



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 14 MAY 2014
Long Gallery, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Stewart Dickson MLA
Mr Tom Elliott MLA
Mr William Humphrey MLA
Mr Seán Lynch MLA
Ms Rosaleen McCorley MLA
Mr Alban Maginness MLA
Mr Jim Wells MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Sinead Kelly (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Patsy McGlone MLA

The meeting commenced at 2.03 p.m. in public session.

1. Apologies

Apologies are detailed above.

2. Legal Aid and Coroners' Courts Bill – Oral Evidence Event

The Chairman welcomed the witnesses to the meeting and outlined the structure of the evidence session.

2.05 p.m. Stewart Dickson and William Humphrey joined the meeting.

The Chairman invited the witnesses to outline issues in relation to the clauses in the Legal Aid and Coroners' Courts Bill and Members asked questions.

Clause 1: Dissolution of Northern Ireland Legal Services Commission

Ronnie Spence and Paul Andrews, NI Legal Services Commission and Niall Murphy, KRW Law LLP raised a number of issues regarding Clause 1 of the Bill.

2.26 p.m. Tom Elliott joined the meeting.

Clause 2: Designation of Director of Legal Aid Casework

Martin Hanna, Association of Personal Injury Lawyers, Arleen Elliott, Law Society NI, Ronnie Spence, NI Legal Services Commission and David Mulholland, Bar Council of Northern Ireland raised a number of issues regarding Clause 2 of the Bill.

Clause 3: Exercise of functions by Director

Les Allamby, Law Centre NI, Arleen Elliott, Law Society NI, Colin Caughey, NI Human Rights Commission and Ronnie Spence, NI Legal Services Commission raised a number of issues regarding Clause 3 of the Bill.

Clause 4: Delegation of functions of Director

Colin Caughey, NI Human Rights Commission, and Martin Hanna, Association of Personal Injury Lawyers raised a number of issues regarding Clause 4 of the Bill.

Clause 5: Annual Report of Director

Paul Andrews, NI Legal Services Commission and Les Allamby, Law Centre NI raised a number of issues regarding Clause 5 of the Bill.

2.56 p.m. Jim Wells joined the meeting.

Clause 6: Amendment of law relating to legal aid, civil legal aid services and criminal defence services and Schedule 2: Amendments

Jerry Hyland, KRW Law LLP, Paul Andrews, NI Legal Services Commission, Arleen Elliott, Law Society NI, Martin Hanna, Association of Personal Injury Lawyers, Colin Caughey, NI Human Rights Commission, and David Mulholland, Bar Council of Northern Ireland raised a number of issues regarding Clause 6 and Schedule 2 of the Bill.

Clause 8: Presiding Coroner

Colin Caughey, NI Human Rights Commission raised an issue regarding Clause 8 of the Bill.

Clause 12: Commencement

Paul Andrews, NI Legal Services Commission commented on the arrangements required to implement Clause 12 of the Bill.

Schedule 1: Transfer of assets, liabilities and staff of Commission

Paul Andrews and Ronnie Spence, NI Legal Services Commission and Arleen Elliott, Law Society NI raised a number of issues regarding Schedule 1 of the Bill.

Proposed Amendment to the Bill by the Attorney General for Northern Ireland

Les Allamby, Law Centre NI, Colin Caughey, NI Human Rights Commission and Niall Murphy, KRW Law LLP commented on the Attorney General for Northern Ireland's proposed amendment to the Bill.

The Chairman thanked the witnesses for their evidence.

The evidence event was recorded by Hansard.

The meeting was suspended at 3.15 p.m.

The meeting resumed at 3.24 p.m.

3. Draft minutes of the meeting held on 7 May 2014

The Committee approved the draft minutes of the meeting held on 7 May 2014.

4. Matters Arising

- i. The Committee considered other issues for discussion with the Lord Chief Justice when he attends the committee meeting on 4 June 2014 on the Judicial Appointments process.

Agreed: The Committee agreed a list of further issues to be discussed with the Lord Chief Justice on 4 June 2014.

- ii. The Committee noted that arrangements had been made for the informal meeting event to take place at lunchtime on Tuesday 27 May 2014 and that the Chairman of the All Party Group on Country Sports had asked for its meeting with the Committee on firearms issues to be postponed as a possible way forward had been agreed.

5. Legal Aid and Coroners' Court Bill – Advice by the Examiner of Statutory Rules on the Delegated Powers Contained in the Bill

The Committee considered advice provided by the Assembly Examiner of Statutory Rules on the delegated powers in the Legal Aid and Coroners' Court Bill which highlighted a number of issues regarding the powers and proposed Assembly controls.

Agreed: The Committee agreed to refer the issues raised by the Examiner of Statutory Rules to the Department of Justice for a response.

The Chairman advised the Committee that the Attorney General for Northern Ireland had offered to attend a meeting to discuss his proposed amendment to the Legal Aid and Coroners' Court Bill with the Committee.

Agreed: The Committee agreed that arrangements should be made for the Attorney General to attend to discuss his proposed amendment.

6. SL1 – Draft SR The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment No. 2) Order (Northern Ireland) 2014

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to amend an error in section 113A(6E)(b)(ii) of the Police Act 1997 in relation to the references to a person aged under 18 years.

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

7. Victim Charter – Draft Consultation Document

The Committee considered the Department of Justice’s draft Victim Charter and consultation document.

Agreed: The Committee agreed that it was content for the consultation on the draft Victim Charter to take place and it would consider the matter further when the results of the consultation are available.

8. Northern Ireland Human Trafficking Plan 2013-2014 – Progress Report

The Committee noted the progress report provided by the Department of Justice on the delivery of the 2013-2014 Northern Ireland Human Trafficking Plan.

9. Correspondence

- i. The Committee noted correspondence from the Department of Justice regarding the publication of the Northern Ireland Courts and Tribunals Service quarterly statistical bulletins for January to March 2014 on civil, criminal and family business across all court tiers.
- ii. The Committee considered correspondence from the Department of Justice on the PSNI Equal Pay Claims and noted the response from the Minister of Finance and Personnel to an oral question in the Assembly on 13 May in which he outlined recent progress on the matter.

Agreed: The Committee agreed to advise the individuals who had recently written to the Committee on the matter of the response by the Minister of Finance and Personnel.

- iii. The Committee noted correspondence from the Department of the Environment enclosing a copy of its response to Mr D Boland regarding speed enforcement and the issues that fall within its remit.
- iv. The Committee noted correspondence from the Committee for Education regarding its event “The World in Your Classroom” on 27 May 2014 in the Long Gallery.
- v. The Committee considered correspondence from the Committee for Enterprise, Trade and Investment regarding a letter it had received from a member of the public outlining concerns over planning permission for an explosives store site.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice to respond to the individual directly on the issues raised.

- vi. The Committee noted correspondence from the Committee for Finance and Personnel providing a copy of a response from the Department of Justice regarding procurement contracts in the Northern Ireland Prison Service.
- vii. The Committee considered correspondence from the Committee for Finance and Personnel providing information from the Department of Finance and Personnel on the position in relation to the completion of Post Project Evaluations by Departments at 31 March 2014.

Agreed: The Committee agreed to request information from the Department of Justice on the reasons for an outstanding Post Project Evaluation relating to an IT project.

- viii. The Committee noted the Public Prosecution Service for Northern Ireland Annual Business Plan for 2014 – 2015.
- ix. The Committee noted the joint Law Commission, Scottish Law Commission and Northern Ireland Law Commission report entitled ‘Regulation of Health Care Professionals, Regulation of Social Care Professionals in England’.
- x. The Committee noted correspondence from the Ulster Clay Pigeon Shooting Association (UCPSA) outlining its position in relation to a number of proposed changes to the Firearms (Northern Ireland) Order 2004 and requesting that the outstanding issues are resolved to enable legislative changes to be included in the next Justice Bill.

Agreed: The Committee agreed to advise the UCPSA that the Department of Justice is due to present its final proposed changes to Firearms legislation to the Committee for consideration at the meeting on 18 June 2014.

- xi. The Committee noted correspondence from Mr Leslie Cree MLA enclosing letters from a Mr J McHugh regarding allegations of maladministration by the Northern Ireland Courts and Tribunals Service in relation to a claim brought against him in the Small Claims Court in 2008.

Agreed: The Committee agreed to forward letters it had received from the Department of Justice, the Office of the Lord Chief Justice and the NI Courts and Tribunals Service on this matter to Mr Leslie Cree MLA and Mr McHugh for their information.

- xii. The Committee considered correspondence from F.A.S.T. requesting information on the position of the Department of Justice in relation to the re-emergence of Supergrass Trials.

Agreed: The Committee agreed to forward the correspondence to the Minister of Justice and request clarification of the Department’s position on the matter.

- xiii. The Committee considered correspondence from Mr A Fell regarding secondary legislation to amend the PSNI pension scheme.

Agreed: The Committee agreed to forward Mr Fell's correspondence to the Department of Justice for a response on the issues raised.

- xiv. The Committee considered correspondence from Mr J Ferris regarding concerns arising from his personal experience of the legal system and professions.

Agreed: The Committee agreed to forward Mr Ferris's correspondence, which raised issues regarding the conduct of solicitors, to the Department of Finance and Personnel which has responsibility for the pending Legal Complaints and Regulation Bill and request that it responds directly to Mr Ferris and provide a copy of the correspondence to the Committee for Finance and Personnel for information.

- xv. The Committee noted correspondence from 17 individuals regarding the PSNI Equal Pay Claim and the agreed earlier action in relation to this matter.
- xvi. The Committee noted Invest NI's EU Research and Development Liaison Service Brussels Bulletin.
- xvii. The Committee noted a press notice from NIJAC on the appointment of a County Court Judge in Northern Ireland.

10. Chairman's Business

None.

11. Any Other Business

None.

12. Date, Time and Place of next meeting

The next meeting will take place on Wednesday 28 May 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 3.37 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice