committee considered information provided by the Department of Justice on a proposed consultation on the introduction of Pro-Bono Costs Orders in line with recommendations in the Access to Justice 2 Report and the Report of the Gillen Review of Civil and Family Justice in Northern Ireland.

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

13. Correspondence

- i. The Committee considered correspondence from the Committee for the Economy regarding the exercise of judicial reviews.

Agreed: The Committee agreed to inform the Committee for the Economy that it has not undertaken any work in relation to judicial reviews and has no plans to do so at present given the heavy legislative programme it is currently scrutinising.

The Committee noted the following:



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- ii. Correspondence from the Department of Justice advising of the publication dates for the Northern Ireland Courts and Tribunals Service Quarterly Official Statistics bulletins on civil, criminal and family business across all court tiers.
- iii. Correspondence from the Department of Justice advising that the anticipated timescale for publication of the Report of the Criminal Justice Inspection Northern Ireland Review of Care and Supervision Units in the NI Prison Service is now September 2021.
- iv. Correspondence from the Committee for Finance providing a copy of an Assembly research paper jointly commissioned with the Committee for the Executive Office to support their individual consideration of key matters arising from the NI Protocol.

14. Chairperson's Business

None.

15. Any Other Business

None.



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16. Protection from Stalking Bill – Oral Evidence from the Women’s Aid Federation

Ms Sonya McMullan, Regional Services Manager, Women’s Aid Federation, joined the meeting at 3.23 p.m.

Ms McMullan outlined a range of issues in relation to the provisions of the Protection from Stalking Bill and highlighted some areas not currently covered in the Bill.

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

Mr Paul Frew MLA joined the meeting at 3.31 p.m.

Ms Linda Dillon MLA left the meeting at 3:52 p.m.

The oral evidence session was reported by Hansard.

The Chairperson thanked Ms McMullan for her attendance.

Agreed: The Committee agreed to write to the Northern Ireland Policing Board and the Chief Constable regarding the use of the stalking section of the risk assessment DASH form by the PSNI.

17. Date, Time and Place of the next meeting

The next meeting will be held on Thursday 20 May 2021 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.00 p.m.



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Paul Givan MLA
Chairperson, Committee for Justice
20 May 2021