



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

Thursday 3 April 2025

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Danny Baker MLA

Maurice Bradley MLA

Stephen Dunne MLA

Present by Video or Teleconference:

Doug Beattie MLA

Connie Egan 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 2.08pm in open session.

Agreed: That the oral evidence sessions with the Northern Human Rights Commission and the Department of Justice on the Police and Criminal Evidence (PACE) Codes of Practice — outcome of consultation on revised Codes A to H and new Code I — and the oral evidence session with the Ada Lovelace Institute on the Justice Bill would be recorded by Hansard.

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

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

The Chairperson noted that a number of Committee Members are 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 27 March 2025.

3. Matters Arising

The Committee considered a note of an informal meeting between some Committee Members and the Minister of Justice on 31 March 2025 regarding domestic abuse and family court proceedings. The Chairperson advised Members that the note included a list of suggested areas that could be followed up with the Lady Chief Justice during the informal lunch that is scheduled for 29 April 2025.

Agreed: To note the paper and to discuss the issues further with the Lady Chief Justice.

Agreed: That Members will hold a short, informal meeting in advance of the informal lunch with the Lady Chief Justice.

Justin McNulty joined the meeting at 2.11pm.

4. Police and Criminal Evidence (PACE) Codes of Practice — Outcome of Consultation on Revised Codes A to H and new Code I — Northern Ireland Human Rights Commission oral evidence

The following witnesses from the Northern Ireland Human Rights Commission joined the meeting at 2.12pm:

- Colin Caughey, Director of Policy; and
- Claire McCann, Senior Policy and Research Officer.

The witnesses provided oral evidence on proposed revisions to the Police and Criminal Evidence Codes of Practice and a proposed new Code.

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

During the evidence session, the witnesses agreed to engage with the Department of Justice and respond to the Committee on issues raised around police strip-searches, gender recognition certificates and sex and gender; the rights of both individuals and officers in these circumstances; and the rights of an individual to refused to be searched.

The witnesses also agreed to provide further information on the recent judgement by the Investigatory Powers Tribunal regarding press freedoms; and issues around the removal of a solicitor during a police interview from a rights perspective.

The oral evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 2.48pm.

5. Police and Criminal Evidence (PACE) Codes of Practice — Outcome of Consultation on Revised Codes A to H and new Code I — Department of Justice oral evidence

The following officials from the Department of Justice joined the meeting at 2.49pm:

- Lisa Boal, Head of Police (PACE) Policy and Legislation Branch; and
- Lynne Curran, Head of Policing Policy and Strategy Division.

The witnesses provided oral evidence on proposed revisions to the Police and Criminal Evidence Codes of Practice and a proposed new Code.

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

During the evidence session, the witnesses agreed to provide information on:

- the policing of protests and what safeguards are in place to balance the right to protest with the need to protect the public, including whether guidance exists regarding at what level in the PSNI decisions are made;
- who determines what constitutes “national security”, including in relation to the disclosure of the identity of police officers or police staff;
- any input that the Department of Justice had regarding proposed new Code I, with particular reference to detention periods of up to 28 days and rights issues;
- the Department’s consideration of the issue raised by the Northern Ireland Human Rights Commission regarding the removal of a solicitor during a police interview; and
- the proportionality of someone’s DNA potentially being held for 75 years for unlawful assembly in reference to the consultation on the contents of the list

of Qualifying Offences as specified under Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989.

The oral evidence session was reported by Hansard.

The Chairperson thanked the witnesses and they left the meeting at 3.17pm.

6. SL1 — The Police and Criminal Evidence (Northern Ireland) Order 1989 (Codes of Practice) Order 2025

Agreed: To defer consideration of the SL1 until responses are received from the Department of Justice on a number of issues raised regarding proposed revisions to the Police and Criminal Evidence Codes of Practice and a proposed new Code.

7. Justice Bill — Ada Lovelace Institute oral evidence

Michael Birtwistle, the Associate Director of Law and Policy at the Ada Lovelace Institute, joined the meeting via video link at 3.19pm.

The witness provided oral evidence on the Justice Bill, with particular reference to Part 1 — Biometric Data: Retention etc.

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

During the evidence session, the witness agreed to provide:

- research that was conducted by the Ada Lovelace Institute on facial recognition; and
- a draft of a report on the oversight and use of biometric data.

The oral evidence session was reported by Hansard.

The Chairperson thanked the witness and he left the meeting at 4.12pm.

8. Justice Bill

8.1 — Department of Justice written paper

The Committee considered a response from the Department of Justice to its request for information, following an oral briefing from the Examiner of Statutory Rules, on a number of matters in relation to the Department's revised delegated powers memorandum and the delegated powers in the proposed Live Links (Courts and Tribunals) amendments to the Justice Bill.

Agreed: To write to the Department of Justice to outline the rationale for the Examiner of Statutory Rules' advice regarding the proposed Assembly procedure for the rule-making power within proposed new Article 63E(11) and to ask the Department to reconsider the proposed Assembly procedure.

8.2 — Department of Justice written paper

The Committee considered a response from the Department of Justice regarding issues that were raised by the Information Commissioner's Office during an oral evidence session on the Biometrics provisions in the Justice Bill and a number of other matters.

The Committee Clerk reminded Members that it was agreed at last week's meeting to again ask the Department to detail the specific rationale for determining the retention periods.

Agreed: To follow-up with the PSNI issues about the cost and implementation of the proposed software systems that will be required to implement the Biometrics provisions in the Justice Bill and the Justice Bill (Biometric Retention) Project Board.

8.3 — Children's Law Centre: Information on Police Attendance at Children's Care Homes

The Committee considered information provided by the Children's Law Centre regarding police attendance at children's care homes and other facilities and environments where children reside.

Agreed: To forward the information to the Committee for Health.

8.4 — Further Information Requests Regarding the Justice Bill

The Chairperson advised Members that the Committee team has collated a list of the Committee's requests for information on the Justice Bill and the responses received to date, and that this will be updated weekly for inclusion in the meeting packs.

8.5 — Justice Bill: Round-table Event

The Committee considered a number of options for a round-table event on the Justice Bill with grassroots organisations, including proposed venues and a list of organisations that Members had suggested should be invited to attend the event.

Agreed: That the event should be held in the Long Gallery in Parliament Buildings on 5 June 2025.

Agreed: To add the Training for Women Network to the list of organisations.

Agreed: That one representative from each of the organisations should be invited to attend the event.

Ciara Ferguson provided her apologies in advance of the event.

8.6 — Note of Informal Meeting with the Minister of Justice Regarding Legislative Provision for a Deepfake Offence

The Chairperson informed Members that she and the Deputy Chairperson met the Minister of Justice on 1 April 2025 to discuss potential options to make legislative provision for a deepfake offence in Northern Ireland.

Agreed: That Committee Members will discuss the proposed options that were outlined by the Minister with their respective parties with a view to reaching a Committee position at next week's meeting.

**9. Police and Criminal Evidence (Northern Ireland) Order 1989 —
Consultation on the Contents of the List of Qualifying Offences as
Specified under Article 53A — Department of Justice written paper**

The Committee considered a written paper from the Department of Justice regarding a consultation on the contents of the list of qualifying offences as specified under Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989.

Agreed: To note the paper and to revisit when the outcome of the consultation is available.

10. Correspondence

- Criminal Justice Inspection Northern Ireland report on an inspection of the Police Ombudsman for Northern Ireland's investigation of Abuse of Position concerns and complaints.

Agreed: To ask the Police Ombudsman, the Department of Justice, the PSNI and the Public Prosecution Service whether they accept the recommendations and if they do not, why they do not; and to provide updates to the Committee on the implementation of the recommendations relevant to their respective organisations in due course.

The Committee noted the following items of correspondence:

- A response from the Department of Justice providing further information on its transformation bids;
- A response from the Department of Justice regarding the implementation of recommendations included in a recent Domestic Homicide Review Panel report.
- Correspondence from the Committee for Finance regarding an analysis of 2024-25 Outturn and Forecast Outturn.

- Investing Activity Report for the Department of Justice for March 2025 from Investment Strategy Northern Ireland.
- Youth Assembly update for March 2025 that included a section on the Justice Bill.

11. Forward Work Programme

The Committee considered an updated forward work programme and a proposed Department of Justice forward work programme for May 2025.

Agreed: To schedule the items of business from the Department's proposed 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.

The Chairperson advised Members that the Youth Assembly has requested an opportunity to take a photograph with Committee Members at next week's meeting.

Agreed: That, to minimise disruption, the photograph should be taken before the meeting opens in public session; and that next week's Committee meeting should begin at 1.30pm.

12. Chairperson's Business

There was no Chairperson's business.

13. Any Other Business

There was no other business.

14. Date, Time and Place of the next meeting

Members were advised that next meeting will take place on Thursday 10 April at 1.30pm in Room 30, Parliament Buildings.

The Meeting was adjourned at 4.44pm.

Deirdre Hargey MLA

Deputy Chairperson, Committee for Justice