

# Annual Report

for the year ended 31 March 2012

# **Annual Report**

## **For the year ended 31 March 2012**

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 2012

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## **Chairman's Foreword**

I am pleased to present the Annual Report of the Commission covering the period of 1 April 2011 to 31 March 2012.

Having assumed the chairmanship of the Commission with effect from 2 November 2009, I have been privileged to continue to oversee the progress of the Commission's First Programme of Law Reform, which was approved by the then Secretary of State on 17 October 2009. Work on most of the five approved projects was already under way and has continued subsequently at pace.

The approved First Programme projects were the reform of aspects of land law, bail law, business tenancies law, the law relating to multi-unit (domestic) developments (apartments), and the law and procedures relating to vulnerable witnesses in civil proceedings. Each of these important areas of law and practice impacts on wide cross sections of the community and is considered to be ready for sensible and progressive reforms.

As appears from last year's Annual Report, the Land Law and Business Tenancies Projects were completed prior to commencement of this reporting period. I am pleased to record that during the year April 2011 to March 2012, the Commission's final report relating to vulnerable witnesses in civil proceedings, incorporating a draft Bill, was completed and was duly presented to the Minister of Justice. Work on bail law continues apace and we expect to publish our Report with legislation in the summer of 2012. The Apartments Law Project has experienced a number of delays due in main part to resource difficulties. The timetable for this project is under review. The Commission places a high priority on the Apartments project and is working hard to ensure delivery of its recommendations at the earliest possible date.

The Commission has been fortunate in attracting a skilled and motivated team of legal professionals (drawn from the sectors of academia, private practice and government departments) who, under the direction of the Commissioners, have made great progress on each of the approved projects. It is my sincere wish that the Commission will acquire a deserved reputation as a centre of high quality and independent legal research. This report outlines the milestones achieved thus far in each project.

The Commission will strive to ensure that the resources and effort invested in its law reform programmes bear fruit through implementation of the recommendations contained in its final reports in the form of new legislation. The Commission is an important element of the recent constitutional reforms surrounding the devolved administration in Northern Ireland. It is pre-eminently desirable that its proposals for reforming the law, based on extensive consultation and skilled and thorough analysis, are processed and implemented expeditiously by the relevant parts of Government.

Under Section 51 of the Justice (NI) Act 2002, the Minister referred 3 additional law reform projects to the Commission, namely the Fitness of an Accused Person to Plead, the Criminal Law Defence of Insanity, and the Initiation of Proceedings in Criminal Prosecutions.

I am pleased to report that work on all of these projects has commenced.

The Commission has endeavoured to achieve a high degree of transparency in its workings and to be as accessible as possible. Accordingly I have been very pleased by the interest and enthusiasm with which our consultation exercises have been received – by the professions, interest groups, public representatives and interested members of the community. Transparency and accessibility will continue to be important objectives.

**BERNARD McCLOSKEY**  
**Chairman**  
**Northern Ireland Law Commission**

## THE NORTHERN IRELAND LAW COMMISSION ANNUAL REPORT 2011-2012

### Chief Executive's Report

#### Introduction

I am pleased to present this fifth Annual Report of the Northern Ireland Law Commission.

#### Who we are and what we do

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. The four Commissioners were appointed during 2008. The Chairman, Mr Justice McCloskey was appointed in November 2009 (the previous Chairman was Mr Justice Declan Morgan, now Lord Chief Justice).

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 policing and 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 (as amended), the annual report of the Commission for the year ended 31 March 2012, will be laid in the Northern Ireland Assembly.

## Mission Statement of the NI Law Commission

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 aspects of the law - will respect, safeguard and promote those rights and duties.

## How we work

### 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 policing and 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 submitted its Second Programme of Law Reform to the Minister of Justice in June 2011. During the period covered by this report, the Second Programme was still being finalised.

## Working Methods

A legal team 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 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.

Increasingly, projects begin with a scoping paper. The purpose of this 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 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.

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

A summary of the Commission's running costs for the period is shown on page 22.

## Membership of the Commission Board

### Chairman and Commissioners

The Commission's Chairman (Mr Justice McCloskey) was appointed on 2 November 2009 by the Secretary of State after consultation with the Lord Chancellor, the First Minister and deputy First Minister, and the Attorney General for Northern Ireland. The appointment is for a period of 3 years.

Three Commissioners (Professor Sean Doran, Mr Robert Hunniford and Mr Neil Faris) were appointed on 10 March 2008 by the Secretary of State after consultation with the then Lord Chancellor, First Minister and deputy First Minister, and the Attorney General for Northern Ireland. The fourth Commissioner (Dr Venkat Iyer) was appointed following a similar process on 8 September 2008.

In line with their original terms of appointment, Professor Doran, Mr Hunniford and Mr Faris were re-appointed by the Minister of Justice after consultation with the First Minister, deputy First Minister and the Attorney General for Northern Ireland for a further period of two years until 8 March 2013, and Dr Iyer for a further period of up to four years until 31 August 2015, (subject to a business needs review in 2013).

Commissioners posts are subject to performance management procedures.

### Chief Executive

The Chief Executive (Ms Judena Goldring) was appointed in August 2007. The Chief Executive Officer post is a direct recruitment permanent post and is subject to performance management procedures and arrangements. The Chief Executive must be legally qualified.

During the absence of the Chief Executive, the temporary services of Mr Ken Millar were engaged by the DOJ to cover the period from 15 March 2012.

A list of the full staffing of the Commission during 2011-12 is shown on page 8.

## Full Membership of the Commission during 2011/12

### COMMISSION BOARD

#### Chairman

The Honourable Mr Justice McCloskey

#### Commissioners

Professor Sean Doran (Barrister-at-Law)

Mr Neil Faris (Solicitor)

Mr Robert Hunniford (Lay Commissioner)

Dr Venkat Iyer (Law Academic)

#### Chief Executive

Ms Judena Goldring MA, Solicitor

#### Acting Chief Executive

Mr Ken Millar (from 15/03/12)

### PROJECT LAWYERS

Ms Katie Quinn LL.B., MSc

Ms Imelda McAuley LL.B., LL.M.

Ms Clare Irvine LL.B., Solicitor

Ms Angela Kelly, LL.B., (Hons), Solicitor (*Temporary*)

### LEGAL RESEARCHERS

Ms Nicola Smith BA (Int), LL.B., LL.M. - (Legal Researcher)

Mrs Rebecca Ellis LL.B., (Hons), Solicitor - (Legal Researcher)

Mrs Patricia MacBride BA, LL.M, JD, Attorney-at-law - (Legal Researcher)

Dr Catherine O'Dwyer BA Hons, M.A., PhD - (Legal Researcher)

Mr John Clarke, LL.B. - (Legal Researcher)

Miss Sara Duddy, LL.B., LL.M., Solicitor - (Legal Researcher)

### LEGISLATIVE DRAFTSMAN

Mr Ronan Cormacain LL.B., LL.M.

### BUSINESS SUPPORT TEAM

Business Manager - Mr Derek Noble

Communications & HR Manager - Mrs Cathy Lundy

Personal Secretary to Chairman & Chief Executive - Ms Paula Martin

Events Co-ordinator – Miss Julie Cassidy (*Temporary*)

Administrative Officer - Miss Joanne Kirk

## 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. Bail law.
4. The law and procedures relating to vulnerable witnesses in civil cases.
5. The law and procedures relating to multi unit (domestic) developments (apartments).

### Progress

The objectives of the other three projects (3 to 5) and the broad progress up to 31 March 2012 are set out below. (Detailed targets and achievements within each project are described in the Management Commentary, from page 17).

### **Bail law**

Following the close of the consultation period on the bail consultation paper, the bail team carried out extensive equality work in relation to the bail proposals. A further equality screening of the bail proposals was conducted, drawing on both qualitative and quantitative data, and a decision was taken to screen the bail proposals in for full Equality Impact Assessment. The bail team liaised closely with the Equality Commission NI during the preparation of the Equality Screening exercise and was commended as demonstrating evidence of best practice.

During the course of the preparation of the Equality Impact Assessment (EQIA), the Commission identified a number of information gaps and, following discussions with the Equality Commission, undertook to gather further data on which to consult and base decisions. In particular, it was decided that additional information may be required in relation to the following section 75 groupings:

- Racial group: Ethnic minorities
- Disability: mental health and/or learning difficulties
- Multiple identity grouping: young men

The Bail Equality Impact Assessment went out to consultation on the 5 July 2011 with a closing date for responses of the 11 October 2011. One organisation who responded to the EQIA consultation has informed the Commission that it is intending to use the Bail EQIA as a model EQIA for training purposes.

The Bail project received a commendation in the Northern Ireland Commissioner for Children and Young People (NICCY) Participation Awards in November 2011 for effective engagement with young persons. Members of the team attended the awards event on 23rd November 2011 in the Long Gallery at Stormont. The event was

sponsored by Junior Ministers Martina Anderson and Jonathan Bell and was also attended by Justice Minister David Ford.

The Bail team analysed closely all of the responses to the bail consultation paper, alongside the responses to the EQIA in formulating its final policy recommendations. Instructions for the legislative drafter were completed and forwarded in December 2011. The final report and the accompanying draft legislation are near completion.

### **Law and procedures relating to vulnerable witnesses**

The formal consultation period closed on 30 June 2010. The responses received were substantial and helpful. They were analysed and taken account of in the preparation of the Report. The drafting of the final report was completed at the end of March 2011 and following preparation of draft legislation to implement proposals, the Project Team published both the Report and draft Bill in July 2011. In its Report the Commission sets out its proposals for the reform of the law relating to vulnerable witnesses. The Commission's recommendations are intended to assist certain witnesses, who may experience particular difficulties, to give their best evidence in civil proceedings. In particular, the Commission's scheme aims to protect children, those living with mental illness, learning disabilities and physical disabilities and disorders and those who may experience fear and distress in connection with testifying. Furthermore, the Commission has also made a number of recommendations for the reform of the law relating to the competence of witnesses to give evidence in civil proceedings.

### **Multi unit developments (Apartments law)**

The last fifteen years have witnessed a marked increase in the number of multi-unit developments (MUDs) / apartments in Northern Ireland. The reasons for this include: a move towards higher density living in urban areas; a demand for greater choice in housing provision; increased property development in view of the more settled political landscape; a demand for affordable housing by first-time buyers; an increase in the buy-to-let market (particularly from 2003 to 2007); and the development of more sophisticated forms of apartment living including the emergence of MUDs on a much larger scale, e.g. the Obel Tower and Titanic Quarter. All of these factors have quickened the pace of multi-unit developments.

This growth in the multi-unit development sector has not been coupled with an increase in regulation. Unlike other parts of the United Kingdom and the Republic of Ireland, Northern Ireland does not have a dedicated piece of legislation which provides a clear and comprehensive legal framework for MUDs. Such a framework is needed to address the complex interlocking issues which arise as a result of the nature of interdependent living and the sharing of common areas, facilities and services.

The Project formally commenced on 1 April 2010, and the aims of the Project are:

- to assess the evidence of problems in practice and evaluate the need for new legislation;
- to analyse the different types of legislative models which are used to regulate MUDs and assess the most appropriate model for Northern Ireland;

- to consult key stakeholders including unit owners, owners' management companies, managing agents, developers, the Law Society of Northern Ireland, MLAs, etc.; and
- to develop detailed legislative proposals which are tailored to the particular context in Northern Ireland and which address the problems arising in this jurisdiction.

The project team working on the law and procedures relating to multi-unit developments has completed the background legal research and has undertaken significant pre-consultation work.

A questionnaire was issued to apartment owners/owners' management companies to ascertain their views. Over 100 responses were received, many of which were very detailed. All responses to date have been analysed and we continue to accept submissions from apartment-owners. The analysis of all responses received has been and will continue to be integrated into the draft Consultation Paper.

The Commission has also met with numerous key stakeholders including developers, managing agents, apartment owners, legal professionals, representatives of lending institutions, surveyors and insurers. Consultation with these groups has assisted the Commission to identify the problems in practice and gather views on the adequacy of the current law.

A consultation paper is currently being drafted and is due to be published later in 2012.

### **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 and 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.

The consultation paper was published on 1 March 2012 and a final report is expected in early 2014.

## **Publication of Second Programme of Law Reform**

The full content of the Northern Ireland Law Commission's draft Second Programme was completed and submitted to the Minister of Justice in June 2011.

The Minister did not approve the entire content of the draft Second Programme. It was decided by the Department of Justice that further consideration of the parameters of a law reform project in the area of coronial law was required at the Departmental level. It is hoped that, in due course, the Commission may take forward a law reform project in this area.

The Department of Finance and Personnel indicated that it did not consider the Commission's proposed project on reform of Intestacy law as a priority and it did not wish to raise expectations about wider legislative amendments. The Department also indicated that it would handle the reform of the registration of births and acquisition of parental responsibility for unmarried fathers.

Under Section 51 of the Justice (NI) Act 2002, the Minister referred additional projects to the Commission in the form of:-

- I. The unfitness of an accused person to plead
- II. The criminal law defence of insanity and;
- III. the initiation of criminal prosecutions.

The Minister also gave formal approval for certain aspects of landlord and tenant law and regulation of health care professionals in Northern Ireland to proceed, pending formal approval of the Second Programme. (published in July 2012)

The bail law and multi unit development (apartments) law projects from the First Programme have been continued into the Second Programme.

## **Second Programme Projects**

### **The Unfitness of an Accused Person to Plead**

The project on "Unfitness to Plead" forms part of the Second Programme of Law Reform which is being undertaken by the Northern Ireland Law Commission. It is a project which has been referred to the Commission by the Department of Justice and forms one element of the work being taken forward as part of the criminal justice response to work being undertaken by The Department of Health, Social Services and Public Safety (DHSSPS) in relation to mental capacity and mental health law as a result of the recommendations of the Bamford Review of Mental Health and Learning Disability.

The law relating to unfitness to plead is concerned with the mental state of the accused person at the time of, or during, his or her trial. The accused person may be experiencing, for example, mental illness or learning disability to such a degree that the

law recognises that he or she should not be subjected to a criminal trial, since the individual in question may be rendered incapable of effectively participating in the trial.

The reference by the Department of Justice requested that the Commission considers various aspects of the law on unfitness to plead, including the test to determine unfitness, which is known as the *Pritchard* test, and the operation of Article 49A of the Mental Health (Northern Ireland) Order 1986. The hearing which is prescribed by Article 49A is designed to determine whether or not a person who is deemed by the court to be unfit to plead actually carried out the act or omission with which he or she was charged.

The project team commenced work in December 2011, with a consultation paper being prepared for publication in June 2012. It is anticipated that a final report will be published in March 2013.

### **The Defence of Insanity in Criminal Trials**

Preliminary research work on this project had commenced just before the end of this reporting period. An interim progress report on the scope of the project, and on its relationship with similar work being undertaken by the Law Commission of England and Wales, will be published in October 2012.



## Corporate governance arrangements

### Commission Board

During the period of this report the Chairman, the four Commissioners and the Chief Executive met approximately on a monthly basis.

Progress in each of the reform projects were discussed at these meetings.

The Chief Executive is the Accounting Officer for the Commission. In accordance with the Management Statement and Financial Memorandum 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 Board meetings were a forum where the Chief Executive on a regular basis provided assurance information to the Chair and Commissioners on how she 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 DOJ and DFP requirements.

Spend and decision making during the period was carried out in accordance with these governance arrangements and the Management Statement and Financial Memorandum. The Commission has continued to build upon the achievements of previous financial years and has once again contained expenditure within the funding resources made available from the sponsor Department.

In accordance with the Management Statement and Financial Memorandum quarterly review meetings between the Commission and the DOJ were held.

An annual Business Plan for the period was drawn up.

## 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 to the Commission**

Recruitment to the Commission adheres strictly 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 training.

### **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 carefully 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.

## Equality Scheme

The Commission drew up a new Equality Scheme based on the revised guidance issued by the Equality Commission and submitted to the Equality Commission in November 2011 in compliance with the timeframe set by the Equality Commission. A public consultation exercise on the new Scheme from 27 June 2011 for a period of 15 weeks ensured that all relevant parties were provided the opportunity to contribute to the final version.

## Employee Involvement

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

## Register of Interests

An up-to-date register of interests for the members of the Commission Board is maintained by the Chief Executive as Accounting Officer and is available for inspection at the Commission's offices in Linum Chambers, 2 Bedford Square, Bedford Street, Belfast BT2 7ES.

## Publications 2011-12

| <b>Title</b>   | <b>Published</b> |
|--|------------------|
| Report: Vulnerable Witnesses in Civil Proceedings<br>NILC 10 (2011)          | July 2011        |
| Annual Report and Accounts 2010 -11  | December 2011    |
| Consultation Paper: Regulation of Healthcare Professionals<br>NILC 12 (2012) | February 2012    |

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

## Management Commentary

The Commission's business plan for 2011-12 sets out the objectives for that period.

Progress against these strategic and business objectives is described below.

The Commission has two 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 the Northern Ireland Department of Justice.

### OBJECTIVES.

**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 Management Statement and Financial Memorandum governing the Commission.**

In year targets:

- Continue to develop and implement the Commission's financial control systems to ensure continuing compatibility with DOJ accounting systems and which comply with audit requirements for the period ending 31 March 2012.  
**Target Achieved**
- Publish the Annual Report and Accounts for 2010/11 by 30 September 2011.  
**Target substantially achieved – Draft submitted to NI Audit Office in September 2011, certified by the Comptroller and Audit General on 11 November 2011 and published 20 December 2011**
- Prepare and publish an Annual Business Plan for 2011/12 by 30 June 2011.  
**Target substantially achieved – Publication postponed in order to not precede the laying of the Second Programme of Law Reform before the NI Assembly in July 2012.**

- Conduct an annual review of NILC risk register by end of January 2012. **Target substantially achieved. A review of the personnel aspects of the risk register was undertaken in October 2011 specifically to address the risks created by the small team structure in the Commission. A reorganisation of staffing structures was developed to mitigate the risks in this area.**
- Prepare an audit of inequalities Action Plan and Equality Scheme and submit to the Equality Commission on 1 November 2011. **Target substantially achieved. – submitted on 17 November 2011**

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

In year targets:

- Staff Personal Performance Agreements (PPAs) and Personal Development Plans (PDPs) to be drafted and agreed in line with NICS Core Competence Framework by 30 June 2011. **Target achieved**
- Ensure appropriate staff development opportunities are identified and developed in to a one year Training and Development Plan by 30 June 2011. **Target achieved**

**1.3 To build an effective legal staff within the terms of the Commission’s resources.**

In year target:

- To put in place a legal researcher team by November 2011 to take forward the approved work plan. **Target achieved – recruitment competition completed in November 2011 and 6 Legal Researchers appointed between December 2011 and February 2012**

## **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 relating to bail**

In year targets:

- Completion of screening/EQIA by July 2011.  
**Target achieved**
- Analysis of consultation responses, policy formulation and instructions for legislative draftsman completed by October 2011.  
**Target substantially achieved – December 2011**
- Preparation of Final Report for publication by February 2012.  
**Target not achieved – Preparation of the report commenced in January 2012, but further engagement with legislative draftsman was required to ensure that the draft Bill will fully reflect the Commission's recommendations. The report and draft Bill will be finalised in July 2012.**

#### **2.2 To reform the law and procedures relating to vulnerable witnesses in civil cases.**

In year target:

- Following preparation of draft legislation to implement the proposals, both the Report and draft Bill to be published by end of July 2011.  
**Target achieved**

#### **2.3 To reform the law and procedures relating to multi-unit (domestic) developments (apartments).**

In year targets:

- Completion of stakeholder engagement meetings by end of January 2012.  
**Target achieved**
- Development of preliminary recommendations by end of March 2012.  
**Target not achieved - During this period the scope of the project was extended and staff resourcing difficulties created delays. Remedial measures were devised as a matter of priority.**

- Continue drafting of the Consultation Paper until end of March 2012.  
Target ongoing

**2.4 To reform the law relating to intestacy (family provision).**

This project was not approved by the DoJ for inclusion in the Second Programme.

The Department of Finance and Personnel indicated it would be considering this area of law reform.

**2.5 To reform the law relating to coroners and inquests.**

Although the Commission had Departmental approval to take forward preliminary work in this area, the project was not approved by the DoJ for inclusion at this stage in the Second Programme.

**2.6 To reform the law relating to parental responsibility on re-registration of unmarried fathers on birth certificate.**

This project was not approved by the DoJ for inclusion in the Second Programme.

The Department of Finance and Personnel indicated it would be taking forward this area of law reform.

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

In year targets:

In line with needs of the Law Commission of England and Wales to include:

- Provide input to final draft consultation paper by end of November 2011.  
Target achieved
- Publication of the consultation paper by end of February 2012.  
Target achieved

### **Forward look to 2012-13**

The resources of the Commission during the next year (2012-13) will be focused on completing the two projects rolled over from the First Programme (Bail Law and Multi-unit developments/apartments) and commencing work on the new 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.

The Commission will continue to operate its corporate governance arrangements on the basis set out in this Report.

### **Personal data related incidents**

During the financial year 2011-12, 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. The Commission has continued its commitment to reducing waste, implementing a policy to recycle waste paper, cardboard and spent printer toner cartridges. In addition, our modern office premises incorporates an extensive range of energy saving systems, including automatic lighting, zoned air conditioning, and water systems.



## The Commission's running costs during 2011-12

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

| <b>Expenditure</b>   | <b>Year to<br/>31 March 2012</b> |
|--|----------------------------------|
|  | <b>£k</b>                        |
| <b>Staffing Salary Costs</b><br>(including national insurance contributions and superannuation payments)   | <b>642</b>                       |
| <b>Accommodation</b><br>(including rent, rates, service charges and maintenance)   | <b>175</b>                       |
| <b>Other professional legal services</b>   | <b>23</b>                        |
| <b>Other non staff running costs</b><br>(including general office expenditure, printing, training, travel and subsistence and library subscriptions) | <b>35</b>                        |
| <b>Total</b>   | <b>875</b>                       |

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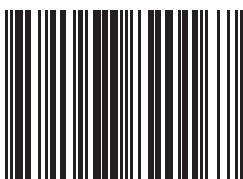
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