



Northern Ireland  
Assembly

## Committee for Justice

### Minutes of Proceedings

**THURSDAY 9 May 2024**

**Room 30, Parliament Buildings, Belfast**

**Present:** Joanne Bunting MLA (Chairperson)

Doug Beattie MLA

Stewart Dickson MLA

Ciara Ferguson MLA

**Present by Video or Teleconference:**

Alex Easton MLA

Justin McNulty MLA

**Apologies:** Maurice Bradley MLA

Sinéad Ennis MLA

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

**In Attendance by Video or Teleconference:**

Ryan Feeney (Clerical Officer)

*The meeting commenced at 2.02pm in open session.*

The Chairperson advised the Committee that the former Deputy Chairperson, Deirdre Hargey, is now the Minister for the Economy and, on behalf of the Committee, offered her congratulations.

**Agreed:** The Committee agreed that the oral evidence session on the Executive Programme on Paramilitarism and Organised Crime and the three oral evidence sessions on Legislative Consent Memorandums would be recorded by Hansard.

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

*Joanne Bunting declared an interest as a member of the tackling paramilitarism programme political advisory board.*

**1. Apologies**

As above.

## **2. Draft Minutes**

**Agreed:** The Committee agreed the minutes of the meeting held on Thursday 25 April 2024.

## **3. Matters Arising**

There were no matters arising.

## **4. The Executive Programme on Paramilitarism and Organised Crime**

*Stewart Dickson declared an interest as a member of the paramilitarism programme political advisory board.*

Adele Brown, Programme Director; Claire Hazelden, Research Analyst; and Joanne Doherty, Strategic Partnerships Manager, joined the meeting at 2.05pm.

*Ciara Ferguson joined the meeting at 2.11pm.*

The officials briefed the Committee on the work of the Executive Programme on Paramilitarism and Organised Crime.

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

*Ciara Ferguson declared an interest as a former employee of the Great Shantallow Area Partnership, which was involved in the WRAP project.*

The oral evidence session was reported by Hansard.

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

## **5. Criminal Justice Bill – (Second) Legislative Consent Memorandum**

Veronica Holland, Head of the Organised Crime Branch; and Lorraine Ferguson-Coote, Criminal Policy Unit, joined the meeting at 3.25pm.

The officials briefed the Committee on a proposed second Legislative Consent Memorandum for the Criminal Justice Bill.

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.

The Committee noted the further update on the indicative timings for the Criminal Justice Bill and the four areas that would be covered by a second Legislative Consent Memorandum.

**Agreed:** The Committee agreed that it was content, in principle, with the bringing forward of a second Legislative Consent Memorandum to deal with confiscation reforms related to proceeds of crime; registered sex offender notification requirements; an offence related to the making of “deepfake” images; and any extension of the scope of a current possession of a paedophile manual offence.

**Agreed:** The Committee agreed to reserve its position on the Department’s “fall back” position: that there may be a need to table a debate on the Legislative Consent Motion before the Committee has had time to report.

**Agreed:** The Committee agreed to write to the Department of Justice to request further information on a number of issues, including the creation of a new offence related to the making of “deepfake” images and equality and human rights issues.

## **6. Post Office (Horizon System) Offences Bill - Legislative Consent Memorandum**

Maura Campbell, Head of Criminal Justice Policy and Legislation Division; Claire Robinson, Head of Legacy Litigation and Projects Unit; and Alan Weir, Legacy Litigation and Projects Unit, joined the meeting at 3.59pm.

The officials briefed the Committee on a proposed Legislative Consent Memorandum for the Post Office (Horizon System) Offences Bill.

The Committee was advised that the Bill will automatically quash convictions for specified offences of dishonesty (including false accounting, fraud and theft) that were prosecuted by the Police Service of Northern Ireland, the Director of Public Prosecutions for Northern Ireland or the Public Prosecution Service for Northern Ireland, as well as the Post Office or the Crown Prosecution Service, alleged to have been committed while the Horizon system was in use. Convictions covered by the Bill would be quashed on the day that the legislation is brought into operation.

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 agreed to a Legislative Consent Memorandum on the Post Office (Horizon System) Offences Bill being laid before the Assembly by mid-May 2024.

## **7. Prison Media Bill - Legislative Consent Memorandum**

Alan Smyth, Head of Licensing, Legislation and Public Protection in the Northern Ireland Prison Service; and Tom Ferguson, Deputy Director of Security and Operations in the Northern Ireland Prison Service, joined the meeting at 4.07pm.

The officials briefed the Committee on a proposed Legislative Consent Memorandum for the Prison Media Bill.

The Committee was advised that a Legislative Consent Memorandum is required for the provisions aiming to clarify in statute the illegality of recording the inside of a prison from the outside (for instance, via drone) and to create a new offence of creating media of prison workers on prison land without authorisation.

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 agreed that it was content to note the Department's written briefing and that it was content, in principle, for a Legislative Consent Memorandum on the Prison Media Bill to be laid before the Assembly as soon as possible.

**Agreed:** The Committee agreed to write to the Department to request further information on a number of issues, including regarding consultations on equality and human rights issues.

## **8. Legislative Consent Memorandum – The Arbitration Bill – written paper**

The Committee considered a written paper from the Department of Justice in relation to a proposed Legislative Consent Memorandum for the Arbitration Bill. The paper stated that the key initiatives in the Bill include:

- codifying the law on arbitrators' duty to disclose conflicts of interest and retaining current duties on impartiality to maintain the integrity of arbitration as a system of dispute resolution;
- strengthening arbitrators' immunity to ensure arbitrator neutrality and robust decision-making;
- introducing provisions for arbitrators to summarily dismiss legal claims that lack merit to allow for the efficient and fair resolution of disputes;
- clarifying the power of the courts to support arbitration proceedings and emergency arbitrators;
- improving the framework for challenging arbitrators' decisions on the basis that the arbitrators lacked jurisdiction; and
- creating new rules for deciding which laws govern an arbitration agreement to introduce simplicity in proceedings.

The paper also stated that, due to timetabling issues, progressing a Legislative Consent Memorandum within the usual timescales was not practical, but that it had been agreed that a pragmatic solution would be to extend the normal deadline for Assembly agreement until the final amending stage in the House of Commons.

The paper further stated that it may become apparent at a later stage that it is not going to be possible to obtain a Legislative Consent Motion given the tight time frames. In that scenario, an alternative option would be for the Minister to lay a memorandum before the Assembly explaining why a legislative consent was not being sought.

**Agreed:** The Committee agreed to write to the Department of Justice for further information on the framework for challenging arbitrators' decisions and to seek clarification around the intended course of action if legislative consent was not to be sought.

**Agreed:** The Committee agreed to write to the Law Society of Northern Ireland and the Bar of Northern Ireland to seek their views on the proposed Legislative Consent Memorandum on the Arbitration Bill.

**Agreed:** The Committee agreed that it was content to note the Department's written briefing.

**Agreed:** The Committee agreed that it was content to forward the briefing to the Committee for Finance and the Committee for the Economy as a number of clauses in the Bill touch on responsibilities under their Departments' remits.

*Alex Easton left the meeting at 4.36pm.*

## **9. SL1 - The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2024**

The Committee considered a proposal for a Statutory Rule to make provision to add Advocacy Support Safety Information Services Together Northern Ireland, known as ASSIST NI, to the list of prescribed bodies that the Public Prosecution Service can disclose relevant information to about a witness in criminal proceedings for the purposes of advising that witness about the support services offered by that body or to offer to provide support services to the witness.

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

## 10. Forward Work Programme

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

## 11. Correspondence

- i. The Committee considered a response from the Department of Justice regarding the reasons why the Department chose an eight-week period for its civil legal aid review as opposed to 12 weeks, advising that this was a call for evidence and a 12-week consultation will follow.

**Agreed:** The Committee agreed to note the correspondence and to consider further pending the outcome of the 12-week consultation.

- ii. The Committee considered a response from the Department of Justice regarding the Organised Crime Strategy – addendum work plan’s timeline and information on the extent to which the strategy has informed the proposed legislation on organised crime.

**Agreed:** The Committee agreed to note the correspondence and to consider further when the addendum work plan is completed.

- iii. The Committee considered a copy of correspondence from the Committee for Communities to the Minister of Justice regarding the need to introduce an anti-poverty strategy.

**Agreed:** The Committee agreed to note the correspondence and to consider seeking further information when the Minister responds to the Committee for Communities.

- iv. The Committee considered a copy of correspondence from the Committee for The Executive Office to the Public Prosecution Service regarding historical institutional abuse prosecutions.

**Agreed:** The Committee agreed to note the correspondence and to consider further pending a response from the Public Prosecution Service.



- v. The Committee considered a copy of correspondence from the Committee for the Economy to the Minister of Justice regarding the report on tackling retail crime by Retail NI.

**Agreed:** The Committee agreed to note the correspondence and to consider further pending a response from the Minister of Justice.

- vi. The Committee considered a copy of correspondence from the Committee for Education regarding the portability of AccessNI certification.

**Agreed:** The Committee agreed to note the correspondence and to consider further pending a response from the Department of Justice.

- vii. The Committee considered correspondence from THRIVE regarding an upcoming event.

**Agreed:** The Committee agreed to note the correspondence and that Committee Members would respond individually when formal invitations are issued.

The Committee noted the following:

- viii. a direction from the Minister of Justice regarding legal aid remuneration arrangements for a pilot to fast-track serious sexual offence cases involving children under 16 years of age;
- ix. correspondence from the Department of Justice regarding the UK Department for Business and Trade's Statutory Instrument – The Product Safety and Market Surveillance (Northern Ireland) (Consequential Amendment etc.) Regulations 2024 and the areas that it impacts that are the responsibility of the Department of Justice;
- x. a response from the Department of Justice regarding the vehicle recovery, storage and disposal statutory charges review which includes details on a cost comparison with the Republic of Ireland and full cost recovery;
- xi. a response from the Probation Board for Northern Ireland (PBNI) regarding information that is shared between it and the Health and Social Care Trusts as part of the Information Sharing Agreement and details on the composition of the PBNI's current caseload;

- xii. the Investing Activity Monthly Report for the Department of Justice from Investment Strategy for Northern Ireland; and
- xiii. correspondence from an individual referring to a historical court case.

## **12. Chairperson's Business**

There were no items of Chairperson's business.

## **13. Any other Business**

The Chairperson advised Committee Members that the Minister of Justice had requested permission from the Speaker to make a statement to the Assembly on 14 May 2024 regarding a six-monthly update on the work carried out under the auspices of the Inter-Governmental Agreement on Co-operation on Criminal Justice Matters.

Members were advised that the Chairperson had a copy of the notification should any of them wish to see it and that it would be included in next week's pack.

## **14. Date, time and place of next meeting**

**Agreed:** The Committee agreed to start the Committee meeting on Thursday 16 May 2024 in Room 30 Parliament Buildings at the earlier time of 1.30pm in closed session in order to formally agree the Committee's strategic priorities as discussed on Thursday 2 May 2024.

*The Meeting was adjourned at 4.43pm.*

Joanne Bunting MLA

Chairperson, Committee for Justice