

FROM THE OFFICE OF THE JUSTICE MINISTER



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Clerk to the Committee for Justice
Room 242
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7 January 2021

Dear **NR**,

ASSEMBLY DEBATE ON HEALTH PROTECTION REGULATIONS

Thank you for your letter of 15 December on behalf of the Justice Committee.

Your letter seeks clarification on two issues - firstly in relation to engagement with the Committee in advance of the Assembly debate on 8 December and secondly, in relation to a protocol by which Committees are informed when Departmental officials are providing evidence to another statutory committee.

Your letter helpfully notes that the Justice Committee recognises that the scrutiny of the health protection statutory rules is a matter for the Committee for Health given that responsibility for the Regulations rests with the Minister for Health. It goes on to state that, as it regards offences and penalties as falling within the remit of the Department of Justice, the Committee seeks clarification as to why there was no engagement with or information provided to the Committee on the review and the proposed changes prior to 1 December.

I should clarify that the Department's role generally in relation to offences and penalties created by other NI departments is advisory. For instance, the Department can advise on the proportionality of any new criminal sanctions and assess potential impacts on the justice system (for example, new offences or penalties in relation to road traffic offence) but decisions on these would be a matter for the relevant Minister and it would fall to that department's Assembly Committee to scrutinise them. The Department has not previously brought such matters to the Committee for Justice.

In relation to engagement with the Committee ahead of the debate of the regulations, I trust you will appreciate that it would not be appropriate for the DoJ to have formally engaged the Justice Committee ahead of DoH officials engaging the Health Committee, as these are health regulations, for which scrutiny rests with the Health Committee, as noted by your Committee and in line with Assembly standing orders. From both a procedural and a practical perspective, DoJ officials could therefore only engage with the Justice Committee after the Health Committee considered the draft regulations. This happened at the meeting of the Health Committee on Thursday 26 November. I subsequently wrote to you three working days later on Tuesday 1 December ahead of the next Justice Committee meeting on Thursday 3 December. In these circumstances, it is difficult to see how the Committee could have been engaged any sooner in a way that would not undermine the role of the Health Committee.

Turning to the protocol for informing the Committee when Departmental officials are providing oral evidence to another Statutory Committee, I understand that no such protocol exists and that officials working collaboratively to engage with other Committees, when appropriate, is established practice.

I hope this helps to clarify the queries posed by the Justice Committee. The Minister has asked me to restate her commitment to meaningful, constructive engagement with the Justice Committee and, whilst she recognises that the scrutiny processes in the current operating landscape are unusual, her best efforts and those of her officials are being deployed in a collaborative way as the Executive seeks to respond to and manage the unprecedented challenges of Covid-19.

Yours sincerely,

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