



Northern Ireland  
Assembly

**COMMITTEE FOR JUSTICE**  
**LEGACY REPORT: 2011/2016 MANDATE**

**Ordered by the Committee for Justice to be printed on 10 March 2016**

## **Powers and Membership**

The Committee for Justice is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, Section 29 of the Northern Ireland Act 1998 and under Standing Order 48. The Committee has a scrutiny, policy development and consultation role with respect to the Department of Justice and has a role in the initiation of legislation.

The Committee has the power to:

- consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- consider relevant subordinate legislation and take the Committee stage of primary legislation;
- call for persons and papers;
- initiate inquiries and make reports; and
- consider and advise on any matters brought to the Committee by the Minister of Justice.

## **Membership**

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.

The current membership of the Committee is as follows:

Mr Alastair Ross (Chairman)

Mr Raymond McCartney (Deputy Chairman)

Mr Alex Attwood

Mr Stewart Dickson

Mr Sammy Douglas

Mr Paul Frew

Mr Danny Kennedy

Mr Séan Lynch

Mr Alban Maginness

Ms Bronwyn McGahan

Mr Edwin Poots

## COMMITTEE ACHIEVEMENTS AND OUTPUTS

1. During the 2011/2016 mandate the Justice Committee has made a range of recommendations to the Department of Justice as a result of its scrutiny of primary and secondary legislation and its work on inquiries, policy reviews and identification of new and innovative approaches.

### **Scrutiny of Primary Legislation**

2. Five Bills – four departmental Bills and one Private Members' bill – were referred to the Committee for Justice for the Committee Stage during the 2011/2016 mandate.

#### *Criminal Justice Bill*

3. As a result of the Committee's scrutiny of the Criminal Justice Bill the Department agreed to make the new human trafficking offences it created indictable only, meaning that the offences would be heard in the Crown Court where the maximum term of imprisonment is 14 years, which the Committee believed more appropriately reflected the gravity of the offences. This Bill also provided an opportunity for the Committee to abolish what it believed to be the archaic offence of scandalising the court. The Committee brought forward amendments at Consideration Stage of the Bill to make provision for the repeal of this offence and received the support of the Assembly.

#### *Human Trafficking and Exploitation Bill*

4. The Committee wished to see the strongest possible legislation introduced in Northern Ireland in relation to human trafficking and exploitation and therefore welcomed the opportunity to work with Lord Morrow MLA and the Department of Justice on his Private Members' Bill which provided for additional human trafficking and exploitation offences, measures to prevent and combat human trafficking and slavery and support for human trafficking victims.

5. To assist its consideration of the original clause 6 in the Bill, which created a new offence of purchasing sexual services, the Committee undertook a visit to Sweden in December 2013 to meet with Government and Non-Government representatives to discuss its legislation which criminalises the purchase of sex and also met with the Oireachtas Joint Committee on Justice, Defence and Equality in Dublin in January 2014 to discuss the findings of its Report on a Review of Legislation on Prostitution which recommended a similar approach.
6. Through its detailed scrutiny the Committee made a significant contribution to what is now a robust legislative framework in Northern Ireland for tackling human trafficking and exploitation and providing the necessary support and assistance to victims.

#### *Legal Aid and Coroners' Courts Bill*

7. The Legal Aid and Coroners' Courts Bill was a largely technical Bill which was part of the wider reform of the legal aid system. The Committee ensured the powers included in the Bill to make subordinate legislation were appropriate and subject to the correct Assembly controls by requesting amendments which the Department agreed to make.

#### *Justice Bill*

8. The Committee particularly welcomed this Bill as it provided for the creation of new Statutory Victim and Witness Charters, a statutory entitlement for a victim to be given the opportunity to make a Victim Impact Statement and the introduction of a statutory framework for the management of cases, all of which had been included as a direct result of the findings and recommendations the Committee made in its Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime. These significant provisions make the criminal justice process less daunting and more responsive to the needs of victims and witnesses of crime.
9. The Committee also recommended the removal of clause 86 of the Bill which would have allowed the Department to amend, appeal or revoke primary

legislation agreed and passed by the Assembly by way of secondary legislation which would not have been subject to the level of scrutiny that primary legislation receives and to make supplementary, incidental, consequential and transitional provision as it considered appropriate. The Committee was of the view that powers should be provided for an exact purpose rather than be broad in nature. This position was supported by the Assembly at Consideration Stage and the clause was removed and replaced by a narrower and more restrictive provision.

### *Justice No.2 Bill*

10. As a direct result of the Committee's scrutiny of the Justice No.2 Bill the Department brought forward a range of amendments covering Vehicle Seizure Orders, information and access sharing in the fine collection process, the provision of power for the Prison Ombudsman to initiate investigations of his own volition and to place a duty on the Minister of Justice to request the Ombudsman to conduct an investigation in cases of near-death, all of which significantly strengthened and improved the legislation.
11. The Committee also brought forward an amendment which received the support of the Assembly to create a new offence of disclosing private sexual photographs and images with intent to cause distress (known as 'revenge porn') given the increasing prevalence of such crime and to provide the same level of protection in Northern Ireland as that already available in England and Wales and equip the PSNI, the Public Prosecution Service and the Courts with the necessary tools to tackle these emerging threats properly.
12. The Committee brought forward a second amendment that it subsequently did not move. It related to the fine collection and enforcement provisions and provided for an enabling clause to allow the Department to provide the Court with powers to require offenders to satisfy a fine by undertaking appropriate courses to address the causes of offending behaviour such as treatment for drug or alcohol addiction or mental health treatment as an alternative to Supervised Activity Orders. The Committee believed that requiring offenders, in suitable circumstances, to satisfy a fine by undertaking appropriate courses or treatment

to address the causes of offending behaviour such as drug or alcohol addiction or mental health problems would be helpful to the Department's stated aim of addressing offending behaviour and preventing reoffending. It also represents a form of the problem solving model of justice which aims to address the root causes of the offending behaviour rather than just punishing the crime and which has been proved to assist in reducing reoffending and the associated costs to the justice system. At Consideration Stage the Minister of Justice outlined that the proposal would require detailed work and gave an assurance that the Department would progress this in the next mandate with a view to enhancing the fine enforcement arrangements in this way.

### **Scrutiny of Secondary Legislation**

13. The Committee has playing an important role in scrutinising a wide range of subordinate legislation brought forward by the Department of Justice and the Attorney General for Northern Ireland during the 2011/2016 mandate and when necessary has sought additional information and clarification from the Department and other key stakeholders.
14. When considering a proposal for a Statutory Rule to amend the circumstances where a court can assign two counsel to a defendant in a Crown Court case the Committee raised a number of issues which were accepted by the Department and resulted in substantial changes being made to provide for a simpler and clearer process before the Rule was laid in the Assembly. The Department also amended a Statutory Rule to introduce Recovery of Defence Costs Orders (RDCOs) to take account of concerns expressed by the Committee regarding the possibility of an assisted person's dependants being evicted from the family home as a result of a RDCO.

### **Committee Inquiries and Reviews**

15. The Committee carried out an Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime, a Review of Judicial Appointments and undertook a substantial programme of seminars, events and visits to identify

innovative approaches that could be adopted to improve the efficiency and effectiveness of the justice system in Northern Ireland.

*Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime*

16. In June 2012 the Committee completed an Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland, the aim of which was to identify the outcomes that the Department of Justice's proposed new strategy for victims and witnesses of crime should deliver and make recommendations on the priorities and actions that needed to be included in the plan to achieve these. The evidence which the Committee received during the Inquiry clearly demonstrated that engaging with the criminal justice system as a victim and/or witness or as a bereaved family was a daunting experience which could entail encounters with a number of criminal justice agencies and voluntary sector organisations from the time the crime was reported, through the police investigation, prosecution decision making process, court process, sentencing and beyond. The evidence also illustrated the significant difficulties victims and witnesses faced with the criminal justice system and the criminal justice agencies.
17. The Committee made 30 wide-ranging recommendations in its Report (which can be accessed [here](#)) including the establishment of a Victim and Witness Charter providing statutory entitlements, the introduction of a minimum waiting time for witnesses, statutory case management to ensure cases are dealt with as swiftly as possible and support for the introduction of Witness Care Units in Northern Ireland.
18. The success of this Inquiry was evidenced by the fact that twenty-four of the thirty recommendations were accepted in full by the Minister of Justice with the other six recommendations accepted in principle and all were included in the Department's five-year Strategy for Victims and Witnesses. The Committee also had significant input into the action plans to deliver the Strategy and the

necessary legislative provision for the key recommendations has been provided in the Justice (Northern Ireland) Act 2015.

### *Review of Judicial Appointments*

19. The Committee completed a [Review of Judicial Appointments in Northern Ireland](#) in April 2012 in fulfilment of a statutory requirement under section 29C of the Northern Ireland Act 1998 and in accordance with Standing Order 49(A). Given the statutory requirement to report to the Assembly by 30 April 2012 the Committee had a limited amount of time to complete the Review and therefore confined its deliberations to a small number of issues including the appointment process for the Lord Chief Justice and Lord Justices of Appeal, the composition of the Northern Ireland Judicial Appointments Commission (NIJAC), whether judicial appointments were reflective of the community in Northern Ireland, the role of elected representatives in the Northern Ireland judicial appointments and removals processes and the remit of the NI Judicial Ombudsman in the investigation of complaints.
20. Having considered the evidence received and the views expressed that the arrangements created by the 2009 Act, while only in place for a relatively short period of time, appeared to be working satisfactorily, the Committee recommended that there should be no changes to the process for judicial appointments and removals in Northern Ireland at that time and this was subsequently endorsed by the Assembly on 14 May 2012. The Committee did however believe that a number of issues may merit further consideration and indicated that it intended to undertake a further review of the Judicial Appointments and Removals processes. The need for a further review was substantiated when both specific and general concerns in respect of a High Court Judge competition undertaken by NIJAC were brought to the attention of the Committee by one of the candidates.
21. The further Review of Judicial Appointments Policy and Procedures was deferred due to the need to prioritise work on primary legislation and give consideration to a range of other issues of public interest that arose. The Committee therefore



produced a [summary](#) of the current position and evidence it had received in relation to the Judicial Appointments process and procedures.

### *Justice Innovation Seminars, Events and Visits*

22. The Committee undertook a 12 month Justice Innovation Programme that included 7 seminars delivered by local, national and international experts, a Conference on 'Justice in the Digital Age', and two keynote events with Lord Justice Leveson and Lord Neuberger, President of the Supreme Court.



**Lord Chief Justice, Sir Declan Morgan QC with Committee Chairman Alastair Ross MLA on the occasion of the first Justice Innovation Seminar on 23 April 2015**

23. The Committee also visited London to consider innovative approaches currently being used or piloted in England and Wales in the areas of youth justice, digitisation of the courts and social media; New York to observe problem-solving courts in Brooklyn, Red Hook and Brownsville; and Scotland to observe the Glasgow Drug Court.



**Committee Members meet with Judge Calabrese, pioneer of the problem solving model in Red Hook Community Justice Centre – January 2016**

24. The Chairman and Deputy Chairman also visited The Hague to meet with representatives of The Hague Institute for the Internationalisation of Law (HiIL) to discuss the concept of online dispute resolution and digital courts and in particular how the Rechtwijzer online dispute resolution platform works.
25. In March 2016 the Committee published a report entitled '[Justice in the 21<sup>st</sup> Century](#)' which set out the learning points and emerging themes from the Justice Innovation Programme of work and made a range of recommendations for innovative approaches for the criminal justice system in Northern Ireland.
26. Some of the key recommendations included a recommendation that there is a commitment in the next Programme for Government to develop a pilot problem-solving court solution, tailored to take account of the particular challenges of the criminal justice system in Northern Ireland such as alcohol or drug addiction or mental health issues; and a commitment to develop a pilot online dispute resolution mechanism for low value civil claims, taking account of experiences in using this type of approach both internationally and in the private sector.

## **Budget Scrutiny**

27. The Committee undertook regular scrutiny of the Department of Justice budget, funding allocations, savings delivery plans and pressures during each financial year. Given the high proportion of the overall justice budget that is allocated to the PSNI, the Chief Constable and his senior officers attended once a year to discuss police financial plans, priorities and pressures.
28. In December 2014 the Committee considered the draft 2015-16 budget for the Department of Justice in relation to both resource and capital funding. The Committee was very concerned that the final budget allocations would not protect the delivery of essential front-line services and advised the Department that a cost-benefit analysis and an analysis of the likely impact of proposed reductions on, and cost to, other areas of the criminal justice system was essential otherwise the outcome would be short-term economies which was a false basis on which to proceed. The Committee also indicated that it expected the Department and its Agencies and NDPBs to be innovative and collaborative in their approach to delivering services to ensure best use was made of the limited funding available; and sought, and received, an assurance that budget allocations would support the Programme for Government commitments that fall to the Department of Justice to deliver.
29. In January 2016, in the context of the Department of Justice 2016-17 proposed budget allocations, the Committee raised concerns about proposed funding reductions for voluntary and community organisations, and in particular those such as Extern and NIACRO that work with high risk offenders in the community, and the potential impact.
30. The Committee also spent considerable time scrutinising the Desertcreat Community Safety Training College Capital Project given the problems with the procurement process, governance arrangements, delivery and viability of the project, all of which the Committee questioned Department of Justice, PSNI and Department of Health officials about in detail.

## **Policy and Performance Scrutiny**

31. During the 2011/2016 mandate the Committee has scrutinised numerous policy proposals from the Department of Justice covering all aspects of justice and has frequently engaged with interested stakeholders. Some of the key policy areas considered included:

### *Criminal and Civil Legal Aid Reform*

32. The Department had an extensive reform programme for criminal and civil legal aid in Northern Ireland and the Committee has spent much time scrutinising a range of consultations and policy proposals on issues such as remuneration rates, legal representation in the Family Court, alternative methods for funding money damages claims and guidance on prospects of success and cost benefit in relation to civil legal aid cases.

33. To inform its position the Committee took written and oral evidence from departmental officials on the individual reforms and initiated on-going dialogue with the legal professions. The Committee also requested the views of the key stakeholders on the likely implications/impact of the whole package of proposed changes to enable it to consider the reforms in a holistic manner. To assist its consideration of how access to justice could be protected while addressing the need to bring the cost of legal aid within budget the Committee commissioned Criminal Justice Inspection Northern Ireland (CJINI) to undertake an assessment of the impact of the Department of Justice Legal Aid Reform Package.

34. The Committee also encouraged the Department and the legal professions to adopt a collaborative approach with the aim of reaching a consensus way forward on the proposed changes, particularly in relation to remuneration levels in the Crown Court. The Committee was therefore disappointed when, as a result of a dispute with the Department of Justice in relation to remuneration rates, barristers and some solicitors 'came off record' resulting in an extensive backlog of cases in the Crown Court.

### *Prison Reform*

35. Prison reform and prison issues have been a constant feature in the Committee work programme throughout this mandate. Following the publication of the Prison Review Team Report the Committee received regular reports on the delivery of the Prison Reform programme and discussed progress and other issues and concerns with NI Prison Service Senior Managers, the Independent Members of the Prison Review Oversight Group and representatives of the staff associations. Key areas of scrutiny have included the prison estate strategy, the recruitment programme, the level of drug misuse in prisons, staff morale and levels of sick absence, leadership and management training, healthcare provision and rehabilitative work with prisoners.

36. Following the publication in November 2015 of the Criminal Justice Inspection Northern Ireland (CJINI) Report of an Unannounced Inspection of Maghaberry Prison in May 2015, which highlighted a range of serious shortcomings, the Committee undertook detailed scrutiny of the findings and recommendations in the report and the NI Prison Service response to it. This included holding oral evidence sessions with the Chief Inspector of CJINI, the Director General and senior officials from the Prison Service, representatives of the Prison Officers' Association, representatives of the Prison Governors' Association and Members of Maghaberry Independent Monitoring Board.

37. Further evidence sessions took place in February 2016, with CJINI and NI Prison Service officials when the Summary Report of the Independent Investigation into the Erne Fire Incident and the CJINI Overview Report of its Follow-Up Inspection of Maghaberry Prison in January 2016 were available.

### *Firearms Licensing Fees and Legislation*

38. The Committee spent considerable time between 2012 and 2015 considering and scrutinising proposals by the Department of Justice to increase the firearms licensing fees, make other miscellaneous amendments to the Firearms (Northern

Ireland) Order 2004, including the age of young shooters, and introduce a new banded system and took a wide range of written and oral evidence from both departmental and PSNI officials and from all of the key firearms stakeholders. At the start of the process there was a clear divergence of views between the Department and the key stakeholders and the Committee was also concerned about the apparent lack of communication and breakdown in relationships. The Committee therefore indicated that it could not support the proposals and advised the Department to engage with the key stakeholders to achieve a collaborative way forward.

39. While the Committee welcomed the eventual resolution of the issues and the position which was largely agreed by all interested parties and which culminated in amendments to the Justice No.2 Bill, during the process it did express concerns about the nature of the engagement between the Department and the key firearms stakeholders and was frustrated by the length of time it took to make progress.

## **COMMITTEE APPROACH**

### *Evidence and Research*

40. The Committee adopted an evidence based approach to inform its legislative, inquiry and policy scrutiny work. In addition to the conventional approach of requesting written evidence and holding oral evidence sessions with justice officials and stakeholders the Committee, when conducting its Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime, met with victims and families of victims on a confidential basis to hear directly of their experiences of the justice system. This proved to be a very valuable and beneficial approach and enhanced the Committee's understanding of the issues and assisted it in identifying the measures that needed to be implemented to ensure improvements were made.

41. The Committee also commissioned Assembly research papers to help its consideration of the primary legislation it scrutinised and in relation to the key policy proposals.

42. A particularly useful approach when scrutinising the legal aid reform proposals was the commissioning of an assessment of the impact of the Department of Justice Legal Aid Reform Package by the Criminal Justice Inspection Northern Ireland (CJINI). Given the conflicting views from the Department and the legal professions this provided an independent analysis and enabled the Committee to assess the proposed reforms in terms of protecting access to justice while addressing the need to reduce costs.

### *Study Visits*

43. The Committee undertook a number of study visits specifically designed to enable Members to observe and inform their views. For example the Committee visited Sweden to inform its deliberations on what was Clause 6 of the Human Trafficking and Exploitation Bill which would criminalise the purchase of sex in Northern Ireland and visited New York and Scotland to experience problem solving courts in Brooklyn, Red Hook and Brownsville and the Glasgow Drug Court.



**Committee Members meet with Sheriff Lindsay Wood and Thom Gallacher, Drug Court Team Manager – February**

44. The visits were particularly helpful as Members had the opportunity to obtain first hand evidence and discuss with the practitioners the benefits and drawbacks of their approach, and how it could work in or be adapted to suit Northern Ireland.

#### *Engagement with Stakeholders*

45. The Committee undertook the normal informal meetings and discussions with key justice stakeholders.

46. The format of the programme of work the Committee undertook in relation to proactively identifying and discussing innovative approaches that could be adopted to improve the efficiency and effectiveness of the justice system in Northern Ireland through the justice innovation seminars and events enabled the Committee to engage in a collaborative way with the criminal justice sector including the judiciary, legal profession and voluntary and community organisations and was commented on very favourably by all who participated. It was described by Lord Neuberger, President of the Supreme Court, when he delivered the keynote address at the final event on 3 March 2016 as follows:

*“The work of the Committee, led by its Chairman, Alastair Ross, has been exemplary in terms of substance and procedure. Your pioneering work in investigating what can be done to improve and modernise the justice system, and in particular criminal justice, has been imaginative and thorough. And the constructive way in which you have worked together with the Minister, the Lord Chief Justice and others concerned with the administration of justice and the criminal law has been exemplary.”*





**Committee for Justice Chairman and Members with Lord Neuberger, the Lord Chief Justice, the Chair of the Bar Council NI and the President of the Law Society prior to the Innovation Seminar at which Lord Neuberger was the key note speaker**

*Justice in a Digital Age Conference*

47. A consistent theme arising from the Committee's work in relation to justice innovation was the issue of social media, changing technologies and emerging new crime threats. The Committee therefore decided to hold a conference to consider and generate discussion around social media including internet protection issues and reputation, wellbeing and employability issues, cybercrime and the legal response to changing technologies and whether current law provides a sufficient response to criminal online behaviour.



Committee Chairman, Alastair Ross MLA addresses delegates at the Committee's conference 'Justice in a Digital Age' – October 2015

48. The venue, which enabled the conference to be livestreamed on the internet for schools to participate rather than have to travel to Belfast and allowed a wide audience to view in real time, the expertise and experience of the speakers and the format that provided for a discussion session on each key theme with the use of twitter to enable people to 'tweet' questions to be put to the panel of experts all contributed to a very valuable and thought provoking event.

#### *Twitter*

49. The Committee joined Twitter in September 2015 and has over 145 followers from the legal profession, criminal justice organisations, academics, the media and interested individuals. Twitter has proved to be a very useful tool in highlighting the justice innovation seminars and the work the Committee has undertaken in this area and, as outlined above, during the 'Justice in a Digital Age Conference'.

#### *Committee Motions*

50. The Committee brought a motion to the Assembly which provided an opportunity to debate its report on the informal stakeholder event on business crime it held in May 2015. The debate highlighted the emerging themes and key issues and the

Assembly supported the Committee's call for the Minister of Justice and the Chief Constable to address them in a comprehensive and speedy manner.

### *Interaction with other Legislatures*

51. During a visit to London the Committee met with Members of the Westminster Justice Committee to discuss issues of mutual interest including prison reform and youth justice. The Committee also met with the Oireachtas Joint Committee on Justice, Defence and Equality in Dublin in January 2014 to discuss the findings of its Report on a Review of Legislation on Prostitution and subsequently hosted that Committee in Parliament Buildings in June 2014 to assist its consideration of police accountability mechanisms.



**The Committee for Justice visit to the Oireachtas Joint Committee on Justice, Defence and Equality**

### *Joint meetings with other Statutory Committees*

52. On a number of occasions, where there was a clear overlap of responsibility for an issue between two Departments the Committee held joint meetings with other Statutory Committees which provided a more effective and efficient method of scrutiny. Examples included a meeting with the Health Committee on the investigation into the sexual exploitation of children and young people from the care system and a meeting with the Enterprise, Trade and Investment Committee on the Desertcreat Community Safety Training College Capital Project.

## **ISSUES THE INCOMING COMMITTEE MAY WISH TO PRIORITISE**

53. Issues and matters the incoming Committee may wish to prioritise include:

### **The Committee Report on ‘Justice in the 21<sup>st</sup> Century: Innovative Approaches for the Criminal Justice System in Northern Ireland’**

54. Monitoring of progress to implement the recommendations in the [‘Justice in the 21<sup>st</sup> Century: Innovative Approaches for the Criminal Justice System in Northern Ireland’](#) report and in particular those relating to the development of a pilot problem-solving court solution tailored to the particular challenges of Northern Ireland and a pilot online dispute resolution mechanism for low value civil claims.

### **The Justice Innovation Programme**

55. Building on the success of the justice innovation programme as a forum for engagement and collaboration with the criminal justice sector, including the judiciary, legal profession and voluntary and community organisations and to continue to provide opportunities for innovative thinking and the identification of creative approaches to the many challenges faced by the justice sector.

### **Review of Judicial Appointments Policy and Procedures**

56. The Committee has produced a [summary](#) of the current position and evidence it received in relation to the Judicial Appointments process and procedures and believes there is merit in undertaking a further Review of Judicial Appointments Policy and Procedure in the next mandate.

### **New Arrangements for the Collection and Enforcement of Financial Penalties**

57. Monitoring of the implementation of the new arrangements for the collection and enforcement of financial penalties provided for in the Justice No.2 Bill (A copy of the Committee Report on the Justice No.2 Bill can be accessed [here](#)) to ensure

the expected improvements in terms of increased payment rates, savings in police resources and a reduction in the committal rate to prison due to non-payment of fines are achieved and the work to be undertaken by the Department in response to the Committee's proposal to provide the Court with powers to require offenders to satisfy a fine by undertaking appropriate courses to address the causes of offending behaviour such as treatment for drug or alcohol addiction or mental health treatment as an alternative to Supervised Activity Orders.

### **Departmental Consultation on Sexual Offences and Child Protection**

58. Consideration of the proposed Department of Justice consultation on sexual offences and child protection which is to cover the possible legislative changes considered by the Committee to improve online protection for children including an amendment to the current law so that a child or young person under the age of 18 who takes, makes, distributes or possesses an image of themselves will commit no criminal offence unless it is done with malicious intent, an amendment to existing law or the creation of a new law to deal with the aggravated impact when an individual or individuals use the anonymity provided by the internet and/or the ability to create multiple online accounts to harass another person and the creation of a new law to prohibit an individual of 18 or above who masquerades as someone below that age and engages online with an individual they know or believe to be under the age of 18 and which the Committee has indicated it wants to see progressed as soon as possible.

### **Department of Justice 2016/17 Budget**

59. Scrutiny of the 2016/17 budget spend and pressures, the impact on the delivery of front line services, the funding of voluntary and community organisations, and in particular those that work with high risk offenders in the community, and the position regarding the delivery and funding of the Desertcreat Community Safety Training College Capital Project.

## **Prison Reform**

60. Monitoring of the delivery of the Prison Reform Programme by the Prison Service Management Board through the five strategic themes of leadership, purposeful activity, equality and diversity, fit for purpose prison estate and partnership with healthcare and the implementation of the CJINI Report Recommendations following the Unannounced Inspection of Maghaberry Prison in May 2015 which will be informed by the series of announced, low-impact visits to Maghaberry Prison focusing mainly on the issue of staff and prisoner safety to be undertaken by CJINI.

## **Reform of Civil and Criminal Legal Aid**

61. Consideration of a range of proposals including changes to legal aid remuneration in civil and family cases, alternative methods of funding money damages claims and the remuneration and appointment of expert witnesses that the Department is currently working on.

62. The Committee also agreed proposals for new remuneration arrangements for legal representatives undertaking work in the Crown Court which had been developed following mediation between the Department of Justice and representatives of the Bar Council and Law Society and to remunerate cases in the Crown Court where the circumstances of the case are so exceptional that the costs cannot be properly remunerated under the standard fees. Both will be implemented by way of subordinate resolution however the Statutory Rules, which are subject to the negative resolution procedure, had not been laid in time for this Committee to consider them.

## **63. The Policy and Legislation Relating to Vehicle Immobilisation on Private**

**Land** - The Committee believes that there are problems with how vehicle immobilisation is operating and has recommended that the Department of Justice should review whether it is appropriate to continue to allow vehicle immobilisation on private land in Northern Ireland

## **Review of Access to Justice Part II**

64. The Department is currently consulting on the findings and recommendations of the Review of Access to Justice Part II and will produce its proposals for implementation later in 2016.

## **The Scoping Study of Children in the Justice System**

65. Following completion of the Scoping Study of Children in the Justice System the Minister of Justice intends to outline proposals for changes to the Youth Justice System and how they will be taken forward in an oral statement to the Assembly on 14 March 2016.

## Committee Membership during the Mandate

**The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5.**

The membership of the Committee during the current mandate has been as follows:

Mr Alastair Ross (Chairman) <sup>1</sup>

Mr Raymond McCartney (Deputy Chairman)

Mr Alex Attwood <sup>9,14</sup>

Mr Stewart Dickson

Mr Sammy Douglas<sup>2,3,4</sup>

Mr Paul Frew<sup>6</sup>

Mr Danny Kennedy <sup>5,11,13</sup>

Mr Séan Lynch

Mr Alban Maginness

Ms Bronwyn McGahan <sup>7,8,12</sup>

Mr Edwin Poots<sup>2,10</sup>

<sup>1</sup> With effect from 10 December 2014 Mr Alastair Ross replaced Mr Paul Givan as Chairman

<sup>2</sup> With effect from 1 October 2012 Mr William Humphrey and Mr Alex Easton replaced Mr Peter Weir and Mr Sydney Anderson

<sup>3</sup> With effect from 16 September 2013 Mr Sydney Anderson replaced Mr Alex Easton

<sup>4</sup> With effect from 6 October 2014 Mr Sammy Douglas replaced Mr Sydney Anderson

<sup>5</sup> With effect from 23 April 2012 Mr Tom Elliott replaced Mr Basil McCrea

<sup>6</sup> With effect from 6 October 2014 Mr Paul Frew replaced Mr Jim Wells

<sup>7</sup> With effect from 10 September 2012 Ms Rosaleen McCorley replaced Ms Jennifer McCann

<sup>8</sup> With effect from 6 October 2014 Mr Chris Hazzard replaced Ms Rosaleen McCorley

<sup>9</sup> With effect from 23 April 2012 Mr Patsy McGlone replaced Mr Colum Eastwood

<sup>10</sup> With effect from 6 October 2014 Mr Edwin Poots replaced Mr William Humphrey

<sup>11</sup> With effect from 30 June 2015 Mr Neil Somerville replaced Mr Tom Elliott

<sup>12</sup> With effect from 15 September 2015 Ms Bronwyn McGahan replaced Mr Chris Hazzard

<sup>13</sup> With effect from 30 November 2015 Mr Danny Kennedy replaced Mr Neil Somerville

<sup>14</sup> With effect from 8 February 2016 Mr Alex Attwood replaced Mr Patsy McGlone



## Overview of Work Undertaken by the Committee

### Committee meetings & visits

Session	Number of meetings held	Percentage minutes public / closed	Number of meetings held outside Parliament Buildings	Number of committee visits
2011/2012	44	94.15%/5.85%	4	6
2012/2013	37	92.05%/7.95%	2	6
2013/2014	37	95.23%/4.77%	1	3
2014/2015	42	97.51%/2.49%	2	2
2015/2016	22	99.19%/0.81%	2	2

### Bills

Session	Name of Bill	Committee report (Ordered to print)
2012/2013	Criminal Justice Bill (NIA10/11-15)	13 December 2012
2013/2014	Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill (NIA170/11-15)	10 April 2014
	Legal Aid and Coroners' Courts Bill (NIA174/11-15)	18 June 2014
2014/2015	Justice Bill (NIA240/11-16)	25 March 2015
2015/2016	Justice No.2 Bill (NIA292/11-16)	14 January 2016

### Committee Inquiries

Session	Name of report	Committee Report (ordered to print)	Date debated in Plenary (if applicable)
2011/2012	Review of Judicial Appointments in Northern Ireland (NIA38/11-15)	26 April 2012	14 May 2012

2011/2012	Committee's Inquiry into the Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland	21 June 2012	3 July 2012
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### Statutory Rules

Session	Number agreed by Committee
2011/2012	26
2012/2013	24
2013/2014	25
2014/2015	32
2015/2016	35

### Committee Reports (excluding Bill and Inquiry reports)

Session	Name of report	Date (date approved by Committee)	Date debated in Plenary (if appropriate)
2011/2012	Report on the Legislative Consent Motion - London Olympic Games and Paralympic Games (Amendment) Bill (NIA14/11-15)	22 September 2011	4 October 2011
2011/2012	Report on the Legislative Consent Motion to allow Clauses 21 and 32 of the Legal Aid, Sentencing and Punishment of Offenders to extend to Northern Ireland (NIA15/11-15)	29 September 2011	11 October 2011

2011/2012	End of Session Report 2011/12	18 October 2012	
2013/2014	Report on the Legislative Consent Motion to allow the inclusion of Amendments to Court Rule-Making Procedures in the Northern Ireland (Miscellaneous Provisions) Bill (NIA111/11-15)	12 September 2013	23 September 2013
2012/2013	End of Session Report 2012/13	28 November 2013	
2014/2015	Legislative Consent Motion on Modern Slavery Bill	26 November 2014	8 December 2014
2014/2015	Legislative Consent Motion on Serious Crime Bill	3 December 2014	8 December 2014
2015/2016	End of Session Report 2014/15	8 October 2015	
2015/2016	Report of the Business Crime Stakeholder Event held in the Senate Chamber on 14 May 2015 (NIA283/11-16)	27 November 2015	7 December 2015
2015/2016	Report on Justice in the 21 <sup>st</sup> Century Innovative Approaches for the Criminal Justice System in Northern Ireland (NIA 313/11-16)	3 March 2016	8 March 2016

2015/2016	Legislative Consent Motion on Northern Ireland Provisions in the Criminal Cases Review Commission (Information) Bill	18 February 2016	29 February 2016
2015/2016	Summary of Committee Consideration of the Judicial Appointments Process in Northern Ireland	10 March 2016	
2015/16	Legacy Report: 2011/2016 Mandate (incorporating End of Session Report 2015/16)	10 March 2016	

### Witnesses

Session	Number of Organisations who give evidence to the committee
2011/2012	36
2012/2013	37
2013/2014	56
2014/2015	49
2015/2016	27 including 2 MLAs

## Summary of the Work of the Committee for Justice during the 2015/16 Session

### MEETINGS

1. The Committee for Justice held 22 meetings during the 2015/16 session, 2 of which took place outside Parliament Buildings at the Ulster University at Jordanstown on 19 November 2015 and in Law Society House in Belfast on 3 March 2016.



Committee Meeting at Law Society House

2. The Committee went into closed session for a short period during 3 of its meetings in accordance with normal procedural convention, mainly to take advice on and discuss possible amendments to the Justice No.2 Bill and to discuss the draft Committee Report on 'Justice in the 21<sup>st</sup> Century'.

### PRIMARY LEGISLATION

#### The Justice No.2 Bill

3. The Committee Stage of the Justice No.2 Bill began on 9 September 2015 and the Committee completed its scrutiny on 14 January 2016. The Committee report on the Justice No.2 Bill can be found here:

<http://www.niassembly.gov.uk/globalassets/documents/justice/reports/committe-e-for-justice-report-on-the-justice-no.2-bill.pdf>

4. The Bill covered a range of policy areas including the creation of an entirely new regime for the collection and enforcement of financial penalties, the establishment in statute of the Prisoner Ombudsman's main functions to deal with prisoner complaints, death in custody investigations and investigations requested by the Department by creating the Office of the Prison Ombudsman and a range of miscellaneous provisions.
5. Following discussions with the Department the Committee agreed a range of amendments covering Vehicle Seizure Orders, information and access sharing in the fine collection process, the provision of the power for the Prison Ombudsman to initiate investigations of his own volition and to place a duty on the Minister of Justice to request the Ombudsman to conduct an investigation in cases of near-death, all of which strengthened and improved the legislation.
6. The Committee also agreed to bring forward two amendments at Consideration Stage. The first related to the fine collection and enforcement provisions and provided for an enabling clause to allow the Department to provide the Court with powers to require offenders to satisfy a fine by undertaking appropriate courses to address the causes of offending behaviour such as treatment for drug or alcohol addiction or mental health treatment as an alternative to Supervised Activity Orders. The Committee believed that requiring offenders, in suitable circumstances, to satisfy a fine by undertaking appropriate courses or treatment to address the causes of offending behaviour such as drug or alcohol addiction or mental health problems would be helpful to the Department's stated aim of addressing offending behaviour and preventing reoffending. It also represents a form of the problem solving model of justice which aims to address the root causes of the offending behaviour rather than just punishing the crime and which has been proved to assist in reducing reoffending and the associated costs to the justice system. At Consideration Stage the Minister of Justice outlined that the proposal would require detailed work and gave an assurance that the Department would progress this in the next mandate with a view to

enhancing the fine enforcement arrangements in this way. The Committee therefore decided not to move the amendment.

7. The second amendment created a new offence of disclosing private sexual photographs and images with intent to cause distress (known as 'revenge porn'). This offence existed in England and Wales and, given the increasing prevalence of such crime, the Committee was of the view that the same level of protection should be provided in Northern Ireland and the PSNI, the Public Prosecution Service and the Courts should be provided with the necessary tools to tackle these emerging threats properly. The Assembly supported the Committee's amendment relating to 'revenge porn' at Consideration Stage of the Bill.
8. The Committee also considered a range of other proposed amendments, unrelated to the contents of the Bill, that were brought to its attention and covered such issues as the Court Funds Office, direct committal for trial arrangements, changes to firearms legislation, increased penalties for animal welfare offences, enhanced protection for emergency services personnel and the regulation of the flying of flags on lampposts.

## **LEGISLATIVE CONSENT MOTION**

9. The Committee agreed to support a Legislative Consent Motion (LCM) to extend the provisions of the Criminal Cases Review Commission (Information) Bill which provided the Criminal Cases Review Commission with the power to obtain documents from private organisations and individuals, subject to judicial safeguards, to Northern Ireland.
10. A short report setting out the Committee's deliberations and conclusions was issued to inform all Assembly Members in advance of the plenary debate and can be found here:

<http://www.niassembly.gov.uk/globalassets/documents/justice/reports/lcm-ccrc->

[bill/report-on-the-lcm-on-the-criminal-cases-review-commission-information-bill-.pdf](#)

The LCM was subsequently agreed by the Assembly on 29 February 2016.

## **STATUTORY RULES**

11. The Committee considered 35 Statutory Rules during the 2015/16 session. Nine of the Rules were subject to the draft affirmative procedure and covered a range of policy areas including Violent Offences Prevention Orders, Judicial Pensions, the application of the Proceeds of Crime Act 2002, Police Pensions and placing the Victim Charter on a statutory footing. After consideration the Committee recommended that these should be affirmed by the Assembly.
  
12. The other Rules were subject to the negative resolution procedure and, following scrutiny, the Committee agreed that it had no objections to them. These covered a diverse range of issues such as changes to firearms licensing fees, increasing the level of statutory bereavement damages in Northern Ireland, Slavery and Trafficking Prevention Orders, adding a range of offences to the Unduly Lenient Sentences Scheme, changes to the fees charged by the Lands Tribunal and amendments to the Mental Health Review Tribunal procedures.
  
13. The Committee also approved two Statutory Rules laid by the Attorney General which brought into operation human rights guidance he had prepared for the PSNI relevant to the protection of the right to life and the Youth Justice Agency on restorative justice.



## **JUSTICE INNOVATION SEMINARS, EVENTS AND VISITS**

### ***Seminars***

14. During the 2015/16 session the Committee continued its work to proactively identify and discuss innovative approaches that could be adopted to improve the efficiency and effectiveness of the justice system in Northern Ireland. A further 4 seminars were held in September, October and November 2015 and February 2016.
  
15. Professor Maurits Barendrecht from the Hague Institute for the Internationalisation of Law (HiiL) gave the keynote address at the seminar in September 2015 on the concept of online dispute resolution and digital courts, including the Rechtwijer 2.0 platform which is currently used in the Netherlands for divorce and separation proceedings, and provided an opportunity to consider how this approach might be applicable to the justice system in Northern Ireland.
  
16. In October 2015 the theme was a problem-solving approach to justice with Phil Bowen, Director of the Centre for Justice Innovation based in London presenting on problem-solving courts and how the approach can be applied to different processes within the criminal justice system.
  
17. The Committee moved to the Ulster University for the seminar in November 2015 where Dr Eugene McNamee and Dr Grainne McKeever spoke about the challenges and opportunities in seeking to develop digital justice for Northern Ireland.
  
18. The Attorney General for Northern Ireland delivered the keynote address at the final seminar in February 2016 when he focused on the potential problem of excessive penalisation. The Attorney highlighted that when developing new legislation Departments frequently include criminal sanctions for non-compliance as a way of enforcing the legislation and expressed the view that these can sometimes have unintended consequences such as increasing numbers of people having a criminal record with the resultant implications

based on an offence that may not necessarily be perceived as criminal in nature. The Attorney suggested that consideration should be given to whether administrative sanctions would be more appropriate to enforce legislation.



Committee Members pictured with the Attorney General for Northern Ireland, Mr John Larkin QC before his seminar on The Problem of Excessive Penalisation – February 2016

### **Visits**

19. Committee Members undertook two visits to observe problem-solving courts, the first to New York in January 2016 and the second to Glasgow in February 2016. During the visit to New York Members had an opportunity to observe the work of problem-solving courts in Brooklyn, Red Hook and Brownsville and meet with Judges and staff members to discuss the various types of problem-solving courts, the processes involved and the benefits of the approach.



Committee Members meet with Judge Calabrese, pioneer of the problem solving model in Red Hook Community Justice Centre – January 2016

20. The visit to Glasgow provided Members with the opportunity to observe the Glasgow Drug Court in action, meet with Sheriff Wood, to discuss the approach adopted in the Drug Court, and the Drug Court Team Manager and key workers to learn more about the operation of the Drug Testing and Treatment Orders.



Committee Members meet with Sheriff Lindsay Wood and Thom Gallacher, Drug Court Team Manager, Glasgow Drug Court – February 2016

### ***Events***

21. The Committee also held a number of events linked to the theme of Justice Innovation including a Conference on 'Justice in a Digital Age' in October 2015 which explored three key aspects:

- Social media including internet protection issues and reputation, wellbeing and employability issues;
- Cybercrime – emerging threats and a local perspective;
- The Legal Response to changing technologies and whether current law provides a sufficient response to criminal online behaviour.

22. Following the conference the Committee considered possible legislative changes to improve online protection for children. The proposals included an amendment to the current law so that a child or young person under the age of

18 who takes, makes, distributes or possesses an image of themselves will commit no criminal offence unless it is done with malicious intent; an amendment to existing law or the creation of a new law to deal with the aggravated impact when an individual or individuals use the anonymity provided by the internet, and/or the ability to create multiple online accounts, to harass another person; and the creation of a new law to prohibit an individual of 18 or above who masquerades as someone below that age and engages online with an individual they know or believe to be under the age of 18.

23. While the Justice No.2 Bill provided an opportunity to make such legislative changes the Committee recognised that this is a complex area of law and any changes would require careful consideration to ensure that there are no unintended consequences. The Committee therefore agreed that the Minister of Justice should include the proposals in a policy consultation for future legislative change as part of a wider review into a number of related areas covering certain sexual offences and child protection, but indicated that it wished to see progress in this area as soon as possible.

24. In November 2015 the Committee hosted an evening with Lord Justice Leveson at which he spoke on his Review into the Efficiency of Criminal Proceedings in England and Wales, a key principle of which was to focus on changes that could be achieved without requiring legislative change but which make better use of technological and other advances.

25. The final event in the Committee's Justice Innovation Programme took place at the Bar Library In March 2016 where Lord Neuberger, President of the Supreme Court of the United Kingdom, gave the keynote address. He stressed the importance of public accessibility to the justice system, not least to ensure public confidence in the courts. This involves both physical and electronic access, making use of live-streaming, publication of short summaries of decisions that have been taken, and use of social media. Lord Neuberger also advised those attending of the benefits which can accrue to the courts through streamlining administrative IT functions.



**Committee for Justice Chairman and Members with Lord Neuberger, the Lord Chief Justice, the Chair of the Bar Council NI and the President of the Law Society prior to the Innovation Seminar at which Lord Neuberger was the key note speaker**

26. In March 2016 the Committee published a report entitled '[Justice in the 21<sup>st</sup> Century](#)' which set out the learning points and emerging themes from the Justice Innovation Programme of work and made a range of recommendations for innovative approaches for the criminal justice system in Northern Ireland including recommendations for the Minister of Justice to include commitments in the Programme for Government for the 2016-2021 Assembly mandate to introduce pilot projects for on-line dispute resolution approaches and problem solving courts in Northern Ireland.

## **BUDGET SCRUTINY**

27. The Committee continued to scrutinise the Department of Justice budget and funding pressures through written and oral briefings on the June, October and January Monitoring Rounds and the delivery and impact of the Savings Delivery Plans.
28. In December 2015 and January 2016 the Committee considered the draft 2016-17 budget for the Department of Justice in relation to both resource and capital funding and both the Minister of Justice and the Chief Constable attended in February 2016 to discuss particular funding issues and the PSNI budget position and pressures.
29. Having held discussions with Extern and NIACRO about both organisations' roles in the criminal justice system, future funding and service delivery issues the Committee was very concerned about proposed funding reductions for voluntary and community organisations, and in particular those that work with high risk offenders in the community, and the potential impact. The Committee subsequently raised a number of issues with the Minister of Justice when he attended in February including the approach being taken to reduce budgets without any analysis of the services being provided, what is delivered for the current level of funding, and the impact if funding is further reduced and the services cease to be carried out.
30. The Committee had raised similar issues in relation to the 2015-16 Department of Justice budget when it expressed the view that the closure or reduction of services provided by a range of voluntary and community organisations to address offending behaviour and provide support services to prevent or reduce the occurrence of reoffending would most likely result in increased costs for the PSNI, the Courts and ultimately the Prison Service, and an approach to cutting spending that did not include a cost-benefit analysis and an analysis of the likely impact on, and cost to, other areas of the criminal justice system was a false economy and a flawed basis on which to proceed.

31. On-going scrutiny of the position regarding the delivery of the Desertcreat Community Safety Training College Capital Project also took place and the Committee continued to express concerns about the handling of, and the delays in, reaching decisions about the most appropriate way to take forward this project with the resultant impact on the availability of funding for it.

## **SCRUTINY OF EU ISSUES**

32. In January 2016 the Committee agreed its EU Priorities for 2016 which it will highlight as suggested areas that the next Committee for Justice may wish to consider. The issues covered a number of legislative and non-legislative proposals including implementation of the European Agenda on Security, UK Participation in the Prüm Decisions, the EU Directive on Special Safeguards in Criminal Proceedings for Suspected or Accused Persons who are Vulnerable and further implementation of the European Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

33. As part of the implementation of the European Agenda on Security the Committee considered a proposal for an Amending Directive on the control, acquisition and possession of weapons, the aim of which is to facilitate the functioning of the internal market in firearms within the EU while ensuring a high level of safety for EU citizens, including the views of key firearms stakeholders on a number of areas within the Directive that could have an impact on Northern Ireland and the representations submitted by the Department of Justice to the Home Office on the proposal.

## **POLICY AND PERFORMANCE SCRUTINY**

34. The Committee scrutinised numerous draft consultation papers and policy proposals on a wide range of criminal justice matters and requested further information and clarification where necessary. Some of the key policy and performance areas covered included:

## ***Criminal and Civil Legal Aid Reform***

35. The Committee continued its scrutiny of the Department of Justice's Programme of Reform of Criminal and Civil Legal Aid including proposals to remunerate exceptional circumstances in cases in the Crown Court and in the Magistrates' Courts, the impact of reform of legal representation in the Family Courts, proposals to change legal aid remuneration in civil and family cases, a consultation on alternative methods for Funding Money Damages Claims, Guidance on Prospects of Success and Cost Benefit in relation to civil legal aid cases and proposals in relation to remuneration and appointment of expert witnesses.
36. The Committee was particularly concerned about the extensive backlog of cases in the Crown Court that had arisen as a result of barristers and some solicitors 'coming off record' due to a dispute with the Department of Justice in relation to the remuneration rates provided for legal aid in Crown Court cases. The Committee encouraged engagement between both parties on the issue and welcomed resolution of the matter in February 2016.

## ***Prisons Issues***

37. On-going scrutiny of the delivery of the Prison Reform Programme continued to be a feature of the Committee's work and included written and oral briefings with NI Prison Service officials and the Independent Members of the Prison Review Oversight Group.
38. Following the publication in November 2015 of the Criminal Justice Inspection Northern Ireland (CJINI) Report of an Unannounced Inspection of Maghaberry Prison in May 2015 which highlighted a range of serious shortcomings the Committee undertook detailed scrutiny of the findings and recommendations in the report, and the NI Prison Service response to it, including holding oral evidence sessions with the Chief Inspector of CJINI, the Director General and senior officials from the Prison Service, representatives of the Prison Officers' Association, representatives of the Prison Governors' Association and Members



of Maghaberry Independent Monitoring Board. A range of issues were discussed including the Erne House Fire incident, staff shortages and the level of staff sick absence in Maghaberry prison, the level of drug misuse in the prison, the levels of assaults on staff and between prisoners and leadership and management performance.

39. Further evidence sessions took place in February 2016 with CJINI and NI Prison Service officials when the Summary Report of the Independent Investigation into the Erne Fire Incident and the CJINI Overview Report of its Follow-Up Inspection of Maghaberry Prison in January 2016 were available.

### ***Access to Justice Part II***

40. The Committee received a briefing from the Head of the Review Team on the key findings and recommendations of the Access to Justice Review Part II. The Department is undertaking a consultation on the specific proposals and this is an area that the next Justice Committee will wish to monitor closely.

### ***Business Crime***

41. Having considered the responses it received from the Minister of Justice and the PSNI to its report on emerging themes and issues relating to business crime, and key actions to improve the reporting and recording of such crime following the informal stakeholder event held in May 2015, the Committee tabled a motion for debate on business crime. The report can be found [here](#) and the Assembly supported the motion calling for the Minister and the Chief Constable to address the issues highlighted in the report in a comprehensive and speedy manner.

### ***Rationalisation of the Court Estate***

42. In November 2015 NI Courts and Tribunals officials presented the results of the consultation and the Minister of Justice's recommendations to rationalise the Court Estate which included the closure of six courthouses. The Committee had previously taken evidence from a range of stakeholders including the Lord Chief Justice on the likely impact of the proposed closures and Members raised a number of concerns regarding the Minister's recommendations particularly in relation to the potential detrimental impact on access to justice and the lack of any proposals to upgrade the courthouses that would remain.

### ***Scoping Study of Children in the Justice System***

43. Prior to an oral statement in the Assembly by the Minister of Justice the Committee received a briefing from Youth Justice Agency officials in March 2016 on a range of proposals for change across the whole youth justice system following the Scoping Study of Children in the Justice System which built on some of the procedural and structural changes already achieved through the Youth Justice Review and is important for the implementation of some of the more complex recommendations which require partnership working and buy-in across organisations and Departments. The detailed proposals and plans to deliver them will require close scrutiny and monitoring in the next mandate.

### ***Review of the Level of Statutory Bereavement Damages in Northern Ireland***

44. The Committee raised the issue of the level of bereavement damages when it was drawn to its attention that, while the level had increased in England and Wales, it had not changed in Northern Ireland since 2008. In response the Department of Justice agreed to undertake a consultation on the issue and subsequently proposed to increase the level of bereavement damages in line with inflation as measured by the Consumer Price Index and to ensure the rate is appropriately fixed on a regular and consistent basis to adjust the rate every three years. The Committee welcomed and supported the proposal which

would increase the award from £11,800 to £14,400 (based on the CPI for November 2015).

### ***Vehicle Immobilisation***

45. Following complaints about wheel clamping an oral briefing by Department of Justice officials on the policy and legislation relating to vehicle immobilisation on private land in Northern Ireland was scheduled. The Committee subsequently advised the Minister that, whilst not against regulation with regard to illegal parking on private land in Northern Ireland, Members were against the principle of vehicle immobilisation and considered it to be a disproportionate response. The Committee also believed that there were problems with how vehicle immobilisation was operating and therefore recommended that the Department of Justice should review whether it is appropriate to continue to allow vehicle immobilisation on private land in Northern Ireland.

### ***Review of the Legislation Underpinning Criminal Damage and Criminal Injuries Compensation Schemes***

46. The Committee considered the results of a consultation undertaken by the Department of Justice on the legislation underpinning the Criminal Damages and Criminal Injuries Compensation Schemes and proposals for a number of changes. The Committee subsequently advised the Minister of a range of concerns and issues it had with the legislative changes proposed to the Criminal Damages and Criminal Injuries Compensation Schemes.

**ANNEX A****Committee for Justice****Expenditure for the period 1 September 2015 to 29 February 2016**

<b>Budget area</b>	<b>Details</b>	<b>Expenditure</b>
Committee Travel - committee members and staff travel and subsistence in relation to visits and meetings outside Parliament Buildings	Includes the cost of Committee visits and meetings outside Parliament Buildings	<b>Total cost</b> <b>£ 1,390.79</b>
Advertising Costs		<b>Total cost</b> <b>£0.00</b>
General expenses	Cost of refreshments for Committee meetings, seminars, room hire, witness expenses and gifts provided by the Committee during visits.	<b>Total cost</b> <b>£ 3,977.90</b>
<b>Total Expenditure</b>		<b>£ 5,368.69</b>