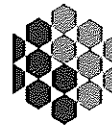


FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Department of
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and Public Safety**

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David Ford MLA
Minister of Justice
Department of Justice Block B
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Our Ref: AGY/320/2014

Date: 23 May 2014

Dear David

THE LEGAL AID AND CORONERS' COURTS BILL

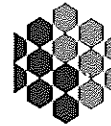
On 30 April Paul Givan, Chairman of the Committee for Justice, wrote to me in relation to the Legal Aid and Coroners' Courts Bill.

He forwarded a copy of a proposed amendment to the Bill from the Attorney General dated 5 March 2014, as well as an amended text dated 30 April.

I have enclosed a copy of my response to the Committee for Justice for your information.

Edwin Poots MLA
Minister for Health Social Services and Public Safety

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Paul Givan MLA
Chairman
Committee for Justice
Room 242
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Our Ref: AGY/320/2014

Date: 23 May 2014

Dear Paul

THE LEGAL AID AND CORONERS' COURTS BILL

Thank you for your letter of 30 April forwarding a copy of the Attorney General's proposed amendment to the above Bill dated 5 March 2014, and his subsequent amendment dated 30 April 2014.

I think it is important to reiterate that the Executive has agreed the policy to inform this Bill as introduced to the Assembly on 31 March 2014. As the Attorney General's proposed amendment impacts on at least two Departments, I believe that a revised policy position would need to be considered by the Executive as required under the Ministerial Code.

Section 14 of the Coroners Act (NI) 1959 provides the Attorney General with a power to direct any coroner to conduct an inquest into the death of a person in circumstances where the Attorney General has reason to believe that a deceased person has died in circumstances which, in his opinion, make the holding of an inquest advisable. In principle, therefore, I would have no objection to the Attorney General having the power to access the information necessary to allow him to discharge his functions under section 14 of Coroners Act (NI) 1959.

The letter of 5 March from the Attorney General's office indicates that he is experiencing difficulty in getting access to the information that he feels may be relevant to the exercise of the power under section 14. This would appear to be the rationale for seeking the proposed amendment to the Legal Aid and Coroners' Courts Bill.

However, I would have concerns if the proposed amendment goes wider than that and would enable the Attorney General to request access to information in the circumstances described in the second paragraph of the letter of 30 April from his office to the Clerk to the Justice Committee. This would seem to suggest a power to obtain information relating to any death occurring within the Health and Social Care system, even where the Attorney has no reason to believe an inquest would be advisable.

For that reason, I think it would be important to have more policy clarity as to the precise intent of the provision and how it would be used in practice. That, of course, would be a matter for the Department of Justice to pursue in its capacity as lead sponsor of the Bill.

Finally, I note the concern of others about the appropriateness of using the Legal Aid and Coroners' Courts Bill as a vehicle to make the Attorney General's proposed amendment. I understand that it will be for the Speaker to determine whether the proposed amendment falls within the scope of the Bill.

I am copying the reply to David Ford so that it may be taken into account in his consideration of the Attorney General's proposed amendment.

A handwritten signature in black ink, appearing to read "Edwin Poots". The signature is fluid and cursive, with a large initial "E" and "P".

Edwin Poots MLA
Minister for Health Social Services and Public Safety