

NORTHERN IRELAND LAW COMMISSION

MINUTES OF COMMISSIONERS' MEETING

11 JANUARY 2010 AT 12 NOON

PRESENT: Bernard McCloskey (Chair)
Bobby Hunniford (BH)
Venkat Iyer (VI)
Sean Doran (SD)
Neil Faris (minute taker) (NF)
Judena Goldring (JG)

1. Minutes of last meeting

ACTION BY

The minutes of the meeting of 7 December 2009 were agreed as an accurate account of the meeting.

2. Matters arising

The following matter was discussed:

Raising awareness of role of Commission

Agreed that JG will prepare draft letters for the Chairman to each of the political parties to initiate his contact with them. JG

3. CEO Report

There was discussion of the written report furnished to Commissioners in advance of the Board.

The following matters were also discussed:

(i) Procurement of legislative drafting services

Agreed that JG would – for further consideration an urgent response – circulate electronically the draft of the procurement documentation for the legislative services contract. JG

(ii) In house training

Agreed with JG's proposal that a series of lunchtime seminars should be introduced which would be led by appropriate members of the Commission or others. JG

(iii) Car parking

Noted that researches by JG had not disclosed any established car parking policy in equivalent organisations. Agreed that a policy should be formulated to take effect from 1 January 2011. JG will inform staff and will commence draft of new policy. Pending the introduction of the new policy no new commitments shall be given for car park spaces. JG

(iv) Commonwealth Law Conference 2011

Agreed that this be on the February agenda for consideration of the Commission's possible participation in the conference. VI was thanked for his contribution to the Commonwealth Law Bulletin setting out the work and role of the Commission.

4. Reports on Projects

The Projects Reports were considered. The following additional matters were discussed.

(i) Vulnerable Witnesses

- A Steering Group meeting had been held earlier in the morning and it was reported that the Project was on time.
- Noted that the printers have now agreed to carry out the 'templating' for printing of the Consultation Papers – and that this will apply to all Commission documentation.
- The draft of the Consultation Paper will be forwarded to the Departmental Solicitor for any comment that he or any Department of the Executive may wish to make – for consideration by the Commission. This also will apply to other Commission draft Consultation Papers in cases where a Departmental representative is not present on the Steering Group for a Project.

(ii) Bail

- Contact with the Northern Ireland Office is continuing.
- Third chapter of draft consultation paper completed with fourth to be completed by end of week.
- Additional discussions with organisations to take place to clarify points raised in the drafting of the document.

(iii) Multi-Unit Developments

- Agreed that an initial Project Initiation Document should now be prepared.
- Agreed that arrangements should be made for a meeting with the Minister at a date to suit both the Minister and the Chairman for the purpose of co-ordination of approach between the work of the Commission and the work of the inter-Departmental Group being convened by the Minister.
- The timing of the Project was also discussed – and noted that it may be necessary to apply to the Secretary of State for extension of this Project into the Second Programme period.
- Noted that the Senior Lawyer position has now been advertised. JG to circulate the timetable for the further stages in the appointments process.

(iv) Business Tenancies

Noted that the draft Consultation Paper will when nearing completion be forwarded to the Departmental Solicitor on the same terms as in the Vulnerable Witnesses Project – see above.

(v) Protocol for approval of draft Consultation Papers by the Board

NF raised this as a general point with application to projects. Agreed that a protocol should be prepared for guidance of all Project Teams as to the time required by the Board for consideration of any draft consultation papers, reports or other documentation. NF

5. Draft Letters to First Programme respondents

These were discussed generally and agreed that the Chairman should proceed to work thereon with the assistance of BH and the designated researcher. Where possible the Chairman will finalise and issue the letters. Where further attention is necessary the Chairman will circulate further drafts for final approval. Chairman/BH

6. Annual Report and Accounts 2008-2009

The draft was approved subject to minor points of amendment as noted by members which JG will incorporate into the final draft. JG
This is to be issued as soon as possible.

It was noted that the Report records the lack of response from the Department of Environment to the Environmental Law Scoping Report. The Chairman asked for a copy of this Report (as it was issued before he took office) so that he may consider the matter further. JG/Chairman

7. Whistle-blowing Policy

The draft was approved subject to minor points of amendment as noted by members which JG will incorporate into the final version which should then be issued. JG

8. NI Law Commission Conference

The following was agreed:

- The conference will be on a topic associated with the Bail Project.
- The Conference should take place on a suitable date in the period from 13 September to 11 October 2010.
- SD and the Chairman will liaise with a view to the choice of suitable speakers. Chairman/SD
- JG will take forward the conference arrangements. JG

9. Date of Next Meeting

The following was agreed:

- Monday 15 February
- The Board meeting will be preceded by a Projects meeting to be attended by all legal and research staff commencing 11.00 am.
- A draft agenda should be circulated by no later than Monday 8 February and any suggestions of items for the Agenda must be submitted by 1.00 pm on Thursday 11 February.

10. Any Other Business

(i) Law Society of Northern Ireland

JG reported on her visit to the new Law Society House on the invitation of the President and Chief Executive of the Society. They wish to meet with Commission and it was agreed for JG to arrange this, either at Linum Chambers or at Law Society House. JG

(ii) Accommodation

Agreed that there is an acute shortage of office accommodation for any new staff – such as the imminent All appointment of the new Senior Lawyer. This requires further consideration and will be on the Agenda for the next meeting.