



## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 3 DECEMBER 2015  
Room 30, Parliament Buildings

- Present: Mr Alastair Ross MLA (Chairman)  
Mr Raymond McCartney MLA (Deputy Chairman)  
Mr Stewart Dickson MLA  
Mr Paul Frew MLA  
Mr Danny Kennedy MLA  
Mr Seán Lynch MLA  
Ms Bronwyn McGahan MLA  
Mr Patsy McGlone MLA  
Mr Edwin Poots MLA
- In Attendance: Mrs Christine Darrah (Assembly Clerk)  
Ms Karen Jardine (Senior Assistant Assembly Clerk)  
Mrs Roisin Donnelly (Assistant Assembly Clerk)  
Ms Leanne Johnston (Clerical Supervisor)  
Ms Marianne Doherty (Clerical Officer)
- Apologies: Mr Sammy Douglas MLA  
Mr Alban Maginness MLA

*The meeting commenced at 2.09 p.m. in public session.*

*The Chairman welcomed Ms Karen Jardine to the Committee team and wished her well in her role as Senior Assistant Clerk.*

#### **1. Apologies**

As above.

#### **2. Draft minutes of the meeting held on 26 November 2015**

The Committee agreed the minutes of the meeting held on 26 November 2015.

### **3. Matters Arising**

- i. The Committee noted correspondence from the NI Ombudsman providing further information, following the oral evidence session on Part 2 of the Justice No. 2 Bill on 12 November 2015, on the number and types of complaints his office has received from prisoners about healthcare issues since 2012.
- ii. The Committee noted correspondence from the Department of Justice regarding the timescale for the commencement of the Firearms (Variation of Fees) Order 2015 and the legislative changes to be made by amendments to the Justice No. 2 Bill.

The Chairman advised the Committee that an informal meeting between departmental officials and Members of the Committee with a special interest in the firearms proposals took place on 1 December 2015. The Department intends to discuss the final draft amendments with key firearms stakeholders and officials will attend the meeting on Thursday 7 January 2016 to update the Committee.

- iii. The Committee noted two items of departmental business that had been deferred from the meeting on 10 December and would be rescheduled in the New Year.

### **4. Proposed Fee Structure for the Court Funds Office - Outcome of Consultation and Proposed Way Forward**

Mr Ronnie Armour, Chief Executive, and Mr Richard Ronaldson, Acting Head of the Court Funds Office, Northern Ireland Courts and Tribunals Service, joined the meeting at 2.12 p.m.

*2.14 p.m. Mr Paul Frew joined the meeting.*

*2.16 p.m. Mr Edwin Poots joined the meeting.*

Mr Armour outlined the results of the consultation and the proposals to introduce a new fee structure for the Court Funds Office to deliver full cost recovery by way of an amendment to the Justice No.2 Bill.

A question and answer session followed covering issues including: the number of responses to the consultation; the reason for the low response rate particularly in relation to representatives of minors and patients with funds in court; and whether NICTS is confident that it will reduce the annual running costs of the Courts Fund Office by 20% by the end of March 2016.

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

*Agreed:* The Committee noted the results of the consultation and agreed that it was content with the NICTS's proposed fee structure for the Courts Fund Office and the Department of Justice's proposed amendment to the Justice No.2 Bill.

### **5. The Justice No.2 Bill – Oral Evidence from Department of Justice officials on Part 1– Fine Collection and Enforcement**

Ms Karen Pearson, Deputy Director, Criminal Justice Division, Mr Graham Walker, Justice No.2 Bill Manager, and Ms Pamela Reid and Ms Angela Bell, Criminal Justice Division, Department of Justice joined the meeting at 2.19 p.m.

*2.20 p.m. Mr Patsy McGlone joined the meeting.*

Ms Pearson outlined the purpose of Clauses 1 to 27 and Schedules 1 and 2 of the Justice No. 2 Bill which covers fine collection and enforcement, the main issues raised in the written evidence received by the Committee and proposed amendments the Department intends to bring forward.

Ms Pearson also briefly outlined the Department's views in relation to proposed amendments by Lord Morrow MLA and Basil McCrea MLA and on possible legislative changes to improve on-line protection of children that the Committee was considering.

A detailed question and answer session followed covering issues including: the current level of the payment of fines and what increase the Department expects to achieve as a result of the legislation; the current number of committals for fine default and by what percentage the Department expects to reduce this as a result of the legislation; what consideration the Department had given to extending the powers of the court to require offenders to undertake appropriate treatment such as drug or alcohol courses as an alternative to community service; clarification of the circumstances in which the proposed amendment relating to power of arrest would be used; who would assess the value of vehicles in relation to the seizure provisions and the potential cost of this; the arguments for including paramedics in Lord Morrow's amendment; the current legislation under which the courts consider attacks on paramedics and other medical staff; the Department's view of Basil McCrea's proposed amendments; whether checks will be undertaken to ascertain any debts associated with vehicles before a seizure order is made; the potential to impose on-the-spot fixed penalty notices in relation to minor incidents that occur in hospitals; how the provisions in relation to seizure of vehicles will work in practice; the difference between the seizure of vehicles provisions and asset recovery legislation; the deductions from benefits process in relation to outstanding fines; the safeguards that will apply; how deductions from benefits will operate when Universal Credit is introduced; information sharing between DOJ and DSD in relation to benefit claimants and any data protection issues; the role of collection officers; whether NIACRO's 'money management' course could be offered to fine defaulters as an alternative to the SAO; the position regarding access to HMRC information; clarification regarding the aggravating factors that may be considered by a judge in relation to offences against healthcare workers; the definition of front-line health staff; opportunities to review an individual's financial circumstances when paying back a fine; and the renegotiation framework operated by DSD in relation to deductions from benefits.

*3.02 p.m. Mr Danny Kennedy joined the meeting.*

The departmental officials agreed to provide further information on a number of the issues raised during the briefing and to discuss the proposal to tackle violence against healthcare workers with DHSSPS officials.

The briefing was recorded by Hansard.

The Chairman thanked Ms Reid for her attendance and she left the meeting.

*Agreed:* The Committee agreed to write to the Department of Justice and the Department of Health, Social Services and Public Safety regarding the proposals to tackle violence against health sector workers.

**6. The Justice No.2 Bill – Oral Evidence from Department of Justice officials on Part 3 - Miscellaneous and Part 4 - General**

Ms Pearson outlined the purpose of Clauses 41 to 47 of the Bill, which cover miscellaneous and general provisions, the main issues raised in the written evidence received by the Committee and the proposed amendments the Department intends to bring forward.

A question and answer session followed covering issues including: the extent of the powers provided to the Department by the amendment to replace clause 45; examples of when the amendment to clause 45 could be used in the context of Part 1 of the Bill; and why the Department had not accepted the proposal by the NI Human Rights Commission to create a new offence regarding ‘revenge porn’ by way of an amendment to the Justice No.2 Bill to bring the law in line with England and Wales.

The briefing was recorded by Hansard.

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

**7. Justice No.2 Bill - Informal Consideration of Part 2 - Prison Ombudsman**

The Committee considered Clauses 28 to 40 and Schedule 3 of the Justice No.2 Bill which places the Prisoner Ombudsman on a statutory footing by creating the Office of the Prison Ombudsman for Northern Ireland and three related proposed amendments by the Department of Justice.

*Agreed:* The Committee agreed to advise the Minister of Justice that it supported the proposal that the Prison Ombudsman should be provided with the power to commence investigations of his own volition.

The Chairman advised the Committee that informal consideration of Parts 1, 3 and 4 of the Bill would take place at the meeting on 10 December 2015.

**8. SL1: Draft Criminal Defence Services (Remuneration) Order (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by the Access to Justice (Northern Ireland) Order 2003 to provide the necessary procedural rules for the assessment and payment of legal aid fees in criminal appeals and introduce time limits for claims for remuneration.

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

**9. SL1: Police Pensions (Consequential Provisions) (Amendment) Regulations (Northern Ireland) 2016**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by Section 24 of the Public Service Pensions Act (Northern Ireland) 2014 to make a technical amendment to consequential provision in relation to

new public service pension schemes under the 2014 Act and to modify the effect of other statutory provisions in their application to such schemes.

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

**10. SL1: The Proceeds Of Crime Act 2002 (Cash Searches (Northern Ireland): Code Of Practice) Order (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 293A of the Proceeds of Crime Act 2002 to bring forward a Code of Practice to provide guidance on the operation of the powers to search for cash where there are reasonable grounds for suspecting that it is recoverable property (property obtained through unlawful conduct) or it is intended for use in unlawful conduct.

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

**11. SL1: The Proceeds Of Crime Act 2002 (Investigations (Northern Ireland): Code of Practice) Order (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 293A of the Proceeds of Crime Act 2002 to bring forward a Code of Practice to provide guidance on the exercise of the investigation powers under Part 8 of POCA for confiscation investigations, detained cash investigations and money laundering investigations.

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

**12. SL1: The Proceeds Of Crime Act 2002 (Search, Seizure and Detention of Property (Northern Ireland): Code of Practice) Order (Northern Ireland) 2015**

The Committee considered a proposal by the Department of Justice to make a Statutory Rule under powers conferred by section 293A of the Proceeds of Crime Act 2002 to bring forward a Code of Practice to provide guidance on exercising the powers to search and seize and detain property and to detail the approval, recording and reporting requirements.

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

**13. Update on the Development of a Family Care Proceedings Pilot**

The Committee noted information provided by the Department of Justice on the development of a Family Care Proceedings pilot in conjunction with the Department of Health, Social Services and Public Safety, the aim of which is to promote good decision making and minimise unnecessary delay for children and young people subject to public law proceedings.

## 14. Update on the Department of Justice Legislative Programme

The Committee noted an update from the Department of Justice on the primary and secondary legislation it intends to bring forward before the end of the mandate.

## 15. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing a copy of a joint response from the Department of Health, Social Services and Public Safety, Department of Education and Department of Justice to the Commissioner for Children and Young People regarding her concerns about the implementation of the Marshall Report on the Inquiry into Child Sexual Exploitation in Northern Ireland.
- ii. The Committee noted correspondence from the Department of Justice providing clarification regarding updates on the implementation of the Youth Justice Review recommendations.
- iii. The Committee noted a response from the Department of Justice providing additional information it had requested on implementation of a number of the recommendations in the Access to Justice Review.
- iv. The Committee considered correspondence from the Committee for the Environment requesting views on the Scrap Metal Dealers Bill and in particular the provisions relevant to justice.

*Agreed:* The Committee agreed to request the views of the Department of Justice and the PSNI on the Bill and the particular clauses relevant to justice including any implications.

- v. The Committee noted correspondence from the Committee for Finance and Personnel regarding the November Monitoring Round.
- vi. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of its request to the Department of Justice for information on the Department's engagement with relevant UK Government Departments in respect of EU Reform.
- vii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Northern Ireland Executive Brussels Office Report for the period July to October 2015.
- viii. The Committee considered correspondence from a Mr Duffy regarding a crime prevention app and database (Talpav).

*Agreed:* The Committee agreed to forward the information to the PSNI and the Department of Justice and ask that they respond directly to Mr Duffy on the matter and provide a copy of the responses to the Committee.

- ix. The Committee considered correspondence from the British Association for Shooting and Conservation (BASC) on proposed EU amendments to the Firearms Directive.

*Agreed:* The Committee agreed to request information from the Department of Justice on its position on the proposed

amendments and any discussions it has had with the UK Government on the EU Directive.

- x. The Committee noted the Investment Strategy for Northern Ireland Procurement Activity Report for the Department of Justice capital projects for November 2015.

## **16. Chairman's Business**

- i. The Chairman advised Members that feedback on the Committee event with Lord Leveson last Thursday had been very positive and thanked the Members who attended.
- ii. The Chairman advised Members that he had spent a day observing the work of a number of solicitors which had provided very useful and informative and the Law Society had extended an invitation to other Members of the Committee if they were interested in undertaking a similar visit.

*Agreed:* The Committee agreed that Members should advise the Clerk if they wished to undertake a similar visit.

## **17. Any Other Business**

- i. A recent judgement by Mr Justice Horner in relation to the abortion law in Northern Ireland was raised.

*Agreed:* The Committee agreed to request an update from the Department of Justice on the position following the judgement.

- ii. The ending of the contract with the Quaker Service for the provision of crèche and ancillary services in prisons was raised.

*Agreed:* The Committee agreed to request information from the NI Prison Service regarding the process for awarding the contract for the provision of crèche and ancillary services and the evaluation factors that were applied.

## **18. Date and Time of next meeting**

The next Committee meeting will take place on Thursday 10 December 2015 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 3.34 p.m.

**Mr Alastair Ross MLA**  
**Chairman, Committee for Justice**