



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

Thursday 27 February 2025

Room 30, Parliament Buildings, Belfast

Present: Joanne Bunting MLA (Chairperson)

Maurice Bradley MLA

Stephen Dunne MLA

Connie Egan MLA

Present by Video or Teleconference:

Deirdre Hargey MLA (Deputy Chairperson)

Danny Baker MLA

Doug Beattie MLA

Ciara Ferguson MLA

Justin McNulty MLA

In Attendance: Kathy O'Hanlon (Assembly Clerk)
Thomas McKillop (Senior Assistant Assembly Clerk)
Jonny Redpath (Assistant Assembly Clerk)
Stephen Corr (Clerical Supervisor)
Aaron Pakenham (Clerical Officer)

The meeting commenced at 2.15pm in public session.

The Chairperson welcomed Stephen Corr to the Committee team and thanked Mark McConnell for his valuable contribution to the work of the team in recent months.

Agreed: That the oral briefing from the Assembly's Research and Information Service on the proposed amendments to the Biometrics Part of the Justice Bill; the oral evidence session with the Scottish Biometrics Commissioner on the Biometrics Part of the Justice Bill; and the oral evidence session with departmental officials on the proposed Statutory Rule relating to Electronic Monitoring Requirements would be recorded by Hansard.

Danny Baker declared an interest in relation to an immediate family member who works for the Probation Board for Northern Ireland.

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.

Joanne Bunting declared an interest as a member of the All Party Group on Access to Justice. The Chairperson noted that Connie Egan, Ciara Ferguson and Deirdre Hargey are also members of the All Party Group on Access to Justice.

1. Apologies

There were no apologies.

2. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 13 February 2025.

3. Matters Arising

3.1 and 3.2 — Department of Justice and Department of Health correspondence on the Creswell Case Review

The Committee considered correspondence from the Department of Justice regarding the review of the Creswell case, including a copy of the terms of reference for a bespoke review.

Justin McNulty joined the meeting at 2.20pm.

Agreed: To ask the Department of Justice for information on the level of involvement that other relevant agencies will have in the review; whether the review will consider contact that Jonathan Creswell had with other young people that may have been indicative of a pattern of behaviour; and what consideration will be given to both indirect and direct contact between Jonathan Creswell, Katie Simpson and the relevant agencies.

The Committee noted correspondence from the Minister of Health advising that a representative of the Western Health and Social Care Trust will participate in the review.

3.3 — Visit to Northern Ireland Courts and Tribunals Service

The Chairperson provided Members with an overview of the Committee's visit to the Northern Ireland Courts and Tribunals Service on 20 February 2025, which included an overview of the Themis programme, a demonstration of Sightlink technology and a tour of the Royal Courts of Justice.

The Committee noted the papers that were provided during the visit.

3.4 — Committee Response to the draft Budget 2025-26

The Committee considered a draft response to the Committee for Finance on the draft Budget 2025-26.

Agreed: To issue the response to the Committee for Finance.

4. Justice Bill — Biometrics: Assembly Research and Information Service (RalSe) oral briefing

Judith Bailie, a Research Officer with the Assembly's Research and Information Service, joined the meeting at 2.23pm.

The Research Officer provided a briefing on the Department of Justice's proposed amendments to the Biometrics provisions in the Justice Bill.

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

The briefing was reported by Hansard.

The Chairperson thanked the Research Officer and she left the meeting at 2.56pm.

Agreed: To ask the Department of Justice for the following:

- information on the commencement of the regulation-making powers in the Biometrics Part of the Bill and whether a delay in commencement would result in any gaps;
- an analysis of the Bill's compatibility with the Windsor Framework and relevant EU Directives; and
- clarification of whether the Department is aware of any plans to change or abolish the role of the Biometrics Commissioner in England and Wales and details of any engagement the Department has had with the Home Office on this issue.

Agreed: To ask the Department for a response to the scrutiny points at Part 4 of the RalSe paper on the proposed amendments to the Biometrics provisions.

5. Justice Bill — Biometrics: Scottish Biometrics Commissioner oral evidence

Dr Brian Plastow, the Scottish Biometrics Commissioner, joined the meeting at 2.56pm.

The witness provided oral evidence on the Biometrics provisions in the Justice Bill.

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

The Chairperson thanked Dr Plastow and he left the meeting at 4.07pm.

The evidence was reported by Hansard.

Agreed: To ask the Department of Justice for information on:

- how the timescales for retention were arrived at;
- who the proposed Biometrics Commissioner will be accountable to and whether there will be a code of practice;

Stephen Dunne left the meeting at 4.09pm.

Connie Egan left the meeting at 4.09pm.

- details of changes to the provisions proposed by the Northern Ireland Human Rights Commission (NIHRC) and whether they were accepted; and what consideration has been given to a UK-wide database for custody images.

Agreed: To ask the PSNI to provide a copy of its service instructions regarding biometrics and photographs.

6. SL1 — The Electronic Monitoring Requirements (Responsible Officer) (Amendment) Order (Northern Ireland) 2025: Department of Justice oral evidence

The following witnesses from the Department of Justice joined the meeting at 4.10pm:

- Michael McAvoy — Deputy Director, Community Safety Division; and

- Matthew Neill — Policy Lead, Electronic Monitoring.

The witnesses provided oral evidence on the SL1 — The Electronic Monitoring Requirements (Responsible Officer) (Amendment) Order (Northern Ireland) 2025.

Stephen Dunne returned to the meeting at 4.17pm.

Connie Egan returned to the meeting at 4.19pm.

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

The evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 4.45pm.

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

7. Justice Bill — Written papers

The Committee noted the following written papers from the Department of Justice on the Justice Bill:

- a response regarding the proposed vagrancy amendment;
- a response regarding Part 4 of the Bill on the Administration of Justice;
- a response regarding Part 2 of the Bill in relation to children and the interpretation of “serious threat to public order”; and
- a response regarding the tabling of the proposed departmental amendments.

The Committee noted responses to its Call for Evidence on the Justice Bill from Homeless Connect and the Simon Community and agreed to consider them further when the Call for Evidence has closed.

Agreed: To publish the above papers on the Committee’s web page.

The Committee noted guidance from the Lady Chief Justice on Physical (In-Person), Remote and Hybrid Attendance that applies across all court tiers and agreed to consider it further at an appropriate time during the Committee’s scrutiny of the Bill and the proposed amendments.

The Committee considered a draft 'Letter to the Editor' on its Call for Evidence on the Justice Bill.

Agreed: To issue the letter, subject to some editorial changes from the Chairperson.

The Committee considered a request from NIACRO to provide oral evidence on the Justice Bill.

Agreed: To schedule an oral evidence session with NIACRO.

8. Police and Criminal Evidence (PACE) Codes of Practice — outcome of consultation on revised codes

The Committee considered a report on the outcome of the consultation on proposed revisions to eight PACE Codes of Practice and a proposal to introduce one new Code.

Agreed: To schedule an oral evidence session on the proposals with the NIHRC.

Agreed: To schedule an oral evidence session on the proposals with the Department of Justice.

9. SL1 — The Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE NI) 2025

Agreed: To defer the consideration of the SL1 until after the proposed oral evidence sessions with the NIHRC and the Department of Justice.

10. SL1 — The Coronavirus Act 2020 (Extension of Provisions Relating to Live Links for Courts and Tribunals) Order (Northern Ireland) 2025

The Committee considered a proposal for a Statutory Rule to extend for a further six months the provisions to allow a court or tribunal to receive evidence wholly or in part through the use of live links so long as it is satisfied that it is in the interests of justice to do so; and to permit a court or tribunal to make arrangements for all or any part of a hearing being conducted by live link to be broadcast of for a recording of the proceedings to be made.

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

Agreed: To consider agenda item 16, which is a proposal for legislative consent for the Crime and Policing Bill, as the next item of business.

11. Crime and Policing Bill — proposal for legislative consent

The Committee considered correspondence from the Department providing information on provisions in the Crime and Policing Bill for which legislative consent will be required and a request that the Committee indicates if it is content, in principle, for legislative consent to be sought.

Agreed: To schedule an oral evidence session with the Department of Justice.

Agreed: The Committee will reserve its position on the request for legislative consent until after the proposed evidence session with the Department of Justice.

12. Correspondence

- A consultation letter from the Department of Justice informing the Committee of the Minister's intention to seek the agreement in principle of Executive colleagues to a proposed UK Government statutory instrument to extend the power in section 2 of the Private International Law (Implementation of Agreements) Act 2020.

Agreed: To ask the Department of Justice for more information on the proposed statutory instrument.

- A response from the Department of Justice providing a copy of the instructions to prison governors regarding the management and care of transgender prisoners.

Agreed: To ask the Department of Justice for information on why the guidance does not refer to risk assessments for other prisoners; how the guidance relates

to the safety of prisoners overall; and what can be learned from the experiences in other jurisdictions on this matter.

- A response from the Department of Justice regarding sickness absence statistics.

Agreed: To again ask the Department of Justice for clarification on how equality, diversity and inclusion relates to sickness absence and for an explanation of what “case for change” refers to.

- A response from the Department of Justice regarding the needs analysis for Northern Ireland Search and Rescue.

Agreed: To ask the Department of Justice for more information including whether the decision-making processes to determine membership of the Northern Ireland Search and Rescue Practitioners’ Group will be considered as part of the review; and for information on remuneration for members of the Practitioners’ Group.

- A response from the Bar of Northern Ireland regarding the withdrawal of services by the Criminal Bar Association.

Agreed: To confirm if the Bar of Northern Ireland still wishes to provide oral evidence on the Enabling Access to Justice programme and whether there has been any further engagement with the Department of Justice since 18 February 2025.

- Correspondence from an individual regarding biometric data taken in 2022 and a separate statement advising that a matter regarding the PSNI will be discussed in the Scottish Parliament.

Agreed: To seek the individual’s consent to forward the correspondence to the PSNI and other relevant agencies who may be able to deal with the issues raised.

- Correspondence from Professor Gráinne McKeever regarding a request for a copy of the Department of Justice’s response regarding litigants in person in civil and family courts.

Agreed: To forward the Department's response to Professor McKeever.

- Correspondence from the Northern Ireland Commissioner for Children and Young People (NICCY) requesting a copy of the Department of Justice's paper on the strategic approach to organised crime.

Agreed: To forward the Department's paper to NICCY.

- A copy of correspondence from the Committee for The Executive Office to the Department of Justice regarding the impact of the ongoing dispute over legal aid on immigration law advice.

Agreed: To request a written briefing from Advice NI on the impact of the ongoing dispute over legal aid on immigration law advice.

The Committee noted the following items of correspondence:

- A response from the Department of Justice regarding 'Caleb's Cause' and post-19 special educational needs;
- A news release from the Department of Justice regarding an advocacy service for victims of sexual and domestic abuse;
- An update from the Department of Justice on the its 2024-25 non-ringfenced Resource DEL budget;
- An update from the Department of Justice on the PSNI workforce recovery business case;
- An Invitation from the Centre for Public Policy and Administration at Queen's University Belfast to a seminar on the Potential for Artificial Intelligence in the Public Sector; and
- Investment Strategy Northern Ireland Investing Activity Report — February 2025.

13. Forward Work Programme

Danny Baker left the meeting at 5.10pm.

The Committee considered a proposed Department of Justice forward work programme for March 2025.

Agreed: To schedule the proposed items of business from the Department in the forward work programme.

The Committee considered an updated forward work programme.

Agreed: To proceed with the sessions in the updated forward work programme, subject to the changes as agreed at today's meeting.

14. Chairperson's Business

The Chairperson informed Members that the Chief Executive of the Northern Ireland Policing Board has invited her and the Deputy Chairperson of the Committee to an informal meeting with the Chair and Vice Chair of the Board.

15. Any other Business

The Chairperson advised Members that she met with Prisoner Ombudsman Darrin Jones, who is content for the Committee to schedule an oral evidence session.

Agreed: To schedule an oral evidence session with the Prisoner Ombudsman at an appropriate time in the work programme.

16. Date, Time and Place of Next Meeting

The Chairperson advised Members that the next meeting will take place on Thursday 6 March 2025 at 2.00pm in Room 30, Parliament Buildings.

The Meeting was adjourned at 5.11pm.

Joanne Bunting MLA

Chairperson, Committee for Justice