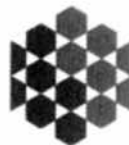


FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

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Our ref: SUB/786/2015

**From:** Tim Logan  
**Date:** 19 June 2015  
**To:** Christine Darrah

## SUMMARY

**Business Area:** Access to Justice

**Issue:** Oral briefing on the draft Justice No. 2 Bill.

**Restrictions:** None.

**Action Required:** To consider the overview of the content of the Justice (No. 2) Bill (Annex A) and note the draft Bill and Explanatory and Financial Memorandum.

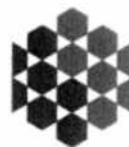
**Attendees:** FINE COLLECTION PROVISIONS:  
Karen Pearson, Deputy Director, Criminal Justice Division  
Angela Bell, Criminal Justice Division  
Pamela Reid, Criminal Justice Division and  
Tom Haire, Criminal Justice Division

PRISONS PROVISIONS:  
Anne McConkey, Policing Policy & Strategy Division, and  
Alan Smyth, Northern Ireland Prison Service

## **JUSTICE (No.2) BILL**

### INTRODUCTION

The Minister of Justice is pleased to provide the Committee with his proposed Justice (No. 2) Bill and Explanatory and Financial Memorandum and for his officials to brief the Committee ahead of the Bill's introduction into the Assembly. The Minister is



particularly grateful to the Committee for agreeing to a briefing at this stage as part of the Minister's strong desire to see the Bill enacted if possible before the end of the current mandate. The Minister thanks the Committee for its support towards this goal.

### **THE JUSTICE (NO. 2) BILL**

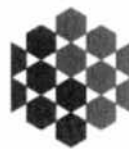
2. The Justice (No. 2) Bill is a flagship piece of Departmental legislation with four aims. The Bill is designed to:
  - a) Improve current arrangements for the collection and enforcement of financial penalties;
  - b) Improve the provision of prison services in Northern Ireland;
  - c) Improve upon current statutory provision in relation to certain sex offending; and
  - d) Extend lay visiting arrangements in police stations.
3. In terms of changes to the law on collecting financial penalties, the Bill is designed to prevent fine default, to free up police time, and to better target our hard-pressed Prison Service resources. It will create a civilianized approach to fine collection, avoid the need for police officers to pursue the non-payment of fines, and will allow them to tackle more serious crime.
4. It will also put an end to the significant levels of very short term imprisonment for default that our prisons have to respond to. This amounts to over 6000 cases in a recent three year period. It will therefore ensure that prison services are focused on the management and rehabilitation of our more serious offenders.
5. The Bill also addresses many of the criticisms by the Public Accounts Committee of our current fine collection and enforcement process. The Committee reported on the level of fines that remained outstanding, the amount of criminal justice time spent pursuing them, and the amount of money that was not being collected. The Bill is designed to significantly increase the amount of money recovered to the public purse.



6. The Bill will also create in law the office of Prison Ombudsman for Northern Ireland, establishing in statute the role's main functions in terms of complaints, deaths in custody investigations, and investigations requested by the Department. It will also establish a prisoner removal scheme to allow Foreign National Prisoners, already subject to compulsory removal from the United Kingdom (UK) and nearing the end of their sentence, to have their sentence reduced to facilitate removal from the UK.
7. In other areas, the Bill extends lay visiting arrangements to police stations and fulfils the Committee's request to replicate a change in sex offender law in Northern Ireland that was recently made in Great Britain.

### **KEY FEATURES**

8. In summary, the Bill contains the following measures:
  - (i) creating a collection scheme for financial penalties in Northern Ireland creating a Collection Order which is imposed at time of sentence and details what orders and penalties for non-compliance may be used during the process;
  - (ii) establishing Collection Officers, civilian staff designated by the Department of Justice, to enforce the orders and to provide advice to offenders on repayment of their fines;
  - (iii) creating deductions orders: Attachment of Earnings Orders if employed and Deduction From Benefits Orders if unemployed;
  - (iv) creating Bank Account Orders to seize the sum of the penalty from a wilful defaulter's account who meets the necessary criteria;
  - (v) creating Vehicle Seizure Orders to seize the car of a wilful defaulter who meets the necessary criteria;
  - (vi) expanding the scope of the current Supervised Activity Order provisions and Attendance Centre Order provisions for children;
  - (vii) removing custody for children for default alone;
  - (viii) removing remission for imprisonment on default or breach of a supervised activity order;
  - (ix) placing the Prison Ombudsman's office on a statutory footing;



- (x) establishing a prisoner removal scheme;
- (xi) amending the current offence of possession of extreme pornography to bring Northern Ireland into line with the rest of the UK; and
- (xii) extending the scope of the custody visitor scheme to all police stations rather than simply those designated by the Chief Constable.

9. The Committee may find the overview of the Bill provided at Annex A to be a helpful summary.

### **THE BILL AND EXPLANATORY MEMORANDUM**

10. The Committee will be aware that the Bill has yet to be introduced into the Assembly. At this stage the Bill has been approved by the First and Deputy First Minister for introduction by way of Urgent Procedure. The Minister's request for approval to introduce did not appear on the last Executive agenda and Urgent Procedure was the only means to secure timely introduction.

11. The Bill is currently with the Speaker's Office for approval to introduce and in anticipation of approval, the Minister thought that a copy of the Bill and its Explanatory and Financial Memorandum would be helpful.

### **CONCLUSION**

12. The Minister trusts that the overview and supporting documents will assist the Committee in its considerations and thanks the Committee for the priority it is giving to the Bill.

**TIM LOGAN  
DALO**

**Enc** Draft Bill;  
Explanatory & Financial Memorandum; and  
Overview of the Content of the Bill (Annex A)