



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

THURSDAY 25 APRIL 2024

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Doug Beattie MLA

Stewart Dickson MLA

Ciara Ferguson MLA

Justin McNulty MLA

Present by Video or Teleconference:

Alex Easton MLA

Sinéad Ennis MLA

Apologies:

Maurice Bradley MLA

In Attendance: Caroline Perry (Assembly Clerk)
Jonny Redpath (Assistant Assembly Clerk)
Aaron Pakenham (Clerical Supervisor)
Ryan Feeney (Clerical Officer)

The meeting commenced at 1.33pm in open session.

Agreed: The Committee agreed that the oral evidence sessions with the Minister of Justice and the Chief Constable of the PSNI would be recorded by Hansard.

Joanne Bunting declared an interest in relation to an immediate family member who works in the legal profession.

Deirdre Hargey declared an interest in relation to an immediate family member who works for the Northern Ireland Courts and Tribunals Service.

1. Apologies

As above. The Chairperson advised that Committee Member Maurice Bradley was unwell. Committee Members extended their best wishes to Mr Bradley and their hope for a speedy recovery.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 11 April 2024, subject to one amendment.

3. Matters Arising

There were no matters arising.

4. Minister of Justice

Naomi Long, the Minister of Justice; Hugh Widdis, the Permanent Secretary of the Department of Justice; and Deborah Brown, the Director of the Justice Delivery Directorate, joined the meeting at 1.37pm.

The Chairperson congratulated Hugh Widdis on his recent appointment.

The Minister briefed the Committee on the Department's key priorities and challenges, including the rights of victims and witnesses; co-operation with counterparts in other jurisdictions; the Programme for Government; budgetary issues; partnership working; and the proposed legislative programme.

Alex Easton joined the meeting at 1.48pm.

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

The Minister agreed to provide further information on a number of issues.

The oral evidence session was reported by Hansard.

The Chairperson thanked the witnesses for their attendance and they left the meeting.

5. Chief Constable of the Police Service of Northern Ireland

Jon Boutcher, the Chief Constable of the Police Service of Northern Ireland, joined the meeting at 3.09pm.

The Chief Constable provided an overview of the work of the PSNI and the challenges facing it.

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

Stewart Dickson left the meeting at 3.21pm.

Doug Beattie left the meeting at 3.21pm.

Stewart Dickson rejoined the meeting (virtually) at 3.30pm.

The Chief Constable agreed to provide further information on a number of issues.

The oral evidence session was reported by Hansard.

The Chairperson thanked the Chief Constable for his attendance and he left the meeting.

Agreed: The Committee agreed to consider scheduling an evidence session with PSNI Temporary/Assistant Chief Constable Ryan Henderson regarding the PSNI's interaction with health practitioners and bodies.

Agreed: The Committee agreed to consider scheduling an evidence session with the Police Federation for Northern Ireland for an update on its work.

Deirdre Hargey left the meeting at 4.25pm.

6. Adult Restorative Justice — Department of Justice Written Paper

The Committee noted a paper from the Department of Justice on the progress made to deliver the Adult Restorative Justice strategy and wider Restorative Justice developments.

7. Draft SR — The Lay Magistrates (Eligibility) Order (Northern Ireland) 2024

The Committee considered Draft SR The Lay Magistrates (Eligibility) Order (Northern Ireland) 2024, which makes provision to set the eligibility criteria for the reappointment of lay magistrates until the age of 75, after they were previously required to retire at the age of 70.

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 for Justice considered Draft SR The Lay Magistrates (Eligibility) Order (Northern Ireland) 2024 and recommended that it be approved by the Assembly.

The Chairperson advised Members that she would outline the Committee's views during the debate on the Statutory Rule, which is scheduled for Monday 29 April 2024.

8. Draft SR — The Period Products (Department of Justice Specified Public Service Bodies) Regulations (Northern Ireland) 2024

The Committee considered Draft SR The Period Products (Department of Justice Specified Public Service Bodies) Regulations (Northern Ireland) 2024, which specifies the public service bodies within the Department of Justice's remit that will be subject to the duties under the Period Products (Free Provision) Act (Northern Ireland) 2022.

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 for Justice considered Draft SR The Period Products (Department of Justice Specified Public Service Bodies) Regulations (Northern Ireland) 2024 and recommended that it be approved by the Assembly.

The Chairperson advised Members that she would outline the Committee's views during the debate on the Statutory Rule, which is scheduled for Monday 29 April 2024.

9. SR 2024/72 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2024

The Committee considered SR 2024/72 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2024, which will extend the provisions in the Coronavirus Act 2020 that allow courts and statutory tribunals to receive evidence wholly or in part through the use of audio or video links for a further six months beyond 24 March 2024.

Deirdre Hargey rejoined the meeting at 4.31pm.

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 for Justice considered SR 2024/72 The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and

Tribunals) Order (Northern Ireland) 2024 and recommended that it be approved by the Assembly.

The Chairperson advised Members that she would outline the Committee's views during the debate on the Statutory Rule, which has yet to be scheduled.

10. SR 2024/81 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024

The Committee considered SR 2024/81 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024, which will make amendments to the Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) Order (Northern Ireland) 2016 to include the new investigatory powers, with relevant safeguards, in support of forfeiture powers that were inserted in the Proceeds of Crime Act 2002.

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 for Justice considered SR 2024/81 The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence (Northern Ireland) Order 1989) (Amendment) Order (Northern Ireland) 2024 and had no objection to the Rule.

The Committee noted The Economic Crime and Corporate Transparency Act 2023 (Commencement No. 1) Order (Northern Ireland) 2024, which brings into force Part 3 of Schedule 8 to the 2023 Act, and section 179 of the same Act, in so far as it relates to Part 3 of Schedule 8.

11. SL1 — The Damages (Process for Setting Rate of Return) Regulations (Northern Ireland) 2024

The Committee considered a proposal for a Statutory Rule under the Damages Act 1996. The Damages (Return on Investment) Act (Northern Ireland) 2022 amended

the Damages Act 1996 to reform the way that the personal injury discount rate in Northern Ireland is set.

The Rule will make changes to the statutory methodology, by which the Government Actuary has to set the personal injury discount rate for Northern Ireland.

Agreed: The Committee agreed to request an oral briefing from departmental officials on The Damages (Process for Setting Rate of Return) Regulations (Northern Ireland) 2024.

12. SL1 — The Judicial Pensions (Remedial Service etc.) (Amendment) Regulations (Northern Ireland) 2024

The Committee considered a proposal for a Statutory Rule under the Public Service Pensions Act (Northern Ireland) 2014 and the Public Service Pensions and Judicial Offices Act 2022 (“the 2022 Act”).

The Judicial Pensions (Remediable Service etc.) Regulations (Northern Ireland) 2023 (“the 2023 Regulations”) made provision for the McCloud remedy to be applied to a number of groups of judges who were not covered under the 2022 Act.

The Statutory Rule will make technical amendments to the 2023 Regulations to ensure the deliverability of the original policy intent for immediate detriment members (including litigants) and gap judges.

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

13. Forward Work Programme

The Committee noted the updated forward work programme and a draft Department of Justice forward work programme.

Committee Members were reminded that the Committee’s strategic planning session will take place in the Stormont Hotel at 1.30pm on 2 May 2024.

Justin McNulty left the meeting at 4.40pm.

14. Correspondence

- i. The Committee considered a report by Criminal Justice Inspection Northern Ireland on the “Effectiveness of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021”.

Agreed: The Committee agreed to write to the Department of Justice, the PSNI and the Public Prosecution Service to request their responses to the recommendations appropriate to their respective organisations.

- ii. The Committee considered a press release from the Northern Ireland Retail Consortium urging the Minister of Justice to provide the same legal protection for retail workers in Northern Ireland as that in the legislation recently announced at Westminster.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and to ask for a response to the issues raised.

- iii. The Committee considered correspondence from Retail NI, which included the report “Working Together: Retail NI’s Plan to Tackle Retail Crime”, and a request to present the report to the Committee.

Agreed: The Committee agreed to discuss the request to present the report at its strategy day on 2 May 2024.

Agreed: The Committee agreed to write to the Department of Justice to seek information regarding the practice of facial recognition laws in Northern Ireland, including their extent, the relevant legislative framework, data storage and usage, and any human rights implications.

Justin McNulty rejoined the meeting at 4.42pm.

- iv. The Committee considered correspondence from the Department of Justice regarding a 7% increase in daily fees paid to the devolved tribunals judiciary, lay magistrates and salaried members of the Lands Tribunal for 2023-24.

Agreed: The Committee agreed to write to the Department for information on how this rate was assessed.

- v. The Committee considered a response from the Department of Justice regarding the remand dashboard, statistics on the length of time that prisoners spend in isolation after a positive result from a body scan, and statistical evidence and examples of the success of rehabilitative programmes in prisons.

Agreed: The Committee agreed to write to the Department for information on what work has been done to establish whether some of the time periods that people spend on remand exceed the sentences that would be handed down and to request information on when the statistics will be available regarding time spent in isolation after a positive result from a body scan.

- vi. The Committee considered a draft itinerary from the Department of Justice for the Committee's proposed visit to Maghaberry prison.

Agreed: The Committee agreed to request that a briefing on "separated prisoners" forms part of the visit.

- vii. The Committee noted a letter and a briefing paper from the Department of Justice regarding a potential Legislative Consent Motion for the Post Office (Horizon System) Offences Bill.

Agreed: The Committee agreed to schedule an oral evidence session with officials for Thursday 9 May on this matter and noted that the officials from the Independent Monitoring Board for Prisons, who were scheduled to attend the Committee meeting on 9 May, have agreed to reschedule their session for the following week, Thursday 16 May 2024.

Sinéad Ennis left the meeting at 4.47pm.

The Committee noted the following:

- viii.a response from the Department of Justice regarding terrorist-related offences (TROs) statistics. The Department stated that the multi-agency review arrangements (MARA) provide oversight for TROs in Northern Ireland and that a review of that arrangement is due to commence after summer. Subject to agreement by the Committee, departmental officials will brief the Committee on MARA in closed session on 23 May 2024;

- ix. a summary of consultation responses and the next steps from the Department of Justice regarding the commencement of the Northern Ireland provisions in the Economic Crime and Corporate Transparency Act 2023 — Proceeds of Crime Act 2022 Codes of Practice;
- x. a response from the Department of Justice regarding the Organised Crime Strategy 2021-24 workplan;
- xi. correspondence from the Department of Justice notifying of plans for the implementation of the Hague 2019 convention on the recognition and enforcement of foreign judgments in civil and commercial matters;
- xii. a response from the Department for the Economy regarding the debt relief scheme operated by the Insolvency Service (SR 2023/220 The Insolvency (Amendment No. 2) Rules (Northern Ireland) 2023);
- xiii. a copy of correspondence from the Committee for the Economy regarding the Public Accounts Committee report on Excess Votes (Northern Ireland) 2022-23 and late accounts/corrections from prior years;
- xiv. a copy of correspondence from the Minister for Infrastructure to the Committee for the Economy regarding planning delays, fees for renewable energy infrastructure and the role of the Planning Appeals Commission;
- xv. a copy of correspondence from the Minister of Finance to the Chairperson of the Committee for the Economy regarding the Victoria Square residential apartments;
- xvi. a copy of correspondence from the Committee for The Executive Office to the Department of Justice regarding historical institutional abuse prosecutions; and
- xvii. correspondence from the Committee for The Executive Office regarding the implementation and scrutiny of Common Frameworks.

15. Chairperson's Business

The Chairperson advised the Committee that she and the Deputy Chairperson met the Minister of Justice of Justice on Monday 22 April 2024 to discuss the forthcoming Justice Bill and the Department's intention to bring a number of substantive amendments at Consideration Stage.

The Chairperson informed Members that the Committee's views on the matter were relayed to the Minister and that Members would have a chance to discuss this in more detail during the planned informal meeting.

Agreed: The Committee agreed to issue a thank-you letter to Jodie Kelly and Nigel Bloomer from the Department of Justice for accommodating the Committee's visit to the Remote Evidence Centre in Belfast.

16. Any other Business

The Chairperson raised an issue about law students needing to have a placement established in a law firm to be able to take up their place at the Institute of Professional Legal Studies and the potential problems for students who cannot obtain a placement.

Agreed: The Committee agreed to write to the Institute of Professional Legal Studies to ascertain the extent of the problem.

Agreed: The Committee agreed to write to the Queen's University Belfast Pathways Opportunity Programme to ask for details of the programme and how it engages with communities to encourage people into the profession.

17. Date, Time and Place of Next Meeting

The Chairperson advised Members that, due to the Committee's strategic planning session next Thursday 2 May, the next meeting will take place on Thursday 9 May at 2.00pm in Room 30, Parliament Buildings.

Members were reminded that Committee staff had emailed them earlier in the week requesting that Members stay on for a short, informal meeting in order to agree the Committee's next steps regarding the forthcoming Justice Bill.

The Meeting was adjourned 4.51pm.

Joanne Bunting MLA

Chairperson, Committee for Justice