



Northern Ireland
Assembly

Committee for Justice

Minutes of Proceedings

Thursday 6 February 2025

Room 30, Parliament Buildings, Belfast

Present:

Joanne Bunting MLA (Chairperson)

Deirdre Hargey MLA (Deputy Chairperson)

Connie Egan MLA

Ciara Ferguson MLA

Present by Video or Teleconference:

Doug Beattie MLA

Maurice Bradley MLA

Jemma Dolan MLA

Stephen Dunne MLA

Justin McNulty MLA

In Attendance:

Kathy O'Hanlon (Assembly Clerk)

Thomas McKillop (Senior Assistant Assembly Clerk)

Jonny Redpath (Assistant Assembly Clerk)

Mark McConnell (Clerical Supervisor)

Aaron Pakenham (Clerical Officer)

Agreed: That the meeting should begin in closed session for a briefing from Legal Services regarding Part 4 of the Justice Bill.

The meeting commenced at 2.03pm in closed session.

1. Apologies

There were no apologies.

Stephen Dunne joined the meeting at 2.04pm.

2. Justice Bill — Part 4: Administration of Justice — Assembly Legal Services oral briefing

Simon Kelly, a Legal Adviser with the Assembly's Legal Services Office, joined the meeting at 2.04pm.

The official provided an analysis of human rights issues in Part 4 of the Justice Bill, which relates to the Administration of Justice and addressed a specific issue raised during a previous briefing on Part 2 of the Justice Bill relating to Children.

Deirdre Hargey joined the meeting at 2.06pm.

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

The Chairperson thanked the official and he left the meeting at 2.31pm.

Agreed: To ask the Department of Justice for clarification regarding the interpretation of "serious threat to public order" at clause 5 and clause 6 of the Bill.

The meeting moved into public session at 2.34pm

The Chairperson informed the Committee that today would be Jemma Dolan's last meeting as a Member of the Committee for Justice and thanked Jemma for her contribution to the work of the Committee.

Agreed: That the oral evidence session with the Bar of Northern Ireland on the Justice Bill and the oral evidence session with Department of Justice officials on the draft Budget 2025-26 would be recorded by Hansard.

Deirdre Hargey declared an interest in relation to a family member who works for the Northern Ireland Courts and Tribunals Service.

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

3. Draft Minutes

Agreed: The Committee agreed the minutes of the meeting held on Thursday 30 January 2025.

4. Matters Arising

4.1 — Correspondence from the Bar of Northern Ireland

The Committee considered correspondence from the Bar of Northern Ireland requesting an opportunity to provide oral evidence to the Committee regarding the Enabling Access to Justice Programme and the Criminal Bar Association's withdrawal of services.

Agreed: To invite the Bar of Northern Ireland, the Law Society of Northern Ireland and the Solicitors' Criminal Bar Association to brief the Committee on the Enabling Access to Justice Programme and the Criminal Bar Association's withdrawal of services.

4.2 — Correspondence from the Department of Justice

The Committee considered a response from the Department of Justice to questions it had asked about the Enabling Access to Justice Programme.

Agreed: To ask the Department of Justice for more information on its proposed 16% uplift to legal aid fees and when it will take effect; and for details of the outcome of recent engagement that has taken place between the Minister of Justice and representatives of the legal profession.

5. Justice Bill — The Bar of Northern Ireland oral evidence

The following witnesses from the Bar of Northern Ireland joined the meeting at 2.40pm:

- Donal Lunny KC – Chair;
- Denise Kiley KC – Vice Chair; and
- David Mulholland – Chief Executive.

The witnesses provided oral evidence on the Justice Bill.

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

During the evidence session, the witnesses agreed to provide the following:

- the Bar of Northern Ireland’s interpretation of “serious threat to public order” with regard to the release of a child on bail and the potential implications on the rights of the child;
- the Bar of Northern Ireland’s response to the Department of Justice’s consultation on increasing the minimum age of criminal responsibility;
- the Bar of Northern Ireland’s code of conduct;
- information regarding roles similar to the Taxing Master in other jurisdictions;
- information on cases of professional misconduct in relation to claims for fees; and
- clarification on whether the Bar of Northern Ireland was consulted by the Northern Ireland Audit Office regarding its report ‘Managing Legal Aid’.

The evidence session was reported by Hansard.

Connie Egan declared an interest in relation to her membership of the All-Party Group (APG) on Access to Justice.

Joanne Bunting declared an interest in relation to her membership of the APG on Access to Justice and noted that a number of other Committee members are also members of the APG.

The Chairperson thanked the witnesses and they left the meeting at 4.12pm.

6. Draft Budget 2025-26 — Department of Justice oral evidence

The following witnesses from the Department of Justice joined the meeting at 3.12pm:

- Deborah Brown – Director, Justice Delivery;
- Richard Logan – Head of the Financial Services Division; and
- Andrea Quail – Head of Financial Planning and Strategy.

The witnesses provided oral evidence on the draft Budget 2025-26.

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

The evidence session was reported by Hansard.

The Chairperson thanked the officials and they left the meeting at 4.41pm.

The Chairperson advised Members that any further responses received from non-departmental public bodies will be included in the papers for the meeting on 13 February 2025 and requested that Members consider key issues that they wish to include in the Committee's response to the Committee for Finance in advance of next week's meeting. This will enable Committee staff to prepare a draft response for consideration at the meeting on 27 February 2025.

7. Justice Bill — Department of Justice written papers

The Committee considered a paper from the Department of Justice that provided updated text for the proposed Live Links (Court and Tribunals) amendments.

The Chairperson reminded Members that, as previously agreed by the Committee, the papers will be published on the Committee's web page.

The Committee considered a response from the Department of Justice that provided follow-up information that officials agreed to provide during the oral evidence on amendments to the Justice Bill on 16 January 2025. This included information on human rights considerations in respect of the Department's proposed amendments; the restorative justice accreditation procedure; how the Proceeds of Crime Act 2002 deals with legacy issues; and AccessNI filtering and equal protection for all children and young people.

Agreed: To ask the Department of Justice when it plans to table the proposed amendments in the Assembly's Bill Office.

8. SR 2025/4 — The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2025

The Committee considered a Statutory Rule to 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").

The Rule 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 for Justice considered SR 2025 No. 4 — The Rules of the Court of Judicature (Northern Ireland) (Amendment) 2025 and had no objection to the Rule.

9. Review of the Northern Ireland Policing Board — Report

The Committee considered the report of the review of the Northern Ireland Policing Board, which was submitted to the Minister of Justice on 20 January 2025.

Agreed: To ask the Minister of Justice for her response to the report and what plans she has to address the recommendations.

Agreed: To ask the Northern Ireland Policing Board for its initial response to the report.

10. Correspondence

- Correspondence from McGibbon Consultancy and Safeguarding Services confirming that the correspondent is happy for the Committee to share his previous correspondence, which the Committee considered at its meeting on 16 January 2025 and 23 January 2025, with the Department of Health and the Committee for Health.

The Chairperson reminded Members that, at its meeting on 23 January 2025, the Committee agreed to ask the Department for further detailed information regarding the proposed review of the case that Mr McGibbon referred to in his correspondence and is awaiting a response.

Agreed: To note the correspondence and to consider further when a response from the Department is received.

- Copy correspondence from an individual to the Northern Ireland Judicial Appointments Ombudsman, the Northern Ireland Public Services Ombudsman and others regarding a formal complaint about the handling of domestic abuse cases by the judicial system and failings in family courts.

Agreed: To forward the correspondence to the Department of Justice for its view on the issues raised.

Agreed: To ask the relevant ombudsman whether the issues raised will be investigated and, if so, for an indicative timeline for doing so.

Agreed: To forward the correspondence to the Lady Chief Justice for her views on the issues raised.

The Committee noted the following items of correspondence:

- Correspondence from the Department of Justice regarding the launch of the Children's Sexual Offences Legal Adviser service on 5 February 2025;

- A response from the Department of Justice regarding approved premises for high risk offenders in relation to bail addresses;
- A response from the Department of Justice advising that no Memorandum of Understanding is currently in place in relation to the Housing First Model and that the Department for Communities has no plans to extend the pilot at this time;
- A response from the Department of Justice regarding the Ofcom Illegal Harms Statement in relation to the Online Safety Act;
- A response from the Department of Health regarding the work of the Strategic Planning and Performance Group on the implementation of the Regulation and Quality Improvement Authority's recommendations in its 'Review into the Services provided to Vulnerable Persons Detained in NI Prisons';
- Guidance from the Public Accounts Committee regarding the respective roles of the Public Accounts Committee, the Comptroller and Auditor General and Statutory Committees with regard to the Primacy convention;
- Pivotal's report 'Review of the first year of the restored Northern Ireland Executive';
- Correspondence from the Allied Health Professions Federation Northern Ireland containing a programme for the event 'AHPs – Doing what matters most', which to be held on 24 February 2025 at 12.45pm in the Long Gallery at Parliament Buildings; and
- An invitation from Housing Rights to a Legislative Theatre event on Domestic Abuse and Homelessness Prevention, which is to take place on 12 March 2025 at 12.15pm in the MAC Belfast.

11. Forward Work Programme

The Chairperson advised Members that the that the Solicitors' Criminal Bar Association has requested that its scheduled evidence session is postponed because it noted that the Justice Bill is not finalised in form and it would prefer to address the Committee when there is a clearer picture of the proposals.

The Association also advised that it is involved in a series of ongoing discussions with the Minister and departmental officials, and it would prefer to wait until that process has concluded before coming to the Committee.

Agreed: To reschedule the evidence session for a future date.

The Chairperson advised Members that the Examiner of Statutory Rules has been provisionally scheduled to provide advice to the Committee on 6 March 2025 on the delegated powers in the Department's proposed amendments to the Justice Bill.

Agreed: To formally request advice from the Examiner of Statutory Rules on the delegated powers in the Department's proposed amendments.

The Committee considered an updated forward work programme.

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

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 Next Meeting

The Chairperson advised Members that the next meeting will take place on 13 February 2025 at 2.00pm in Room 30, Parliament Buildings.

The meeting was adjourned at 4.48pm.

Joanne Bunting MLA

Chairperson, Committee for Justice