



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

THURSDAY 30 May 2024

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Stewart Dickson MLA

Ciara Ferguson MLA

Present by Video or Teleconference:

Alex Easton MLA

Sinéad Ennis MLA

Justin McNulty MLA

Apologies:

Doug Beattie MLA

Maurice Bradley MLA

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

The meeting commenced at 2.03pm in open session.

The Chairperson informed Committee Members that, effective from 28 May 2024, Sinéad Ennis resigned as Deputy Chairperson of the Committee and that Deirdre Hargey was reappointed as Deputy Chairperson.

Agreed: The Committee agreed that the oral evidence sessions with officials from the Government Actuary's Department on the SL1 for the Damages (Process for Setting Rate of Return) Regulations (Northern Ireland) 2024 and the oral evidence session with officials from the Department of Justice on the Stopping Domestic and Sexual Violence and Abuse Strategy would be recorded by Hansard.

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

1. Apologies

As above.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 23 May 2024.

Deirdre Hargey joined the meeting at 2.05pm.

3. Matters Arising

There were no matters arising.

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

Paul Butcher and Stephen Humphrey from the Government Actuary's Department joined the meeting remotely at 2.09pm.

The officials briefed the Committee on the SL1 for the Damages (Process for Setting Rate of Return) Regulations (Northern Ireland) 2024.

Sinead Ennis joined the meeting at 2.26pm.

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

The oral evidence session was reported by Hansard.

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

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

Agreed: The Committee agreed to write to the Department to emphasise that it fully supports the principle of 100% compensation and to outline a number of concerns about the proposed Rule. The Committee highlighted that everybody wanted a CPI+ model but acknowledged that that could not be done at this time. The Committee noted that the Department had stated that it will consider moving to a CPI+ model in future and would legislate accordingly. The Committee noted the move to the average weekly earnings measure instead of RPI. The Committee noted the modification of the standard adjustment for the impact of taxation and the cost of investment and management advice from 0.75% to 1.25%; that the Government Actuary's Department (GAD) considers that that is appropriate; that GAD is content with the assumed investment period of 43 years; that the Department and GAD are unable to consider anything

beyond the principle of 100% compensation; and that GAD said that the 0.5% margin was appropriate.

The Committee noted that the increase is because tax paid has increased and wished to highlight that a number of concerns have been expressed about insurance premiums and the potential impact on policyholders and defendants. Concerns were also expressed about the potential implications for public bodies. It was also pointed out that Northern Ireland has the highest insurance costs compared with other parts of the United Kingdom and Ireland.

Agreed: The Committee agreed to publish on its website the documentation that it considered when scrutinising the proposal for the Statutory Rule.

5. Stopping Domestic and Sexual Violence and Abuse Strategy

Julie Wilson, Deputy Director of the Victims Support Division; Emma Crozier, Head of the Violence against the Person Branch; and Leonie Gilmore, Deputy Principal in the Violence against the Person Branch, joined the meeting at 2.55pm.

The officials briefed the Committee on the new seven-year Stopping Domestic and Sexual Violence and Abuse Strategy.

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

The officials agreed to provide follow-up information on a number of matters, including DASS and associated costings; and the progression of draft regulations and preparatory work to support the introduction of domestic abuse protection notices and orders.

The oral evidence session was reported by Hansard.

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

6. Draft SR — The Proceeds of Crime Act 2002 (Search, Recovery of Cryptoassets and Investigations: Codes of Practice) Order (Northern Ireland) 2024

The Committee considered Draft SR The Proceeds of Crime Act 2002 (Search, Recovery of Cryptoassets and Investigations: Codes of Practice) Order (Northern Ireland) 2024, which makes provision to revise two codes of practice and create one new code of practice, which is required following amendments made to the Proceeds of Crime Act 2002 by the Economic Crime and Corporate Transparency Act 2023 in relation to cryptoassets.

The Committee noted that the Examiner of Statutory Rules had not yet reported on the Rule.

Agreed: The Committee for Justice considered Draft SR The Proceeds of Crime Act 2002 (Search, Recovery of Cryptoassets and Investigations: Codes of Practice) Order (Northern Ireland) 2024 and, subject to the Examiner of Statutory Rules' Report, 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 had yet to be scheduled.

7. SL1 — The Court of Judicature (Amendment No. 2) Rules 2024

The Committee considered a proposal for a Statutory Rule that will amend the Court of Judicature Rules ("CoJ Rules") to facilitate, alongside UK-wide regulations to be made by Parliament, implementation of the Hague 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters ("Hague 2019"). It will also amend the CoJ Rules to make technical changes to the current procedure for recognition and enforcement of foreign judgments under the 2005 Hague Convention on Choice of Court Agreements cases to ensure consistency with the procedure to be followed for Hague 2019.

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

8. SL1 — The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) (Amendment) Regulations 2024

The Committee considered a proposal for a Statutory Rule to make provision to place Northern Ireland Policing Board guidance to carry out injury-on-duty assessments provided to Selected Medical Practitioners and Independent Medical Reviewers on a statutory footing; and to amend the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2021, further to a report by the Examiner of Statutory Rules, who brought to the special attention of the Assembly a number of drafting errors. These Regulations will make amendments to correct the errors identified.

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

9. Police and Criminal Evidence (PACE) Codes of Practice – Consultation on Draft Revised Codes

The Committee noted a written paper from the Department for Justice on a proposed consultation on the draft revised Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE) Codes of Practice.

Agreed: The Committee agreed to write to the Department to request information on the forthcoming 12-week consultation on the revised PACE Codes A to H and the introduction of new Code I, and to express concerns about the timing of the consultation over the summer.

Agreed: The Committee agreed to write to the Department to request further information regarding the Department's Equality Impact Assessment screening exercise, which was carried out prior to the launch of the consultation, and to request to see the outcome of the consultation, including a summary of views, when available.

10. Mandatory Court Approval of Minor Settlements – Update on Policy Development

The Committee noted an update from the Department of Justice on the policy development regarding mandating court approval of compensation settlements for children agreed before the issue of legal proceedings.

11. Forward Work Programme

The Committee noted the updated forward work programme.

Agreed: The Committee agreed that there will be no Committee meeting on Thursday 4 July 2024 unless there is an urgent need to schedule one.

12. Correspondence

- i. The Committee noted the itinerary for the visit to Maghaberry Prison on 6 June 2024. Members were made aware of the guidance that has been issued for the visit and were reminded that they should confirm their attendance for this visit and for the visit to the Northern Ireland Courts and Tribunals Service by responding to an email issued by Committee staff.
- ii. The Committee considered a copy of correspondence from the Committee for The Executive Office to the PSNI in relation to prosecutions regarding the Hart Inquiry into historical institutional abuse.

Agreed: The Committee agreed to consider the matter further pending a response from the PSNI.

- iii. The Committee considered a response from the Law Society of Northern Ireland regarding the Legislative Consent Motion for the Arbitration Bill.

Agreed: The Committee agreed to note the item and to write to the Law Society to thank it for its consideration of the issue and to note that the Arbitration Bill had fallen due to the dissolution of Parliament.

- iv. The Committee noted an invitation from the University of Ulster to an event to discuss research on universal credit, digitalisation and the rule of law, which is to take place Wednesday 5 June 2024. Members were advised that they can register via the link in the invitation should they wish to attend.
- v. The Committee considered a response from the Department of Justice regarding the review of the terms of reference for the Policing Board.

Agreed: The Chairperson noted that the themes for the review of the terms of reference were considerably wider than the original basis on which the review was sought, in respect of meetings that had taken place following an incident on the Ormeau Road, and the Committee agreed to write to the Department to emphasise the importance of the independence of the Policing Board. The Committee also agreed to seek clarity on whether the terms of reference will be agreed with the Policing Board prior to the review taking place and to request that a copy of the terms of reference are sent to the Committee when agreed.”

The Committee noted the following:

- vi. a copy of correspondence from the Minister of Justice to the Committee for the Economy regarding tackling retail crime, in which the Minister advised that she plans to legislate on sentencing reforms in the proposed Sentencing Bill;
- vii. correspondence from the Department of Justice regarding an amendment made to the General Data Protection Regulation by the Ministry of Justice;
- viii. correspondence from the Department of Justice regarding Quarterly Statistical Bulletins from January 2024 to March 2024 for the Northern Ireland Courts and Tribunals Service;
- ix. a response from the Department of Justice regarding a review of civil legal aid and the strengthening of legislation to address concerns around the Victim Charter;
- x. a response from the Department of Justice regarding prisoners on remand and data relating to the use of body scanners;

- xi. correspondence from the Department of Justice regarding the provisions of the Victims and Prisoners Bill that extend to Northern Ireland;
- xii. correspondence from the Department of Justice regarding an update on the Criminal Justice Bill, which fell as a result of the dissolution of Parliament, and noting that it means that there is no requirement for a legislative consent motion;
- xiii. correspondence from the Department of Justice regarding an update on the Arbitration Bill, which fell as a result of the dissolution of Parliament, and noting that it means that there is no requirement for a legislative consent motion;
- xiv. a response from The Executive Office regarding residential properties at Victoria Square, Belfast, advising that the Minister for Communities has introduced the Defective Premises Bill;
- xv. correspondence from the Committee for Finance regarding its report 'Engagement on the 2024-25 Draft Executive Budget';
- xvi. correspondence from the Royal College of Paediatrics and Child Health regarding the report 'Equal Protection from assault in England and Northern Ireland; the health, education and legal case to remove the "reasonable punishment" defence and to prohibit all physical punishment of children'; and
- xvii. correspondence from Investment Strategy Northern Ireland regarding its Investing Activity Report for the Department of Justice.

13. Chairperson's Business

There were no items of Chairperson's business.

14. Any other Business

There was no other business.

15. Date, Time and Place of Next Meeting

The Chairperson advised Members that, due to the Committee's visit to Maghaberry Prison on Thursday 6 June 2024, there would be no Committee meeting that day.

Members were informed that the next Committee meeting is scheduled for Thursday 13 June 2024 at 2.00pm in Room 30, Parliament Buildings.

The Meeting was adjourned 3.58pm.

Joanne Bunting MLA

Chairperson, Committee for Justice