



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 4 MARCH 2015
Room 21, Parliament Buildings

Present: Mr Alastair Ross MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Tom Elliott MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Leanne Johnston (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: None.

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

1. Apologies

As above.

2. Draft minutes of the meeting held on 25 February 2015

The Committee approved the draft minutes of the meeting held on 25 February 2015.

3. Matters Arising

The Committee noted an updated Forward Work Programme for March 2015.

4. Proposals to vary Firearms Licensing Fees and other Miscellaneous Amendments to Firearms Legislation

Mr Simon Rogers, Deputy Director, Protection and Organised Crime Division, Mr Robert Kidd, Head of Firearms and Explosives Branch, and Ms Donna Giboney, Firearms and Explosives Branch, Department of Justice joined the meeting at 2.05 p.m.

2.07 p.m. Mr Tom Elliott joined the meeting.

2.07 p.m. Mr Paul Frew joined the meeting.

Mr Rogers briefly outlined the Department of Justice's current position on the firearms issues and the Minister's proposed way forward in relation to a banded system and the age of young shooters.

2.27 p.m. Mr Raymond McCartney joined the meeting.

Mr Tom Elliott declared an interest as a firearms certificate holder.

A detailed question and answer session followed covering issues including: the views of key stakeholders that disagree with the Minister of Justice's proposals and the Department's engagement with these groups; the rationale for the changes between the original banding proposals and the new banding proposals; issues relating to ballistics and the new banding proposals; the views of ballistics experts and the PSNI on the new banding proposals; how the current proposals compare to the systems in place in GB and the Republic of Ireland; whether any issues or problems have been identified with the position in GB of no age limit; the rationale for the Minister's decision on the age of young shooters; the level of engagement between particular stakeholder groups and the Department in relation to its proposals; the different calibres of weapons and ammunition; whether the Chief Constable and the PSNI disagrees with the position of the Association of Chief Police officers regarding the minimum age of young shooters; the number of people killed in road traffic accidents in NI compared with firearms accidents; the need for radical changes to the firearms system; the responsibility of firearms dealers to instruct customers; the age limit in place in rifle clubs/target shooting clubs; the current position in relation to the fees proposals; whether the firearms proposals require changes to primary or subordinate legislation; the timeframe for progressing the proposals; whether the various proposals are co-dependent; whether there has been a lack of meaningful engagement between the PSNI and key stakeholders; the time taken by the PSNI to process applications for firearms licences and its ability to deliver the fast-track system proposed by the Department; mechanisms to hold the PSNI to account in relation to firearms certificate processing times; whether there should be more transparency in relation to the granting and re-granting of firearms licences; the level of supervision required for young shooters under the new proposals; the rationale for the exclusion of hand held guns within the proposed banding system; the cost of legal challenges relating to the refusal of applications for firearms licences; and whether there is evidence based research which supports the Department's banding proposals.

3.02 p.m. Mr Raymond McCartney left the meeting.

3.10 p.m. Mr Chris Hazzard joined the meeting.

Agreed: The Committee agreed to request copies of any reports by CIFEx and the correspondence/ exchanges between the Department and PSNI Firearms Licensing Branch in relation to its original and new banding proposals.

Agreed: The Committee agreed to request information from the Department of Justice setting out the original proposals, the

current proposals, the views of each of the key stakeholders, and where the gaps remain.

3.17 p.m. Mr Patsy McGlone and Mr Edwin Poots left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

5. Update on the Delivery of the Prison Reform Programme and the Northern Ireland Prison Estate Strategy

Ms Sue McAllister, Director General, Mr Mark Adam, Director of Human Resources and Corporate Services, Mr Paul Cawkwell, Director of Offender Policy and Operations and Mr Max Murray, Director of Estates, Northern Ireland Prison Service joined the meeting at 3.18 p.m.

3.19 p.m. Mr Edwin Poots joined the meeting.

3.24 p.m. Mr Patsy McGlone joined the meeting.

Ms McAllister outlined the current position on the delivery of the Prison Reform Programme and the Northern Ireland Prison Estate Strategy.

A detailed question and answer session followed covering issues including: current staffing levels compared to target staffing levels and any reduced capacity; whether the lockdowns in Maghaberry Prison were as a result of staff shortages; prisoner to officer ratios required for a safe regime to operate; workforce ratios across the European prison network; whether NIPS conduct staff satisfaction surveys and the results of the last survey conducted; the disciplinary sanctions taken against prisoners who have tested positive for drugs and the recent CJI finding that no action was being taken in Magilligan Prison; the regulation and management of the use of prescription drugs; actions being taken to reduce the use of illegal drugs and misuse of prescriptions drugs in prisons; the nature and level of the drugs problem in NI prisons; the operation of a drug recovery pilot programme; the percentage of prisoners who use prescription drugs; the nature of the drug testing contract and whether it was adequate; the handling of false allegations made against prison officers; the current position on the application for the use of x-ray body scanning equipment; current occupancy rates across all prisons; the impact of budget cuts on prisoners and the prison regime; reductions in operating costs; the commissioning of services which tackle reoffending behaviour and potential reductions to funding provided to voluntary organisations; the current position on the capital build proposal for Magilligan Prison; the development of opportunities for purposeful activity in prison and the recent findings of insufficient purposeful activity for prisoners in Magilligan Prison; whether engagement with prisoners in Roe House is on-going; the provision of security notifications to non-uniformed prison staff; the recent incident in Roe House, Maghaberry Prison and a related incident that took place outside Maghaberry Prison.

4.05 p.m. Mr Sammy Douglas left the meeting.

4.13 p.m. Mr Raymond McCartney joined the meeting.

Officials indicated that a number of questions relating to the recent incident in Roe House, Maghaberry Prison and the implementation of the Maghaberry Prison Stocktake Report could not be fully answered in public session and the Committee agreed to move into closed session at 4.15 p.m to take this evidence.

The Prison Service officials answered further questions on the implementation of the Maghaberry Prison Stocktake Report and the recent incident in Roe House.

The Committee meeting moved into public session at 4.34 p.m.

The question and answer session with prison service officials continued covering issues including: the current position regarding the development of a new women's prison; innovative approaches to managing prisoners coming to the end of their sentence and prisoners who present a low risk to the public; alternatives to remand and custody; the cost of repairing and maintaining the prison estate and the cost of the provision of temporary accommodation; action in relation to the CJI Report Findings regarding disciplinary action being taken against catholic prisoners in Magilligan Prison; whether the development of the Secure College concept would have taken place without the Review Team Report; the current position regarding the recommendations for Maghaberry Prison; reasons for the slippage in performance at Magilligan Prison since the last Criminal Justice Inspection in 2010; plans for the delivery of education and vocational training in Magilligan Prison; the procedures in place if a staff member is injured at work; and the training of new prison staff recruits including what practical training is provided.

4.51 p.m. Mr Sammy Douglas joined the meeting.

4.54 p.m. Mr Tom Elliott left the meeting.

4.54 p.m. Mr Chis Hazzard left the meeting.

The NIPS officials agreed to provide the Committee with further information on a range of issues.

The briefing was recorded by Hansard.

The Chairman thanked the officials for their attendance and they left the meeting.

6. The Justice Bill – Informal Consideration of Part 1 – Single Jurisdiction, Part 2 – Committal for Trial, Part 6 – Live Links, Part 7 – Violent Offences Prevention Orders, Part 8 – Miscellaneous and Part 9 – Supplementary Provisions

The Committee considered clauses 1 to 6 and Schedule 1 which cover Single Jurisdiction, clauses 7 to 16 and Schedules 2 and 3 which cover Committal for Trial, clauses 44 to 49 which cover Live Links, clauses 50 to 71 which cover Violent Offences Prevention Orders, clauses 72 to 85 which cover Miscellaneous Provisions and clauses 86 to 92 which cover Supplementary Provisions and additional information provided by the Department of Justice.

Agreed: The Committee agreed to it was content for the Department to bring forward an amendment to enable the direct transfer of a co-defendant who has been charged with a non-specified offence.

Agreed: The Committee agreed to give further consideration to the necessity of Clause 86 of the Bill.

7. The Justice Bill – Informal Consideration of Proposed Amendments by the Attorney General for Northern Ireland and Jim Wells MLA

The Committee considered the proposed amendment by the Attorney General for Northern Ireland to the Coroners' Act (Northern Ireland) 1959 and related

correspondence from the Minister of Health, Social Services and Public Safety regarding a Review of the Handling of Serious Adverse Incidents between 1 January 2009 and 31 December 2013.

Agreed: The Committee agreed to request advice on whether a review mechanism could be included in the amendment proposed by the Attorney General for Northern Ireland.

The Committee considered the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

Agreed: The Committee agreed to give further consideration to the proposed amendment by Jim Wells MLA.

The Chairman advised the Committee that a meeting would take place on Tuesday, 10 March 2015 at 12.30pm to complete the informal consideration of the Justice Bill and proposed amendments and that formal clause by clause consideration would take place at the meeting on Wednesday 11 March 2015.

5.20 p.m. Mr Tom Elliott joined the meeting.

8. SR 2015/50: The Attorney General's Human Rights Guidance (Youth Justice Agency – Conditions of Detention) Order (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/50 The Attorney General's Human Rights Guidance (Youth Justice Agency – Conditions of Detention) Order (Northern Ireland) 2015 which would bring the Attorney General's guidance for the Youth Justice Agency into operation on 23 March 2015.

Agreed: The Committee for Justice considered Statutory Rule 2015/50 The Attorney General's Human Rights Guidance (Youth Justice Agency – Conditions of Detention) Order (Northern Ireland) 2015 and agreed that it was content with the Rule.

9. SR 2015/51: The Attorney General's Human Rights Guidance (Probation Board for Northern Ireland) Order (Northern Ireland) 2015

The Committee considered Statutory Rule 2015/51 The Attorney General's Human Rights Guidance (Probation Board for Northern Ireland) Order (Northern Ireland) 2015 which would bring the Attorney General's guidance for the Probation Board into operation on 23 March 2015.

Agreed: The Committee for Justice considered Statutory Rule 2015/51 The Attorney General's Human Rights Guidance (Probation Board for Northern Ireland) Order (Northern Ireland) 2015 and agreed that it was content with the Rule.

10. Draft Statutory Rule: The Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015

The Chairman advised the Committee that the draft Statutory Rule for consideration under this agenda item and agenda items 11, 12 and 13 which all relate to Civil Legal Services and Criminal Legal Aid had previously been considered and agreed by the Committee at its meeting on 18 February 2015. The Department of Justice re-laid the four Statutory Rules on 23 February 2015 as a result of minor changes it had made to each of the rules to tidy up the drafting and, as a consequence, the Committee had to

formally consider each of the re-laid rules. The Department had confirmed that there have been no policy changes made to the re-laid rules.

Agreed: The Committee agreed to write to the Department of Justice regarding the handling of these Statutory Rules to avoid in future the need for the Committee to consider Statutory Rules more than once.

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to establish a procedure for appeals against decisions on applications for funding by way of Civil Legal Services and provide for the establishment and composition of independent Appeal Panels.

Agreed: The Committee for Justice considered draft Statutory Rule the Civil Legal Services (Appeal) Regulations (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

11. Draft Statutory Rule: The Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice to make a Statutory Rule to provide for the disclosure of information which is furnished to the Department of Justice in connection with an individual seeking or receiving civil legal services. The Regulations also require the provision of information from suppliers to the Director of Legal Aid Casework and waive the rules of privilege and confidentiality.

Agreed: The Committee for Justice considered draft Statutory Rule the Civil Legal Services (Disclosure of Information) Regulations (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

12. Draft Statutory Rule: The Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to make provision for the disclosure of information which is furnished to the Department of Justice or any court in connection with the case of an individual seeking or receiving representation under a criminal aid certificate granted under Part 3 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 as amended by the Legal Aid and Coroners' Courts Act (NI) 2014. The Regulations also require the provision of information from suppliers to the Director of Legal Aid Casework and waive the rules of privilege and confidentiality.

Agreed: The Committee for Justice considered draft Statutory Rule the Criminal Legal Aid (Disclosure of Information) Rules (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

13. Draft Statutory Rule: The Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015

The Committee considered a proposal by the Department of Justice for a Statutory Rule to make provision for the circumstances in which costs protection will apply and when it will not apply in civil cases in which legal aid has been a feature. The Regulations set out the periods in which the limit on liability under an order for costs against a person receiving funded services as part of civil legal services apply.

Agreed: The Committee for Justice considered draft Statutory Rule the Civil Legal Services (Cost Protection) Regulations (Northern Ireland) 2015 and recommended that it be affirmed by the Assembly.

14. Committee for Justice EU Priorities for 2015 and Report on EU Work Undertaken in 2014

The Committee considered a draft report setting out its EU priorities for 2015 and the work it had undertaken on the 2014 European Priorities.

Agreed: The Committee agreed the draft report setting out its EU priorities for 2015 and the work it had undertaken on the 2014 European Priorities.

The Chairman advised the Committee that the Report would be provided to the Committee for the Office of the First Minister and Deputy First Minister for inclusion in its report and to the Department of Justice to enable officials to provide information on the key priorities as and when necessary.

15. Correspondence

- i. The Committee noted correspondence from the Minister of Justice advising of his intention to extend Section 30 of the Public Service Pensions Act (Northern Ireland) 2014 to include those surviving widows in the 1949 scheme and the necessary amendment would be included in the Police Pensions Regulations (Northern Ireland) 2015.
- ii. The Committee considered further information requested from the Department of Justice in relation to the Police Pension Regulations (Northern Ireland) 2015 and actuarial deductions and noted that the Regulations had been laid in the Assembly and would be considered by the Committee once the Examiner of Statutory Rules had completed his technical scrutiny of the Rules.
- iii. The Committee noted correspondence from the Department of Justice providing a copy of the seventh bi-annual statement from the Secretary of State for Northern Ireland in relation to the security situation in Northern Ireland.
- iv. The Committee considered correspondence from the Department of Justice in relation to levels of serious crime in Northern Ireland and how 'serious crime' is defined.

Agreed: The Committee agreed to seek further information from the Department of Justice on how progress on the achievement of Programme for Government Commitment 54 – Reduce the levels of serious crime is measured.

- v. The Committee noted a copy of the response from the Department of Justice to Mr Daithí McKay MLA regarding the public petition on the withdrawal of funding to the Railway Street Addiction and Rehabilitation Unit in Ballymena and a Member commented on the progress made.
- vi. The Committee noted the publication of the National Statistics bulletin 1/2015 'Experience of Crime: Findings from the 2013/14 Northern Ireland Crime Survey'.

- vii. The Committee noted a copy of the Department of Justice Retention and Disposal Schedule for Employee Records.
- viii. The Committee noted a response from the Department of Justice to a request for information regarding how Police and Criminal Evidence (PACE) provisions applied to Social Security Agency Investigators.
- ix. The Committee noted correspondence from the Committee for Social Development providing a response from the Social Security Agency in relation to the use of interviews under caution by the Department of Social Development.
- x. The Committee noted the Strategic Investment Board Procurement Activity Report for February 2015 for Department of Justice Capital Projects.
- xi. The Committee noted a copy of correspondence from the Department of Finance and Personnel to the Committee for Finance and Personnel in relation to the shortfall in the Department of Justice Savings Delivery Plan for 2014-15.
- xii. The Committee noted a copy of correspondence from the Committee for Finance and Personnel to the Department of Justice in relation to bereavement damages in Northern Ireland.

Agreed: The Committee agreed to give further consideration to this issue upon receipt of the response from the Department of Justice.

16. Chairman's Business

- i. The Chairman informed Members that the Chief Executive of the Bar Council had written regarding the impact of the Department of Justice's proposals to reduce access, funding and entitlement to legal aid and requesting an opportunity for members of the Young Bar Association to discuss the issues. Arrangements would be made for the Chairman and Deputy Chairman to meet with members of the Young Bar Association and all other Committee Members would be advised to enable them to attend if they wished to do so.
- ii. The Chairman informed Members that an invitation had been received from the Law Society to a Legal Aid Members' Forum event in March to discuss the provision of publicly funded legal services in Northern Ireland and in particular working practices, service offered to clients and the impact of the recent proposals. The Chairman and Deputy Chairman indicated they would participate in the event and once the date for it had been finalised details would be provided to all Committee Members to enable them to attend if they wished to do so.

Agreed: The Committee agreed that Members should advise the Committee Clerk if they also wished to attend the forum event.

17. Any Other Business

The delay in the processing of AccessNI checks in relation to taxi drivers applying for a taxi licence was raised.

Agreed: The Committee agreed to write to the Department of Justice for information on the performance of AccessNI and a response to the issue raised.

18. Date and Time of next meeting

The next meeting will take place on Tuesday 10 March 2015 at 12.30 p.m. in Room 21 Parliament Buildings.

The meeting was adjourned at 5.40 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice