

**NORTHERN IRELAND LAW COMMISSION**

**MINUTES OF COMMISSIONERS' MEETING  
HELD ON 21 June 2010 AT 10.30 am**

PRESENT: Bernard McCloskey (BM - Chairman)  
Bobby Hunniford (RH)  
Venkat Iyer (VI)  
Sean Doran (SD)  
Neil Faris (NF)  
Ken Millar (KM)  
Derek Noble (DN)

APOLOGY: Judena Goldring (JG)

**1. Minutes of last meeting**

**ACTION BY**

The minutes of the last meeting were discussed and were agreed by all present to be an accurate account of the meeting.

**2. Matters arising**

None.

**3. Interim Manager's Report**

The following items were discussed

- JG had agreed to sign the audited 2008/09 Accounts; return of the accounts to DoJ is imminent.
- Internal Audit reports; KM will agree wording of responses, and circulate proposed replies to Commissioners **KM**
- 2009/10 Accounts need Annual Report CEO report and management commentary; KM to draft and circulate, copy to DoJ for QA together with financial statements prepared by Deloitte, enabling NIAO to commence formal audit **KM**
- 2009/10 Budgets; BM asked that efficiencies be explored in all areas. It was agreed for cancellation of daily newspapers. Items such as library fees, publications, and other sundries are to be examined for cost saving efficiencies. In-house printing (paper and toner etc) costs are proving difficult to restrain in the face of staff and Commissioners printing off lengthy documents. BM will issue a note to all. **BM**
- Printing and publishing options should be explored in the face of very tight budgets, supplier's performance, and the essential publications which will be issuing in the autumn/early 2011. KM will explore possibilities. **KM**
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- Early indications (December 2010 at the latest) re publishing and printing timescales of projects will be essential to ensure optimum usage of the available budget, if necessary moving some publications into April 2011.
- Business and Strategic plans had not been finalised, but NF would re-circulate his proposed amendments and KM would finalise the documents asap.

**NF and  
All; KM**

#### **4. Staffing re Researchers and Programme**

- A number of staffing and personnel issues were discussed in relation to the research team.

#### **5. Reports on Projects**

##### **(i) Vulnerable Witnesses Project**

- The Consultation Paper has been issued with a closing date for responses of 30 June 2010. Responses are currently slow and as discussed at the June meeting, some extension of time until mid July 2010 could be granted if requested.
- A Steering Group meeting is to be held in early July 2010 and BM indicated that he would attend. A suitable date is to be confirmed.
- Consultation meetings are progressing, and Men's Advisory Project had asked for a meeting, which would be used to cover the VW project and the 2nd Programme.

**VI/BM**

##### **(ii) Bail**

- The draft Consultation Paper was presented to the Board and agreed in principle, individual members to comment to SD by 30 June.
- The final draft of the paper has to be sent to Pierce Communications by 6 July at the latest.
- The formal launch of the paper will be at the Commission's annual conference on 30 September.
- EQIA screening being carried out.
- Issues of treatment of extradition and immigration bail to be discussed.
- Stakeholder events are planned after publication.

**ALL**

##### **(iii) Business Tenancies**

- The Consultation Paper was published and has been circulated to stakeholders, consultation period closing on 30 Sept 2010.
- Stakeholder events will be held with key stakeholders in June and July 2010.
- A Steering Group will be convened ASAP; there is some difficulty in identifying a Departmental representative. Chair is also to attend. **NF**
- The Chair will raise the generality of the latter point (a general difficulty in identifying DoJ reps for projects) with the Department **BM**

(iv) Multi-Unit Developments

- Research has commenced
- We participated in SLS seminars held in Belfast and Armagh
- An article has been published in 'Folio'
- Stakeholder events will be held in autumn 2010
- A meeting with the Alliance party to discuss their proposals re a Private members Bill in this area was being re-arranged **NF**

(v) Land Law

- Steering Group had met 9 June. **BM**
- Policy issues on redemption of ground rent, and covenant issues arising from same, require detailed discussion. A separate Ground Rents Bill was planned.

- The project raised the general issue of whether or how to make responses publicly available (some are submitted in confidence). The Board preferred the broad approach of covering the general issues raised by responses in the full report, with the supporting arguments as to why they had or had not been accepted. Supporting analysis documents would be held in the Commission, and could be accessed if requested, subject to FOI principles. Simple numerical analysis of responses could be misleading.
- The Board were briefed on the responses to the Ground Rent and related Covenant issues. The Chair asked that the Board be circulated the first draft of the Final Report, along with the draft bill, to enable substantive discussion at either a special Board meeting or no later than the next Board meeting (now scheduled for 26 July). If an early meeting is not possible, clearance to the report will be sought by correspondence.
- NF to do a note for the Board on the key issues.

**Sarah W**

**NF**

**6. Governance Issues**

Will be tabled at July Board meeting.

**KM**

**7. Draft Second Programme of Law Reform**

Responses on the current draft of the consultation paper are being gathered, and a revised draft of the consultation paper will be available for the next Board meeting on 26 July (time tbc). Format and style of consultation document (likely 20 pages, in-house printing and/or electronic only?) also to be discussed at that point.

**RH**

**8. (a) Annual Conference Arrangements**

SD had agreed the form of invitation to issue from SLS, and has asked for copies of the First Programme of Law Reform to accompany the invitations. The role of SLS was limited to issuing invitations and handling registration. On entry to the Conference, delegates would receive copies of the Bail Consultation document, and the Consultation Paper for the Second Programme. SD would chase up the Law Society and the Criminal Bar Association for approx 12/15 nominees each.

**SD/RH/KM**

**(b) Long Gallery Event**

The September date had proved impractical, and the options would now be October/November to ensure availability of Minister, the Long Gallery, and a good turn out of MLAs. (Tuesdays offered the best likelihood).

**KM**

**9. Drafting Services**

Agreed previously that each Project required drafting services for the Bill to accompany each Project’s Final Report. KM pointed out that £30k of the budgeted £42k is committed to Land Law project for this financial year.

**10. Protocol between NILC and NI Assembly Departments on co-operation on law reform projects**

BM had written to DFP and DoJ Ministers, as per attached papers. He invited views from all on the way forward. VI had just re-circulated a draft from New Zealand of an equivalent protocol.

**All**

**11. Chairman’s Communications**

(i) Website

- Responsibility for legal input had been discussed at the May meeting. BM will consider if one of the legal researchers may have a role.

**BM**

(ii) Commonwealth Law Conference

- The attendance of BM at the CALRA Conference (and part of the main conference) remains under consideration. Costs being examined for maximum vfm.

**BM**

(iii) Draft Disaster Recovery Plan

- KM will progress in CEOs absence.

**KM**

**12. Any Other Business**

None

**BM**

**13. Date of Next Meeting**

The date of the next meeting was confirmed for Monday 26 July 2010 time to be confirmed. (This 26 July meeting replaces the planned 2 August meeting.)

**BM**