

17 December 2024

REFERENCE: FOI24\144

Dear Sir,

Thank you for your request for information dated 6 December 2024 and detailed below.

You requested the following information regarding law reform in Northern Ireland:

1. Since the Law Commission for Northern Ireland was made non-operational, has the Civil Justice Policy Division or any other body within the Department of Justice considered or undertaken law reform on any pieces of legislation?
2. If so, could you provide a list of the specific pieces of legislation reviewed or considered for reform, along with details of any resulting actions, consultations, or reports?

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption. To be helpful the response to your question has been supplemented with additional information answered under Line of Business.

In response to question 1, since the Law Commission for Northern Ireland was made non-operational in April 2015, the Department of Justice has undertaken many new pieces of, and substantive changes to, legislation.

In response to question 2, the Department does not hold a list of the specific pieces of legislation reviewed or considered for reform, along with details of any resulting actions, consultations, or reports. However, some of the information you have requested under question 2 is covered by the following section of the Freedom of Information Act 2000:

- Section 21 (Information accessible to applicant by other means)

Absolute Exemption

Section 21 (Information accessible to applicant by other means (1) Information which is reasonably accessible to the applicant other than under section 1 is exempt information)

Section 21 is an absolute exemption and there is no requirement to consider the public interest test.

You may wish to refer to the Department's website at <https://www.justice-ni.gov.uk/consultations?page=0>, which details the consultations that have been undertaken by the Department, dating back to 2011. Each consultation has its own page which, where applicable, details the issue that was consulted on, and the next steps to be taken.

The legislation that established the Law Commission for Northern Ireland was not repealed, meaning it continues to have a statutory footing, albeit only the Chair is currently in place. There are no commissioners, staff, work plan, premises or budget assigned to the Commission.

It has provided a Northern Ireland perspective into some wider reviews carried out by the Law Commission of England and Wales, namely the Review of the Arbitration Act 1996, and Immigration consolidation.

You may also be interested to know that a project of law reform is currently being undertaken under the auspices of the Northern Ireland Law Commission, in conjunction with Queen's University Belfast through the QUB Collaborative Student placement scheme, with an exploration of potential reform of the distinction in judicial reviews of a 'criminal cause or matter' outlined in section 41(1) of the Judicature (Northern Ireland) Act 1978. This relates to the differing appeal routes to decisions of the Divisional Court (which is a special court within the King's Bench Division) to either the Supreme Court or the Court of Appeal in Northern Ireland, depending on whether the legal issue is a criminal cause or matter.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review please do so in writing stating the reasons to the address above.

If following an internal review you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask him to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Records & Information Manager