

# Annual Report

for the year ended 31 March 2014



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**For the year ended 31 March 2014**

Laid before the Northern Ireland Assembly by the Department of Justice under Section 52(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 10 of Schedule 13 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010).

December 2014

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Any enquiries regarding this publication should be sent to us at the following address:-

Communications Manager  
Northern Ireland Law Commission  
Linum Chambers, 8<sup>th</sup> Floor  
2 Bedford Square  
Bedford Street  
Belfast  
BT2 7ES

Email: [info@nilawcommission.gov.uk](mailto:info@nilawcommission.gov.uk)

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**THE NORTHERN IRELAND  
LAW COMMISSION**

**ANNUAL REPORT 2013-2014**

**Foreword – Dr Venkat Iyer  
Commissioner**

I am pleased to present this seventh Annual Report of the Northern Ireland Law Commission covering the period from 1 April 2013 to 31 March 2014.

This year has been an unusual year for the Commission, where a combination of events, such as the end of the terms of the Chairman and Commissioners, and a Review of the Commission by the Department of Justice has resulted in the Chair, three of the Commissioner posts, and some of the legal staff posts being vacant. Nonetheless, the Commission has made good progress on a number of projects as outlined in the report.

As the current sole Commissioner, I want to record my thanks to all of the staff in the Commission for their continued commitment and loyalty during what has inevitably been an uncertain time for them.

**Dr Venkat Iyer  
Commissioner**

## Chief Executive's Report

### Introduction

During this period, the Northern Ireland Law Commission ("the Commission") has substantially completed work on its Second Programme. Preparation work for a Third Programme began during the period of this report and positive contributions were received from Northern Ireland Departments to the initial call for law reform proposals.

In September 2012, the Commission published its final Report on **reform of the law relating to bail**. The Report was well received and is now being taken forward by the Department of Justice who ran a further consultation on the final recommendations as put forward by the Commission (with some amendments by Department of Justice) between August and October 2013. The Department of Justice has indicated that it expects that bail legislation, based on the Commission's recommendations, will be introduced in the Northern Ireland Assembly in 2016.

A Consultation Paper on **Unfitness to Plead** had been published in June 2012. There was an excellent response to the Paper. Some 10 consultees provided detailed, informed and thoughtful views on the issues raised. Their opinions greatly assisted the Commission in its deliberations. The Commission's final Report on Unfitness to Plead in Criminal Cases was submitted to the Department of Justice and was subsequently published in July 2013.

In November 2012, the Commission had published a consultation paper on the **law and practice relating to apartment ownership**.

There was a strong and favourable response to the Consultation Paper. Some 29 consultees put forward their views to the Commission and these views greatly assisted the Commission's deliberations and its final recommendations which were published in a final report in May 2013.

In December 2012, the Commission provided advice papers to the Department of Justice on reform of the **law relating to initiation of criminal prosecutions**. A series of initiatives already under way in the Department of Justice are expected to address many of the issues raised.

A preliminary paper on the **Defence of Insanity** was presented to the Department of Justice in 2013, along with advice that the matter should be deferred for comprehensive consideration at a later date, following the completion of a review in this area by the Law Commission (England & Wales).

In April 2012, the Consultation Paper on the **Regulation of health care professionals** was published jointly by the Law Commissions for England & Wales and Scotland and the Northern Ireland Law Commission. This was the first such joint project. It proved a successful venture in collaborative working and one which we are already repeating with the tri-lateral electoral law project. (The final report was published in April 2014.)

During the period of this report, the Commission began its work alongside the other UK Commissions, on the tri-lateral **electoral law project**. Electoral law is an excepted matter under the Northern Ireland Act 1998. It is not, therefore a matter, within the legislative competence of the Northern Ireland Assembly.

The Commission also within this reporting period started work on two referred projects from Northern Ireland departments, namely **Defamation Law** (from Department of Finance & Personnel), and the **Public Health Act (NI) 1967** (from Department of Health, Social Services and Public Safety).

The project on Defamation will examine whether the provisions of the England & Wales Defamation Act 2013 should be introduced to Northern Ireland. The Department of Justice Minister approved the inclusion of the project in the Commission's approved work programme in January 2014.

The **Review of the Public Health Act (NI) 1967** was referred by the Department of Health, Social Services and Public Safety in October 2013, Preparatory research work has started, pending formal approval of the addition of the project to the Commission's work programme.

## Departmental review

During the period of this Report, the Department of Justice continued to consider the Review of the Commission.

## Who we are

The Northern Ireland Law Commission (the Commission) was established in April 2007 under the Justice (Northern Ireland) Act 2002 (as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) referred to hereon as the 2002 Act (as amended) following on from the recommendations of the Criminal Justice Review Group. The Review Group reported in March 2000: *Review of the Criminal Justice System in Northern Ireland*.

The Commission was set up as an independent advisory body whose aim is to consider the law of Northern Ireland with a view to making proposals for the law's systematic reform.

The 2002 Act (as amended) provides for the appointment of a Chairman and four Commissioners. The Chairman must hold the position of a judge of the High Court of Northern Ireland and three of the Commissioners must be drawn from academia and the legal professions respectively. The fourth must be a non-lawyer. Four Commissioners were appointed during 2008.

The Commission is not regarded as the servant or agent of the Crown or enjoying any status, immunity or privilege of the Crown.

Our main task is to review areas of the law and to make recommendations for change. The Commission seeks to ensure that the law is as simple, accessible, fair, modern and cost-effective as possible. A number of specific types of reform are covered by the provisions in the 2002 Act (as amended):

- Simplification and modernisation
- Codification
- The elimination of anomalies
- The repeal of legislation which is no longer of practical utility
- The reduction of the number of separate legislative provisions

## Devolution of justice functions

On 12 April 2010, justice functions in Northern Ireland were devolved to the Northern Ireland Assembly (NIA) and the Department of Justice (DoJ) came

into existence as a new Northern Ireland Department. From this date, the Commission became an independent advisory non-departmental public body (NDPB) of the DoJ.

The 2002 Act (as amended) provides that the Commission consider any proposals for the reform of the law of Northern Ireland referred to it and submit to the DoJ programmes for the examination of different branches of the law with a view to reform. The DoJ must consult the Attorney General for Northern Ireland before approving any programme submitted by the Commission.

Under the 2002 Act, the annual report of the Commission for the year ended 31 March 2014 will be laid in the Northern Ireland Assembly.

## What we do

The Northern Ireland Law Commission will provide the DoJ and the Northern Ireland Executive with independent and well-researched proposals and advice on law reform. The Commission supports the premise that in a modern system of justice each citizen has rights and duties under the law. The Commission – alongside other bodies responsible for developing our laws – will respect, safeguard and promote those rights and duties.

## Developing our programme of law reform work

The Commission submitted its First Programme of Law Reform proposals to the Secretary of State for Northern Ireland in 2009. The Secretary of State laid the programme before each House of Parliament (following devolution of justice matters this role falls to the Minister of Justice and the programme is laid before the Northern Ireland

Assembly only). The Commission also submitted the First Programme to the Office of the First Minister and deputy First Minister. The Programme was laid before the Northern Ireland Assembly in December 2009.

The Commission's Second Programme was approved by the Minister of Justice and laid before the Northern Ireland Assembly in July 2012.

## Working Methods

A legal team, normally headed by a Commissioner or Commissioners is created for each project. The Commissioner(s) have responsibility for providing the strategic project leadership along with a level of detailed legal and policy work commensurate with his or her part-time commitment.

Teams are encouraged to exchange information freely across the project boundaries and our governance mechanisms ensure that Commissioners have a degree of involvement across all projects. The Chief Executive Officer sits on each of the project Steering Groups. The aim of such mechanisms is to build a corporate policy approach for the Commission and ensure that any inter-dependencies or linkages between projects is recognised and reflected in the Commission's considerations.

Law reform projects may begin with a scoping paper or a consultation paper. The purpose of a scoping paper is to consider how extensive the project should be, find out the key issues as seen by others, and identify interested parties. This early process can involve considerable work with stakeholders.

This is followed by publication of a consultation paper. In the Consultation Paper the law as it currently stands is set out, the perceived weaknesses/

defects in the law and its operation are discussed and possible options for reform are set out.

During the consultation period, we actively seek out interested parties and engage with them in meetings either on their own or with other stakeholders. We try to hold meetings across Northern Ireland so as to ensure we have a balance of views and to facilitate and encourage wider stakeholder engagement from outside Belfast.

The responses to the public consultation are analysed and the Commission takes careful account of these responses as part of its final considerations.

A Report with recommendations and, where appropriate, draft legislation, is presented to the DoJ and is published. It is then for the DoJ and the Northern Ireland Administration to decide whether it accepts the recommendations and to introduce any necessary Bill in the Northern Ireland Assembly.

The Law Commission's accounts are therefore now incorporated within the DoJ Sponsor Departments Annual Accounts from 2011-12 onwards.

A summary overview statement of the Commission's running costs for the period is shown on page 24.

## Financial Statements

From the 2011-12 financial year onwards, the Comptroller and Auditor General is not required to examine, certify and report on the Law Commission's statement of accounts in accordance with Section 102 of the Justice Act (Northern Ireland) 2011.

However, there is a continuing requirement for the Commission to prepare accounts in accordance with a direction issued by the DoJ in accordance with paragraph 6 (2) of Schedule 9 to the Justice (Northern Ireland) Act 2002 as amended by the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

## Membership of the Commission Board

### Chairman and Commissioners

For the period in question, the sole Commissioner was Dr Venkat Iyer, who was originally appointed on 8 September 2008, and in 2011 re-appointed for a period of up to four years until 31 August 2015.

During the period, the post of Chairman, and those of the other three Commissioner posts remained vacant, pending the outcome of the Review of the Commission initiated by the Department of Justice in 2012.

Commissioners' posts are subject to performance management procedures.

### Chief Executive and Accounting Officer

Ms Judena Goldring was appointed as the Chief Executive and Accounting Officer in August 2007. The Chief Executive Officer post is a direct recruitment permanent appointment, and is subject to performance management procedures and arrangements. The Chief Executive of the Commission must be legally qualified.

A list of the full staffing of the Commission during 2013-14 is shown on following page 8.

### Interim Chief Executive and Accounting Officer

Following Ms Goldring's retirement just after this reporting period, Mr Kenneth Millar was appointed as Interim Chief Executive of the Commission with effect from 22 May 2014.

## Full Membership of the Commission during 2013-14

### COMMISSION BOARD

#### Chairman

Post Vacant

#### Commissioners

Dr Venkat Iyer - Law Academic

Post Vacant

Post Vacant

Post Vacant

#### Chief Executive

Ms Judena Goldring MA, Solicitor

### PROJECT LAWYERS

Mrs Diane Drennan LL.B., M Phil, Solicitor

Mrs Rebecca Ellis LL.B., (Hons), Solicitor

Ms Clare Irvine LL.B., Solicitor

Dr Andrew Scott LL.B., (Hons), MPhil, PhD

Mrs Sarah Witchell LL.B., Solicitor

### LEGAL RESEARCHERS

Mr John Clarke, LL.B.

Dr Catherine O'Dwyer BA Hons, M.A., PhD

Vacant

Vacant

### BUSINESS SUPPORT TEAM

Business Manager - Mr Derek Noble

Communications and HR Manager - Mrs Cathy Lundy

Personal Secretary to Chief Executive - Ms Paula Martin

Personal Secretary to Chief Executive - Ms Ciara Murray (Temporary cover)

Administrative Officer - Miss Joanne Kirk

*Note: Not all members of staff were employed for the full financial year.*

## Business Review

### First Programme of Law reform

The Commission's First Programme of Law reform was approved by the Secretary of State for Northern Ireland in accordance with statutory requirements in October 2009.

The Commission's First Programme contained the following projects:

1. Reform of aspects of land law. *(completed December 2010)*
2. Business tenancies law. *(completed March 2011)*
3. Vulnerable witnesses in civil cases. *(completed July 2011)*
4. Bail law (completed September 2012)
5. The law and procedures relating to apartments (completed May 2013).

### Progress

The objectives of the carried over remaining one project (5.) above and broad progress up to completion of final report are set out below.

Detailed targets and achievements within each law reform project are described in the Management Commentary, from page 18.

### Apartments project

The Apartments project (originally named the Multi-Unit Developments Project) formed part of the First Programme of Law Reform, continuing into the Second Programme of Law Reform. It sought to address the

multitude of problems currently being faced by apartment owners in light of the increased number of apartments constructed between 1990s and 2007.

This boom in apartment developments was not matched by legislative provision to deal with the unique features of apartment living. The lack of education or support services for owners who may not be culturally familiar with the concept of shared ownership also contributed to the problems in this area.

A Consultation Paper was published in November 2012 followed by a formal consultation period. The Consultation Paper raised broad questions and potential recommendations on potential ways forward and sought views from consultees on its content.

The proposals were generally well received and many consultees actively engaged with the Commission in the course of the consultation period. The responses were collated and analysed and formed the basis of the final recommendations.

The Final Report was published in May 2013 and laid before the Northern Ireland Assembly. It sought to address the problems experienced by those owning and living in apartments and other properties with elements of shared ownership such as open spaces.

The Report proposed a comprehensive range of measures to be considered including both legislative intervention and other more practical ways to produce more immediate and effective results.

The Department of Finance & Personnel (DFP) is currently considering the recommendations of the Report.

## Second Programme Projects

### The Unfitness of an Accused Person to Plead

The Unfitness of an Accused Person to Plead is one of the three referred projects received from the DoJ and accepted by the Commission. This project involved a review of the current law and practice in all criminal courts, with the exception of Youth Courts and examined in particular the current operation of the "Pritchard" test, which prescribes the criteria governing the determination of whether an accused person is fit to plead.

The principle of orality states that witnesses are required to give their evidence in proceedings orally, in person and before the court which is open to the public. A number of departures have been made from this principle in relation to criminal proceedings in order to protect certain witnesses who may experience particular difficulties in court. "Special measures" have been made available in the criminal trial process to children, witnesses with a mental disorder or a significant mental impairment of intelligence or social functioning, a physical disability, and those who are suffering fear and distress in connection with giving their evidence to the court. These special measures include the use of screens and live television link.

In its consultation paper, the Commission explores whether similar special measures should be afforded to vulnerable witnesses in civil proceedings.

The Consultation Paper was published on 16 July 2012 and the final Report, together with draft instructions for Legislative Counsel, was delivered to the DoJ in February 2013. The Report

was subsequently laid before the Northern Ireland Assembly in July 2013.

### The Defence of Insanity in Criminal Trials

The Defence of Insanity in Criminal Trials is the second of the three referred projects. This entailed an initial review of the use of the defence of insanity in criminal trials, including the arrangements for medical examination and opinion, the appropriate court procedures and stigmatisation arising out of the use of the term "*insanity*". The Commission examined the MacNaghten Rules, which date from 1843. Human rights issues will also be examined. A scoping paper on the topic was undertaken.

As a result of this work, the Commission provided an Advice Paper to the DoJ in December 2012. The advice was to the effect that the defence whilst perhaps outdated, caused little problem in practice and was rarely used in Northern Ireland.

The Law Commission for England & Wales is planning to carry out a similar review in 2014 of the operation of the defence in that jurisdiction. The progress and findings of the review in England and Wales in what is a little used area of law will assist DOJ in determining whether any further action in Northern Ireland is necessary.

### The Initiation of Criminal Prosecutions

The Commission carried out an initial review of the law and practice around initiation of criminal prosecutions and wider developments in this area. The Criminal Justice Inspection Northern Ireland (CJINI) was also working on this topic as part of its overall investigation

into delays in the criminal justice system and the potential for adopting reasonable and proportionate measures designed to eliminate or reduce avoidable delay.

The Commission provided the DoJ with an Advice Paper, the substance of which was that there was no evidence to suggest that a root and branch review of the law and practice relating to the initiation of criminal prosecutions in Northern Ireland was necessary. The Commission concluded that the work being carried out by CJINI was likely to address any procedural weaknesses in the system.

### **The Regulation of Health Care and Pharmaceutical Professionals in NI**

This project forms part of the Second Programme of Law Reform, which is being undertaken by the Northern Ireland Law Commission. It is the first project, which has been taken forward on a tri-lateral basis by the Law Commissions of England & Wales, Scotland and Northern Ireland.

The review of the regulation of healthcare professionals includes a number of regulatory bodies, including the General Medical Council, General Dental Council, Nursing and Midwifery Council and the Pharmaceutical Society of Northern Ireland.

The regulatory bodies operate within a broad variety of legal frameworks, which have evolved over time to create a complex legislative landscape, which contains a number of inconsistencies in the powers, duties and responsibilities of regulators.

The aim of the project is to enhance the autonomy of the professional regulators, whilst ensuring that the regulators are subject to certain safeguards, including a duty to protect, promote and maintain the health, safety and wellbeing of the

public by ensuring proper standards for safe and effective practice by registrants.

The project covers all the main functions of the professional regulators, including establishing and maintaining a register, approving and setting standards for education, and the investigation and adjudication of fitness to practise cases.

A Consultation Paper was published on 1 March 2012. The Commission made substantive policy contributions and in particular covered the law and practice relating to Northern Ireland. The Commission ensured that any specific Northern Ireland policy perspectives were taken account of in the Consultation Paper.

A final Report was published in April 2014.

### **Electoral Law**

The Electoral Law Project aims to simplify and modernise electoral administration law. The law in this area has developed in an ad hoc way in response to the variety of different types of elections and their administrative requirements. It has become complex and unwieldy and has given rise to inconsistencies and unjustifiable differences in practice between different elections and different parts of the UK.

The scope of the Project is limited to technical aspects of electoral law governing the administration of elections and will not include issues such as the voting system or who can vote.

As electoral law is not a devolved matter in Northern Ireland, the Northern Ireland Assembly has no legislative competence in this area. The Commission has received consent from the Secretary of State, Attorney General

for Northern Ireland and Minister of Justice to carry out work on this area.

Owing to its status as an excepted matter under the Northern Ireland Act 1998, any review of the law on elections and referendums must be on a UK-wide basis. Consequently, this project is operating on a tri-lateral basis in conjunction with the Law Commission of England & Wales and the Scottish Law Commission.

The Law Commission of England & Wales will act as the lead Commission. The Commission is liaising closely with its sister Law Commission to ensure that Northern Ireland interests are represented in the course of the project.

This project is split into three phases, with review points between phases. The first phase was the scoping exercise, which was assessing the remit of the project going forward. This was completed in December 2012.

The next phase involves formulating substantive law reform proposals. The Consultation Paper is due to be published in late 2014.

Substantive law reform recommendations will be published in summer 2015, which will then be followed by a review point. If it is deemed suitable to proceed, the final phase will produce a Final Report and draft Bill to implement the recommendations. The aim will be to complete the final phases before the end of February 2017.

### **Defamation law**

DFP sought advice from the Commission in September 2013 on whether any corresponding provisions from the Defamation Act 2013 (as applies in England & Wales from January 2014) should be introduced in Northern Ireland. The DFP Minister in

October 2013 referred a full consultation on the project to the Commission, and the DoJ Minister in January 2014 formally approved its inclusion in the Commission's current work programme.

The Terms of Reference are "to review the existing law of defamation within Northern Ireland in light of the recent changes brought about in England and Wales by the introduction of the Defamation Act 2013".

The Commission has already identified a specialist resource to undertake the work, supplemented by the Commission's own in-house resource, and work on the project had commenced in February 2014. It is planned to publish a consultation paper in the autumn of 2014.

### **Review of Public Health**

On 4 February 2013, the Commission received a request from the Department of Health, Social Services and Public Safety (DHSSPS), asking for discussions about the potential for a review of the Public Health Act (NI) 1967 ('the 1967 Act'). Initial research was conducted by the Commission in order to scope the review and set the main objectives of the project.

The aim of the project is to clarify and modernise the 1967 Act in the context of an overall examination of public health law in Northern Ireland as well as a comparative analysis of legislation in other jurisdictions to enable the provision of informed proposals for future reforms.

In this context, the 1967 Act was examined in detail and compared with the legislation in England and Wales (Public Health (Control of Disease) Act 1984 as amended) and Scotland (Public Health etc. (Scotland) Act 2008). The public health law in other jurisdictions and countries, such as Wales, the

Republic of Ireland, South Australia and British Columbia were also examined.

this paper will be presented to the Department in autumn 2014.

Papers were prepared in April, June, August and September 2013 for meetings with DHSSPS. The Commission contributed to a Departmental submission to the DHSSPS Minister and a formal reference from DHSSPS was received on 4 October 2013 confirming that, following Ministerial approval, the Commission were requested to carry out a review of the Public Health Act (NI) 1967. The review was to be carried out under the provisions of section 51(2)(e) of the Justice (NI) Act 2002.

On 14 October 2013, a meeting was held with DHSSPS to discuss progress of the review and the formation of a 'working group' to provide expert advice and inform a consultation paper.

Further working group meetings and stakeholder meetings have been held throughout 2014 at which drafts of a detailed PID were discussed as well as general progress. On 19 November 2013, the Commission presented at an international seminar sponsored by the Swedish Institute of Public Health.

Further project plans are dependent on the formal inclusion of the project in the Commission's work programme.

### **Enforcement of contact orders**

The Commission is currently engaged in work considering the law and practice around enforcement of contact orders. This work is being undertaken on behalf of the Department of Justice as part of the review of Family Justice in Northern Ireland.

A comparative research paper is currently being prepared considering the position in Northern Ireland and other jurisdictions. It is envisaged that

## Corporate governance

### Commission Board

The Commission's Board meets approximately on a monthly basis.

Progress on each of the various law reform projects were discussed at these meetings.

The Chief Executive is the Accounting Officer for the Commission. In accordance with the Relationship Document and associated Financial Controls agreed between the Commission and the DoJ, the Chief Executive has particular leadership responsibilities for:-

- ensuring the efficient and effective use of staff and other resources;
- ensuring high standards of propriety;
- ensuring that the Minister of Justice and the sponsor team are kept informed of any changes or developments within the organisation;
- ensuring that any statutory or administrative requirements for the use of public funds are complied with; that the office operates within the limits of its remit and any delegated authority agreed with the sponsor Department, and in accordance with any other conditions relating to the use of public funds; and
- demonstrating high standards of corporate governance at all times.

The Chief Executive is required on a regular basis to provide assurance information to the Commission Board on how she/he was taking forward the above responsibilities.

The corporate governance procedures and arrangements for the Commission, including finance and accountancy arrangements were operated in accordance with both DoJ and DFP requirements.

Expenditure and decision making during the period was carried out in accordance with these governance arrangements.

The Commission has throughout the period once again contained overall expenditure within the funding resources made available from our Sponsor Department.

### Savings Delivery Plan

The Commission continues to successfully implement its Savings Plan drawn up in response to the budget reductions required under the Comprehensive Spending Review 2010.

The Commission has restructured a number of posts which changed the profile of the original Savings Delivery Plan (SDP); however, savings targets have been met in full.

The Commission has continued to review its non-staff costs, and in particular our publications policy. This has resulted in further consequent reductions in the numbers of printed Papers and Reports. Where possible, the use of electronic means to view/download documents from our website is encouraged. Any proposal involving national or international travel

is carefully examined and approved in accordance with DoJ policies.

### Relations with DoJ Sponsor Branch

In accordance with the Relationship Document, quarterly review meetings were held between the Commission and the Sponsor Branch.

An annual Business Plan for the period was drawn up.

### Equality Scheme

The Commission had submitted its revised Equality Scheme together with its Equality Action Plan to the Equality Commission in October 2012. The Scheme sets out how NILC proposes to fulfil its statutory duties and was drawn up in accordance with Section 75 and Schedule 9 of the Northern Ireland Act 1998 and Equality Commission guidelines. Section 75 of the Northern Ireland Act 1998 (the Act) requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of promoting good relations across a range of categories outlined in the Act.

The Commission's Equality Scheme was subsequently approved by the Equality Commission in April 2013.

### Equality of Opportunity

The Commission is fully committed to the promotion of equality and good relations, as set out in Section 75 of the Northern Ireland Act 1998. The Commission takes into account equality issues throughout its Law Reform Projects and Internal Services.

### Law Reform Projects

The Commission introduces equality considerations at the beginning of each law reform project and builds up its understanding of these issues through effective consultation throughout the course of the project – particularly working with groups representing the nine categories of Section 75. In this way, the Commission can be confident that its law reform recommendations, and any draft legislation presented to the DoJ, are fully equality proofed and tested on the need to build good relations between persons of differing beliefs, political opinion or racial group.

### Recruitment

Recruitment of staff to the Commission adheres to Northern Ireland Civil Service (NICS) and HR Connect recruitment policies and procedures. These take full account of equal opportunities statutory obligations and best practice. All Commission recruitment panel members are given up to date recruitment and selection interview standards and legislation training in line with the NICS.

### Public procurement of services

The Commission procures its services through public tender exercises assisted by DFP Central Procurement Directorate (CPD) where necessary. The Commission adheres to the guidelines and procedures set down by CPD. These take full account of equal opportunities statutory obligations and best practice. Commission procurement panel members are given relevant equal opportunity training.

## Employee Involvement

The Commission strongly encourages consultation and exchange of information within the Commission. This is affected through regular staff team meetings. The team meetings include the CEO reporting back from the meetings of the Commission's Board.

The Commission has continued its commitment of reducing waste, recycling waste paper, and spent printer cartridges. In addition, our modern office premises incorporates an extensive range of energy saving systems, including automatic zoned sensor lighting, zoned air conditioning, and a fresh water piped filter system.

## Register of Interests

All members of the Commission's Senior Management Board are required to provide information on personal and business interests that may be perceived to influence their judgement in the exercise of their public duty. The Commission maintains a Register of Interests which is available for inspection at the Commission's offices at Linum Chambers, 2 Bedford Square, Bedford Street, Belfast, BT2 7ES.

## Personal data related incidents

During the financial year 2013-14, the Northern Ireland Law Commission reported no incidents of personal data related incidents.

## Commitment to Environmental, Social and Community Matters

The Commission's core aim is to work alongside other bodies responsible for developing aspects of the law, in providing for Northern Ireland an effective means of simplifying and modernising the law and making it accessible to people.

The Commission, despite its small size, is concerned to ensure that it minimises its environmental impact.

## Publications during 2013-14

<b>Title</b>	<b>Published</b>
Report: Apartments NILC 17 (2013)	May 2013
Report: Unfitness to Plead NILC 16 (2013)	July 2013
Annual Report 2012-13	January 2014

These publications are available on our website: [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk)

## **Management Commentary**

The Commission's business plan for 2013-14 sets out the key objectives for that period.

Progress against these strategic and business objectives is described below.

The Commission has two overarching strategic aims:

1. To develop and maintain a centre of law reform excellence for Northern Ireland within the resources provided by government.
2. To take forward the Commission's Second Programme of Law Reform for Northern Ireland.

## **STRATEGIC AIM 1:**

### **TO DEVELOP AND MAINTAIN A CENTRE OF LAW REFORM EXCELLENCE FOR NORTHERN IRELAND WITHIN THE RESOURCES PROVIDED BY GOVERNMENT.**

#### **STRATEGIC OBJECTIVE**

- 1.1 To build and maintain effective governance and working practices that effectively support the objectives of the Commission, are in accordance with the statutory obligations, rules and guidance governing NDPBs and specifically the DoJ/NILC Relationship document governing the Commission.**

In year targets:

- To forward to DoJ an Annual Business Plan for the 2013-14 year.  
**Target Achieved**
- Continue to maintain a sound financial control system in line with DOJ accounting and audit requirements.  
**Target Achieved**

During the course of the year the Commission will continue to review our financial and resourcing savings delivery plan to ensure, as far as practicable, that we manage the delivery of our services in a way that realises the required cash releasing savings totalling £150k.

**Target Achieved**

- Continue to operate AccountNI in line with Government procedures and identify/resolve any arising operational issues with DoJ Financial Services Division, Directorate accountants and AccountNI for period ending 31 March 2014.  
**Target Achieved**
- To process all payments to suppliers within 10 days of receipt of a valid invoice in line with Government targets working in partnership with DoJ Financial Services Division and AccountNI.  
**Target Achieved**
- Prepare an Annual Report for the 2012-13 period and send to the DoJ by 31 August 2013.  
**Target Achieved**
- Conduct an annual review of NILC overarching risk register.  
**Target Achieved – Risk Register was reviewed during the 2013-14 cycle of quarterly DoJ sponsorship meetings.**

**1.2 To take forward an effective Training and Development Plan that accords with the Commission's objectives and business plans.**

In year targets:

- For staff in post at 1 April 2013, Personal Performance Agreements (PPAs) and Personal Development Plans (PDPs) to be drafted and agreed in line with NICS Core Competence Framework by 30 June 2013.

**Target Achieved**

- Ensure appropriate Commissioner and staff development opportunities are identified and developed into a one year Training and Development Plan by 30 June 2013.

**Target Achieved**

**1.3 To maintain and build an effective legal staff team within the terms of the Commission's resources.**

- As a result of the uncertainties around the outcome of the DoJ Review recommendations, planning for recruitment of Commission lawyers and legal researchers was put on hold until final decisions were made by the Department about the future structure of the Commission.

## **STRATEGIC AIM 2:**

### **TO TAKE FORWARD THE COMMISSION'S SECOND PROGRAMME OF LAW REFORM FOR NORTHERN IRELAND**

#### **STRATEGIC OBJECTIVES**

##### **2.1 To reform the law and procedures relating to apartments.**

In year targets:

- Publication of the Final Report by May 2013.  
**Target Achieved**

##### **2.2 To contribute to the Northern Ireland perspective to the English Law Commission project on regulation of the medical profession.**

In year targets:

- Contribute to the Law Commission's final report and draft Bill for publication in January 2014.  
**Target not achieved – This was a tripartite project between the Law Commission England and Wales, the Scottish Law Commission and the Northern Ireland Law Commission. The final Joint Report was subsequently published in April 2014.**

##### **2.3 To develop recommendations for the reform of the law relating to unfitness to plead in criminal cases.**

In year targets:

- Complete a final report with recommendations and publish by July 2013.  
**Target Achieved**

##### **2.4 To contribute the Northern Ireland perspective to the English Law Commission project on electoral law (working alongside the Scottish Law Commission in a tri-partite project).**

In year targets:

- To contribute to consideration of policy recommendations in conjunction with the Law Commission of England and Wales and the Scottish Law Commission.  
**Target Achieved**

## 2.5 To consider a review of the Public Health Act (NI) 1967.

In year targets:

- To carry out an initial assessment of the Public Health Act (NI) 1967 and advise the DHSSPS as to whether it is fit for purpose by December 2013.  
**Target Achieved**
- If a project in this area is approved then to finalise a Project Initiation Document by February 2014.  
**Target not achieved; a draft PID is available,**
- To begin outline draft consultation paper by March 2014.  
**Target Achieved**

## 2.6 To consider reform of the law of defamation in Northern Ireland

In year targets:

- To provide advice to the DFP Minister by November 2013 on the suitability of a project on reform of the law of defamation.  
**Target Achieved**
- To commence research at the beginning of January 2014.  
**Target Achieved**
- Subject to a review of the law of defamation being approved by Ministers to finalise a Project Initiation Document by February 2014.  
**Target Achieved**
- Commence pre-public consultation meetings with key stakeholders in February 2014.  
**Target Achieved**

## **Forward look to 2014-15**

The resources of the Commission during the next year (2014-15) will again focus on taking forward the remainder of the projects contained within the Second Programme of Law Reform.

The work involved will be a combination of stakeholder engagement, desk research, policy analysis and the publication of consultation and report papers.

## Summary of running costs during 2013-14

The Northern Ireland Law Commission is funded by the Department of Justice.

<b>Expenditure</b>	<b>Year to 31 March 2014</b>
	<b>£k</b>
<b>Staffing Salary Costs</b> (including national insurance contributions and superannuation payments)	496
<b>Accommodation</b> (including rent, rates, service charges, maintenance, contracted out services)	173
<b>Other non staff running costs</b> (including general office expenditure, phones, printing, training, travel and subsistence and library subscriptions etc.)	27
<b>Total</b>	<b>696</b>

**Linum Chambers  
2 Bedford Square  
Bedford Street  
Belfast B2 7ES**

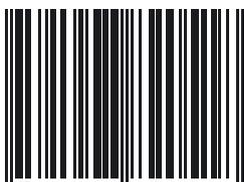
**T: +44 (0) 28 9054 4860**

**E: [info@nilawcommission.gov.uk](mailto:info@nilawcommission.gov.uk)**

**W: [www.nilawcommission.gov.uk](http://www.nilawcommission.gov.uk)**

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