

DEPARTMENT: Home Affairs

IMPACT ASSESSMENT OF: The Criminal Justice, Police and Courts (Amendment) Bill 2018

Stage: Consultation

Version: 02

Date: 31/05/2018

Related Publications:

Responsible Officer: Tom Bateman

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SUMMARY: INTERVENTION AND OPTIONS

Briefly summarise the proposal's purpose and the intended effects

The purpose of the Bill is to address a number of technical issues connected with the courts and criminal justice. It is intended the Bill will extend the use of live links with respect to court proceedings (e.g. to include certain sentencing and other hearings), make further provision for the enforcement of the payment of fixed penalty fines, enable conditional bail to be granted by the police for a limited period and place the Criminal Justice Board on a statutory basis.

What are the options that have been considered

Option 1: The Bill is not progressed.

Option 2: (preferred option): Promote the Bill as drafted.

The Bill is being promoted now because it is considered important to address some issues identified in discussion between criminal justice agencies at this time.

Link to Programme For Government:

Healthy and safe Island – Continue to modernise our criminal justice system through the implementation of the Criminal Justice Strategy.

Responsible Departmental Member:

Responsibility for implementing the Criminal Justice Strategy lies with the Minister with the advice and assistance of his Political Members.

Ministerial sign off

I have read the Impact Assessment and I am satisfied that the balance between the benefits and any costs or resource implications is the right one in the circumstances.

Signed by the Responsible
Minister



Hon. Bill Malarkey, MHK
Date: 14th June 2018

SUMMARY: ANALYSIS AND EVIDENCE
IMPACT OF PROPOSAL
<p>Resource Issues - Financial (including personnel) Statement</p> <p>The Bill does not increase or reduce costs to, or personnel employed by, Government.</p>
<p>Likely Financial Costs</p> <p>One Off: None.</p> <p>Average Annual (excluding one off): None.</p>
<p>Likely Financial Benefits:</p> <p>One Off: None.</p> <p>Average Annual (excluding one off): It is conceivable that the greater use of live links in court proceedings and empowering the police to release persons on conditional bail may reduce certain court costs or at least enable existing resources to be better deployed (see below).</p> <p>The provisions relating to the enforcement of fines may have the beneficial effect of increasing the amount and value of fines actually collected.</p>
<p>Are there any costs or benefits that are not financial i.e. social:</p> <p>In the case of conditional bail it is envisaged this might mean fewer courts being required to convene on Saturdays simply to agree conditional bail. In the case of the greater use of live links for court proceedings it could mean that where a person has pleaded guilty to an offence they could be sentenced via the live link instead of having to be brought before the court (if in custody) or brought back to the Island just for a short sentencing hearing (if off Island).</p>
<p>Which Business sectors/organisations will be impacted, if any, and has any direct consultation taken place?</p> <p>These proposals affect court procedures and related matters and therefore do not impact on businesses.</p>
<p>Do the proposals comply with privacy law? Please provide a brief statement as to any issue of privacy or security of personal information.</p> <p>The proposals do not affect privacy law.</p>
<p>Has Treasury Concurrence been given for the preferred option</p> <p>Treasury concurrence has not been sought as the Bill neither increases, nor decreases, revenue to Government or affect personnel matters.</p>
<p>Key Assumptions / Sensitivities / Risks</p> <p>A key assumption is that there will be general public support for the legislation. In</p>

particular, with advances in technology, it is possible to do much more by means of live links. It is assumed live links will enable more court proceedings (such as certain sentencing hearings) to be conducted in a manner convenient to all parties.

Approximate date for legislation to be implemented if known

Subject to public consultation and review, and revision of the Bill in the light of views expressed during the consultation, the current intent would be to introduce the legislation into the Branches before Christmas 2018.

SUMMARY: CONSULTATION

Consultation in line with Government standard consultation process Yes

Date

1st Consultation 2nd Consultation

Summary of Responses:

