



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

THURSDAY 24 October 2024

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Maurice Bradley MLA

Stewart Dickson MLA

Stephen Dunne MLA

Ciara Ferguson MLA

Present by Video or Teleconference:

Justin McNulty MLA

Sinéad Ennis MLA

Apologies:

Doug Beattie

In Attendance: Caroline Perry (Assembly Clerk)
Thomas McKillop (Senior Assistant Assembly Clerk)
Jonny Redpath (Assistant Assembly Clerk)
Mark McConnell (Clerical Supervisor)
Aaron Pakenham (Clerical Officer)

The Committee agreed to start the meeting in closed session for a briefing from the Examiner of Statutory Rules on SR 2024/173 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No. 2) Order (Northern Ireland) 2024

The meeting commenced at 2.09pm in closed session.

1. Apologies

As above.

2. SR 2024/173 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No. 2) Order (Northern Ireland) 2024 — Examiner of Statutory Rules

The Examiner of Statutory Rules, Angela Kelly, joined the meeting at 2.10pm.

Members received and noted a hard-copy paper from the Examiner.

The Examiner briefed the Committee on the Statutory Rule and advised that she did not plan to draw it to the special attention of the Assembly in her latest report.

Stephen Dunne joined the meeting at 2.13pm.

Deirdre Hargey joined the meeting at 2.17pm.

The briefing was followed by a question-and-answer session.

The Chairperson advised Members that the question on the Statutory Rule would be put during the appropriate agenda item in public session.

The Chairperson thanked the Examiner and she left the meeting.

The meeting moved into public session at 2.37pm.

Agreed: The Committee agreed that the oral evidence session with the Assembly's Research and Information Service (RaISe) on the potential financial implications of the Justice Bill, the session with departmental officials on the legislative consent memorandum on the Arbitration Bill, and the session with departmental officials on the consultation responses to the PSNI injury-on-duty scheme would be recorded by Hansard.

Sinéad Ennis joined the meeting at 2.38pm.

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 a family member who works for the Northern Ireland Courts and Tribunals Service.

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 10 October 2024.

4. Matters Arising

The Committee noted a note of the proceedings of the informal meeting between the Association of British Insurers, the Committee for Justice and the Committee for the Economy, which took place on Tuesday 15 October 2024.

5. Justice Bill: RaISe — potential financial implications

Aidan Stennett, Research Officer with RaISe, joined the meeting at 2.39pm.

The official briefed the Committee on the potential financial implications of the Justice Bill.

The briefing was followed by a question-and-answer session.

The official agreed to provide further information on a number of matters.

The oral evidence session was reported by Hansard.

The Committee noted the RalSe paper and the response from the Department of Justice to RalSe's request for information.

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

Agreed: The Committee agreed to write to the Department of Justice to request more detailed information on the potential costs associated with the Justice Bill.

6. Arbitration Bill Legislative Consent Memorandum — Department of Justice

Andrew Dawson, the Deputy Director of the Civil Justice and Judicial Policy Division; Jane Maguire, Head of the Civil and Family Courts Branch; and Andrew Robinson, from the Civil and Family Courts Branch joined the meeting at 3.16pm.

The officials briefed the Committee on a proposed Legislative Consent Memorandum (LCM) for the Arbitration Bill, as introduced in the House of Lords on 18 July 2024.

The Committee was advised 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;
- clarifying 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.

Stewart Dickson declared an interest as a former arbitration secretary in the Labour Relations Agency.

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

Sinéad Ennis left the meeting at 3.32pm.

Justin McNulty left the meeting at 3.32pm.

The Committee noted the Department's written briefing.

Agreed: The Committee agreed to a Legislative Consent Memorandum on the Arbitration Bill being laid before the Assembly as soon as possible.

Agreed: The Committee agreed to forward the Department's briefing paper to the Committee for Finance and to the Committee for the Economy.

7. Injury on Duty — consultation response — Department of Justice

Lynne Curran, the Acting Deputy Director of the Policing Policy and Strategy Division; Therese Murphy, from the Policing HR and Pensions Division; and Allan Crone, from the Police Pensions and HR Policy Branch joined the meeting at 3.35pm.

Justin McNulty rejoined the meeting at 3.37pm.

Sinéad Ennis rejoined the meeting at 3.38pm.

The officials briefed the Committee on the PSNI injury-on-duty scheme *Consultation Responses and Way Forward Document*.

The briefing was followed by a question-and-answer session.

Joanne Bunting declared an interest as a former member of the Northern Ireland Policing Board.

Maurice Bradley declared an interest as a former member of the Northern Ireland Policing Board.

Lynne Curran agreed that the Committee could provide her contact details to an individual who had raised concerns about police pensions and the injury-on-duty scheme.

The oral evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting.

The Committee noted the Department's paper and correspondence from the Northern Ireland Audit Office.

Agreed: The Committee agreed to write to the Department to ask for information on the process for a change in the ownership of the injury-on-duty scheme and to ask whether the Northern Ireland Policing Board has formally made such a request.

Agreed: The Committee agreed to respond to an individual who had raised concerns about police pensions and the injury-on-duty scheme and to provide a copy of the Department's response to the concerns raised; a copy of the correspondence from the Northern Ireland Audit Office; details of and links to recordings of the Committee meetings at which these matters were discussed; and the contact details of a departmental official.

8. SR 2024/173 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No. 2) Order (Northern Ireland) 2024

The Committee considered SR 2024/173 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No. 2) 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 until 24 March 2025.

The Committee noted that the Examiner of Statutory Rules had not yet reported on the Rule, but that the Committee was briefed by her in closed session and she

advised that she did not plan to draw the Rule to the special attention of the Assembly in her next report.

Agreed: The Committee for Justice considered SR 2024/173 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) (No. 2) 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 has been scheduled for 4 November 2024.

9. SR 2024/177 — The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2024

The Committee considered SR 2024/177 — The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2024, which will amend the Rules of the Court of Judicature (Northern Ireland) 1980 to provide for a time limit, in a civil case, so that an application for leave to appeal to the Supreme Court shall be made within 28 days of the decision or the order in respect of which leave is sought.

The Chairperson reminded members that, at its meeting of 27 June 2024, the Committee agreed that it was content with the proposal for the Statutory Rule.

Agreed: The Committee for Justice considered SR 2024/177 — The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2024 and had no objection to the Rule.

10. Planning Appeals Commission fees — consultation on amendments

The Committee considered and noted a paper from the Department of Justice advising that it plans to consult on draft Regulations that would increase the fees payable for applications and appeals to the Planning Appeals Commission.

11. Forward Work Programme

The Committee noted an updated Committee forward work programme and a proposed forward work programme from the Department of Justice.

12. Correspondence

- i. The Committee noted correspondence from the Minister of Justice regarding the commencement of section 28(1) and section 28(3) of the Investigatory Powers (Amendment) Act 2024.

Agreed: The Committee agreed to write to the Department to request a detailed written briefing on how the commencement of these sections will work in practice.

- ii. The Committee noted correspondence from the Director General of the Prison Service, in which she thanked Committee Members for visiting Maghaberry Prison.

Agreed: The Committee agreed to write to the Director General and members of her team to thank them for accommodating the visit.

- iii. The Committee noted correspondence from the Commissioner Designate for Victims of Crime, in which she raised concerns about the length of the proposed extension of the Committee Stage of the Justice Bill.

Agreed: The Committee agreed to write to the Commissioner Designate for Victims of Crime to outline its reasons for seeking such an extension.

- iv. The Committee noted correspondence from the Law Society of Northern Ireland, which included a request to informally and formally brief the Committee on criminal legal aid reviews initiated by the Department of Justice.

Agreed: The Committee agreed to write to the Department of Justice to ask for information on the Burgess review.

- v. The Committee noted correspondence from the President of the United Kingdom Supreme Court, which included a request to meet the Chairperson and Deputy Chairperson on 13 November 2024.

Agreed: The Committee agreed that it was content for the Chairperson and Deputy Chairperson to meet the delegation.

- vi. The Committee noted a response from the Department of Justice to the Committee's request for additional information in relation to the Justice Bill. This included a European Convention on Human Rights compliance table, a summary of responses to the consultation on the use of live links for police detention and interviews, and a delegated powers memorandum.

Agreed: The Committee agreed to forward the delegated powers memorandum to the Examiner of Statutory Rules.

Agreed: The Committee agreed to forward the compliance table to the Northern Ireland Human Rights Commission and the Assembly's Legal Services Office.

- vii. The Committee noted correspondence from the Clerk to the Chairpersons' Liaison Group, which included information on post-legislative scrutiny work carried out by the Committee team. The Committee thanked and congratulated the Committee team for its work.

The Committee noted the following:

- viii.a response from the Department of Justice regarding the child criminal exploitation action plan and definition;
- ix. a response from the Department of Justice regarding the Criminal Justice Inspection Northern Ireland report on the effectiveness of criminal court administration in Northern Ireland;
- x. a response from the Department of Justice regarding funding for the electronic monitoring system, other transformation programmes and the Magilligan Prison kitchen and cafe;
- xi. a response from the Department of Justice regarding the Secretary of State's Direction under section 1A(7) of the Prison Act (Northern Ireland) 1953 as

amended by schedule 4 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010;

- xii. notification from the Department of Justice of a six-week call for views on the Victim and Witness Strategy 2025-30;
- xiii. a notice of publication from the Department of Justice of an official statistics bulletin on Adult and Youth Reoffending in Northern Ireland 2021-22;
- xiv. a news release from the Department of Justice regarding the Department's view that industrial action by the Criminal Bar Association is premature;
- xv. a Public Prosecution Service Annual report and resource accounts 2023-24, and notification of laying before Assembly;
- xvi. a notification from the Police Service of Northern Ireland of the launch of an eight-week consultation on a draft Race and Ethnicity Action Plan 2025-27;
- xvii. forwarded correspondence from the Committee for Communities to the Department of Justice regarding disability rights and representation;
- xviii. forwarded correspondence from the Department of Finance to the Committee for Finance regarding an analysis of the 2024-25 out-turn and forecast out-turn;
- xix. forwarded correspondence from the Law Society of Northern Ireland to the Committee for the Economy regarding concerns about changes to the conveyancing arrangements in Northern Ireland;
- xx. a forwarded response shared with the Northern Ireland EU Affairs Manager from the Home Office to the House of Lords Justice and Home Affairs Committee regarding an inquiry into electronic border management systems;
- xxi. correspondence from the Competition and Markets Authority informing of actions regarding unregulated legal services providers;

- xxii. correspondence from the Northern Ireland Human Rights Commission detailing a draft strategic plan 2025-28 and request to engage with the strategic planning process;
- xxiii. a report from the Interim Prisoner Ombudsman into a death in custody at Magilligan Prison.
- xxiv. correspondence from Ofcom regarding a progress update on implementing the Online Safety Act 2023; and
- xxv. correspondence from the Bar of Northern Ireland notifying that the Criminal Bar Association has announced planned withdrawal of services.

13. Chairperson's Business

The Chairperson reminded Members that a concurrent meeting of the Committee for Justice and the Committee for Health is scheduled for Thursday 7 November 2024 at 2pm in the Senate Chamber to discuss the Right Care, Right Person model and other collaborative working between the two Departments, and encouraged them to attend.

The Chairperson referred to correspondence from the Private Secretary to the Minister of Justice in the tabled pack, which includes a request from the Minister to meet the Chairperson and Deputy Chairperson of the Committee to discuss collaborative working, with particular reference to the delivery of the legislative programme for the rest of the mandate.

Agreed: The Committee agreed for the Chairperson and Deputy Chairperson to attend the meeting on behalf of the Committee and for a note of the meeting to be circulated to Committee Members.

14. Any other Business

There was no other business.

15. Date, Time and Place of Next Meeting

Members were advised that, owing to recess, the next meeting will be the concurrent meeting of the Committee for Justice and the Committee for Health, which is scheduled for Thursday 7 November 2024 at 2.00pm in the Senate Chamber.

The Meeting was adjourned at 4.33pm.

Joanne Bunting MLA

Chairperson, Committee for Justice