



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Domestic Abuse and Family Proceedings Bill:  
Amendments

8 December 2020

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Domestic Abuse and Family Proceedings Bill: Amendments

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Ms Linda Dillon (Deputy Chairperson)  
Mr Doug Beattie  
Ms Sinéad Bradley  
Ms Jemma Dolan  
Mr Gordon Dunne  
Mr Paul Frew  
Ms Emma Rogan  
Miss Rachel Woods

**The Chairperson (Mr Givan):** Members, thank you for persevering with how the Committee has been seeking to address the issue. After prolonged conversation and considering all the issues, the Committee considered a proposal in closed session. I want to deal with it in public session for the record. The proposal is to withdraw the Committee amendment, amendment No 15, which ties the commencement provisions of clause 27 relating to legal aid to the commencement of chapters 1 and 2 of Part 1 of the Domestic Abuse and Family Proceedings Bill. In withdrawing that amendment, the Committee will table a new amendment to enact clause 27 12 months after Royal Assent has been granted to the Bill. That will decouple the issue of creating the offences. The offences will be created, and clause 27 will be dealt with 12 months after receiving Royal Assent. Will those Members in favour of that approach please vote accordingly?

*Ayes 5; Noes 4.*

**AYES**

*Ms S Bradley, Mr Dunne, Mr Frew, Mr Givan, Miss Woods.*

**NOES**

*Mr Beattie, Ms Dillon, Ms Dolan, Ms Rogan.*

**Ms Dillon:** For the record, obviously it is not that we are against bringing this into being; we certainly want to see it happening. However, in the absence of having a conversation about it with the Department to know what the knock-on effect of it might be in delaying the Bill, I am not content to support it. It boils down to the delay in delivering the abuse offence. I have concerns that this could potentially delay it. After having a conversation with the Department, if there were not going to be negative impacts in terms of delay, then we could potentially support it, but at this point, we cannot.

**The Chairperson (Mr Givan):** OK. From my party's perspective, the issue that had been presented was that this had the potential of delaying the introduction of the coercive control offence, and that is

not something that I want to do, but I also want to have clause 27 brought forward. The Minister has outlined what she regards as very significant repercussive consequences, and the Department needs to carry out due diligence. Therefore, should due diligence materialise to the scale which the Minister presented, my party would be willing to repeal this particular provision, because that kind of repercussive impact is not something that I would feel able to support. However, I am very much aware that victims of domestic abuse have waited many years to have this kind of provision put in place. I heard the evidence that was brought forward during the course of the consideration process by the Committee, and I have heard that evidence again today. This is meeting the Minister halfway; it is a compromise in terms of my position as to where I am on it. I hope that the Minister will recognise that for what it is and that she will proceed with bringing forward the Further Consideration Stage next week to allow this to be progressed.

**Ms S Bradley:** In supporting this, I want to acknowledge the very real concerns that the Minister brought to the Committee that were flagged up on Friday about the repercussive consequences that could happen. To be fair to the Minister and the officials today, they were trying to be as open and honest about this as they could be, but they can only bring the word "could" to us because they have not explored this fully. This is a fair compromise, in that it allows us to proceed with the offence which we all agree we want to go ahead as quickly as possible, but it also creates a window of opportunity for the Minister and the Department to explore the reality behind those concerns and to bring some real detail on what is real and what may not be.

It is important to note that the Minister, having highlighted those concerns to us, was understandably eager that we understood them, and we did. She might come back to us and present her findings to us at any stage within 12 months, and that could spell out that this is the worst-case scenario that we anticipated. In that case, I can assure the Minister that the SDLP would not be content in forging ahead with anything that would have such a significant impact on the block grant or would have an effect across the Executive. On that basis, we would work quickly with the Department to revoke any piece of legislation that would have that affect. In the absence of us not having any information to say that that is the case, it is important that this position allows the Bill to proceed and the offence to be created. The decoupling affect that the Minister has asked for can be achieved here.

**Miss Woods:** I appreciate all the efforts made today by the Minister, the permanent secretary and the Chair for calling this meeting and attending today and the Minister and her staff for engaging with me over the last day or so. I think we are reaching some middle ground, and it is a reflection of the views that have been expressed to the Committee but also outside the Committee. Victims of domestic abuse have the experience of being in that court setting and being a victim of domestic abuse. I did not accept the cost implications that were issued earlier as a valid reason not to approve legal aid provisions. It is a waiver of financial eligibility limits, as I said before, for victims, and it should not be forgotten. However, the Northern Ireland block grant should not be used for schemes in other jurisdictions at all; it is completely unfair. I am sympathetic to the concerns raised by the Minister, and I think that this is something of a middle ground. I absolutely hope that the Further Consideration Stage can happen next week.

**The Chairperson (Mr Givan):** Thank you, Rachel Woods. I thank members. This has been a serious issue, and members have handled it with sensitivity. We all have the same intent and objective that we want to achieve of supporting victims both in terms of legal aid and the provisions in the Bill. I want to put on record again my thanks to all members of the Committee for the way they have conducted themselves this afternoon.