

**Document 20**

**From:** [REDACTED]

**Sent:** 30 September 2014 13:16

**To:** DOJ Minister's Office <privatof@dojni.x.gsi.gov.uk>; Stevenson, William <William.Stevenson@dojni.x.gsi.gov.uk>

**Cc:** Johnston, Gareth <Gareth.Johnston@dojni.x.gsi.gov.uk>; Lavery, David A <David.Lavery2@dojni.x.gsi.gov.uk>; Perry, Nick <Nick.Perry@dojni.x.gsi.gov.uk>; Patterson, Lian <pattersl@dojni.x.gsi.gov.uk>; Harbinson, Anthony <Anthony.Harbinson@dojni.x.gsi.gov.uk>; McAllister, Sue <Sue.McAllister@dojni.x.gsi.gov.uk>; Capper, Glyn <Glyn.Capper@dojni.x.gsi.gov.uk>; Campbell, Maura <Maura.Campbell@dojni.x.gsi.gov.uk>; McAlpine, Laurene <Laurene.McAlpine@dojni.x.gsi.gov.uk>; [REDACTED]

[REDACTED]

**Subject:** RE: Submission: SUB/1158/2014 EXP\14\231 - CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION

Billy,

The Minister has seen this letter and has commented that the AG mentioned the matter last Friday (I presume at the colloquium). He said there was a possible challenge if the Law Commission still exists but that nothing is being done. The Minister would be keen to have your thoughts on this.

[REDACTED]

---

**From:** [REDACTED]

**Sent:** 26 September 2014 14:11

**To:** Stevenson, William

**Cc:** Johnston, Gareth; Lavery, David A; Perry, Nick; Patterson, Lian; Harbinson, Anthony; McAllister, Sue; Capper, Glyn; Campbell, Maura; McAlpine, Laurene; [REDACTED]

[REDACTED]

**Subject:** Submission: SUB/1158/2014 EXP\14\231 - CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION

DEPARTMENT OF JUSTICE

Unclassified

**From:** [REDACTED]

Private Office

**To:** Stevenson William

**Date:** 26/09/2014

Action Copy: Johnston Gareth

Lavery David  
Perry Nick  
Patterson Lian  
Harbinson Anthony  
McAllister Sue  
Capper Glyn  
Campbell Maura  
McAlpine Laurene

[REDACTED]

DOJ Special Adviser

[REDACTED]

SUB/1158/2014:EXP\14\231 - CLOSURE OF THE NORTHERN IRELAND LAW  
COMMISSION

Please see attached for information.

Many thanks.

[REDACTED]

Castle Buildings Tel: [REDACTED]

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
1 October 2014**

Copy distribution below

**1. KAREN PEARSON (Agreed, KP 1/10/14)**

**2. DAVID FORD**

**SUB/1158/2014; EXP \14\231 – CLOSURE OF THE NORTHERN IRELAND LAW  
COMMISSION**

**Issue:** The Attorney General (AG) has written in response to your letter informing him that you intend to close the NILC. He asks if you intend to repeal the relevant provisions and thinks that it would be better if you did.

**Timing:** Routine

**Presentational Issues:** The AG could press his view more firmly and make it public.

**[Press Office content with this submission.]**

**FOI Implications:** Parts of this submission may be considered under s.36 of the Act.

**Financial Implications:** Not in terms of the question raised by the AG.

**Shared Future Proofing:** N/A

**Legislative Implications:** Primary legislation would be required should you agree to repeal the legislation in line with the AG's suggestion.

**Legal advice:** A summary of the legal advice obtained is contained within this submission.

**Justice Comm/Executive**

**Referral:** Not required

**Recommendation:** That you note the content of this submission and agree to write to the AG suggesting that you do not plan to repeal the founding legislation of the NILC at this time.

## Document 21

### Background

My earlier submission dated provided some advice on the closure of the NILC including letters to Executive Members, the Justice Committee, the Attorney General (AG) and the LCJ. The AG has now replied to say that he is not surprised by your decision and asks if you intend to use the current Justice Bill to repeal the relevant provisions in the Justice (Northern Ireland) Act 2002. He suggests it would "be better he thinks" to repeal sections 50-52 and Schedule 9 of the Act rather than "leave a hollow-shelled body corporate that would still be subject to the duties created by section 51 of the Act". I understand that the AG also mentioned this matter to you recently.

### Detail

2. The NILC was established under sections 50-52 and Schedule 9 of the Justice (Northern Ireland) Act 2002. [REDACTED]

[REDACTED]

[REDACTED] On balance our advice to you tended towards non-repeal primarily because it would be easier to re-establish the NILC in the future (along the lines of the Hunter model) if the legislation remained in place. While the AG thinks it would be better to repeal the legislation he does not suggest that it is essential. Our advice therefore remains that, while not the most elegant solution, the balance is in favour of keeping the legislation on the books. Should you disagree the legislation could of course be repealed; most readily by means of an amendment to the current Justice Bill.

## Document 21

### Recommendation

3. It is recommended that you reply to the AG acknowledging that, while there is an argument for repealing the legislation, you would prefer to keep the clauses on the statute book to facilitate any future re-establishment of the NILC. You may of course need to reconsider should the AG press the matter. A draft reply is attached for your consideration.

Signed

**WILLIAM STEVENSON**  
**EXT 73590**

#### Copy list

Nick Perry  
David Lavery  
Lian Patterson  
Sue McAllister  
Glyn Capper  
Maura Campbell  
Laurene McAlpine



**DRAFT LETTER FOR SIGNATURE BY DAVID FORD**

John F Larkin QC  
Attorney General for Northern Ireland  
PO Box 1272  
Belfast BT1 9LU

October 2014

**NORTHERN IRELAND LAW COMMISSION (NILC)**

Thank you for your recent letter seeking my thoughts on the possible repeal of legislation in light of my decision to close the NILC from 1 April 2015.

I did consider repealing sections 50 to 52 and Schedule 9 of the Justice (Northern Ireland) Act 2002 for the reasons you have identified. On balance, however, I would propose to leave the legislation in place. I do appreciate that this is not the tidiest outcome in terms of the statute book but I was swayed by the argument that, should funds become available in future, the Law Commission would be easier to re-establish with the legislation extant.

**DAVID FORD**  
**Minister of Justice**



Department of  
**Finance and  
Personnel**

[www.dfpni.gov.uk](http://www.dfpni.gov.uk)

DFP Private Office  
2<sup>nd</sup> Floor  
Clare House  
303 Airport Road West  
Belfast  
BT3 9ED

Tel: 028 90816711

Email: [private.office@dfpni.gov.uk](mailto:private.office@dfpni.gov.uk)

Your Ref: SUB/1158/2014

Our Ref: GM/840/2014

**FROM: SIMON HAMILTON MLA**

**DATE: 30 SEPTEMBER 2014**

**TO: DAVID FORD MLA**

Thank you for your letter of 24 September regarding the closing of the Northern Ireland Law Commission. Whilst it is regrettable that such action is necessary, I understand your reasons.

I note you will write separately to Ministers who have projects with the Commission and I should be grateful if you would inform me whether it is intended the Commission will proceed with research into the enforcement of child contact orders, as well as the timetable for completing the work on defamation.

A handwritten signature in dark ink, appearing to read 'Simon', written in a cursive style.

**SIMON HAMILTON MLA**  
**Minister of Finance & Personnel**

**FROM: WILLIAM STEVENSON**  
**CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION**  
**7 October 2014**

Copy distribution below

**1. KAREN PEARSON** [Venkat will be meeting his counterparts on 23 October and it would be helpful for him if the attached letter issued in advance KP/08/10/14]

**2. DAVID FORD**

**CLOSURE OF THE NILC**

**Issue:** That you write to Ministers with responsibility for the Law Commissions in England and Wales, Scotland, Jersey and Ireland to inform them of the closure of the NILC.

**Timing:** Routine

**Presentational Issues:** None likely  
Press office content.

**FOI Implications:** Parts of this submission may be considered under s.36 of the Act.

**Financial Implications:** None

**Shared Future Proofing:** N/A

**Legislative Implications:** None

**Legal advice:** N/A

**Justice Comm/Executive**

**Referral:** Not required

**Recommendation:** That you note the content of this submission and agree to write along the lines of the attached draft letters.

**Background**

You have decided to close the NILC from 1 April 2015. Commissioners from the Law Reform bodies in NI, England and Wales, Scotland, Jersey and Ireland meet periodically and there is some joint working between the Law Commissions within

the UK. It would therefore be appropriate and courteous to write to those Ministers with responsibility for Law Reform in each jurisdiction to inform them of your decision. Draft letters are attached for your consideration. The letters to Chris Grayling and Kenny MacAskill note the impact on the joint UK project on electoral reform. The letters to Chris Grayling and Máire Whelan have been copied to Theresa Villiers and Frances Fitzgerald respectively.

SIGNED

**WILLIAM STEVENSON**  
**EXT 73590**

Copy list  
Nick Perry  
David Lavery



Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

October 2015

## **THE NORTHERN IRELAND LAW COMMISSION**

I am writing to inform you that I have decided to close the Northern Ireland Law Commission (NILC) from 1 April 2015. My decision has been driven entirely by budget pressures.

My officials are working with NILC staff to secure an orderly run-down of the Commission between now and the end of March including the early completion, or transfer, of projects within the current programme of work. This will include input to the UK-wide review of electoral reform and NILC staff will contact their counterparts in the Law Commission for England and Wales and Scotland soon to discuss this matter.

I have copied this letter to Theresa Villiers.

**DAVID FORD**  
**Minister of Justice**

Theresa Villiers MP  
Secretary of State for Northern Ireland  
Stormont House  
Stormont  
Belfast  
BT4 3SH

October 2014

**THE NORTHERN IRELAND LAW COMMISSION**

Please find enclosed a copy of a letter sent today to Chris Grayling.

**DAVID FORD**  
**Minister of Justice**

**Enc/**

Kenny MacAskill MSP  
Cabinet Secretary for Justice  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DS

October 2014

## **THE NORTHERN IRELAND LAW COMMISSION**

I am writing to inform you that I have decided to close the Northern Ireland Law Commission (NILC) from 1 April 2015. My decision has been driven entirely by budget pressures.

My officials are working with NILC staff to secure an orderly run-down of the Commission between now and the end of March including the early completion, or agreed transfer, of projects within the current programme of work. This will include input to the UK-wide review of electoral reform and NILC staff will contact their counterparts in the Law Commission for England and Wales and Scotland soon to discuss this matter.

**DAVID FORD**

**Minister of Justice**

Ms Máire Whelan SC  
Attorney General  
The Office of the Attorney General  
Government Buildings  
Upper Merion Street  
Dublin 2  
Ireland

October 2014

### **THE NORTHERN IRELAND LAW COMMISSION**

I am aware that the Northern Ireland Law Commission (NILC) has established a good working relationship with other Law Commissions including the Law Reform Commission of Ireland. It is in that context that I am writing to inform you that I have decided to close the NILC from 1 April 2015. My decision has been driven entirely by budget pressures.

I am copying this letter to Frances Fitzgerald.

**DAVID FORD**  
**Minister of Justice**

Frances Fitzgerald TD  
Minister of Justice and Equality  
94 St Stephen's Green  
Dublin 2

October 2014

**THE NORTHERN IRELAND LAW COMMISSION**

Please find enclosed a copy of a letter sent today to Máire Whelan SC.

**DAVID FORD**  
**Minister of Justice**

**Enc/**

Senator Ian Gorst  
Chief Minister  
States of Jersey  
PO Box 140  
Cyril le Marquand House  
The Parade  
St Helier  
Jersey  
JE4 8QT

October 2014

## **THE NORTHERN IRELAND LAW COMMISSION**

I am aware that the Northern Ireland Law Commission (NILC) has established a good working relationship with other Law Commissions including the Law Commission of Jersey. It is in this context that I am writing to inform you that I have decided to close the NILC from 1 April 2015. My decision has been driven entirely by budget pressures.

**DAVID FORD**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Frances Fitzgerald TD  
Minister of Justice and Equality  
94 St Stephen's Green  
Dublin 2

*Dear Frances*

9 October 2014

**THE NORTHERN IRELAND LAW COMMISSION**

Please find enclosed a copy of a letter sent today to Máire Whelan SC.

*Yours*

**DAVID FORD MLA**  
Minister of Justice

Enc

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Ms Máire Whelan SC  
Attorney General  
The Office of the Attorney General  
Government Buildings  
Upper Merion Street  
Dublin 2  
Ireland

9 October 2014

*Dear Máire*

#### **THE NORTHERN IRELAND LAW COMMISSION**

I am aware that the Northern Ireland Law Commission (NILC) has established a good working relationship with other Law Commissions including the Law Reform Commission of Ireland. It is in that context that I am writing to inform you that I have decided to close the NILC from 1 April 2015. My decision has been driven entirely by budget pressures.

I am copying this letter to Frances Fitzgerald.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Ms Máire Whelan SC  
Attorney General  
The Office of the Attorney General  
Government Buildings  
Upper Merion Street  
Dublin 2  
Ireland

9 October 2014

*Dear Máire*

**THE NORTHERN IRELAND LAW COMMISSION**

I am aware that the Northern Ireland Law Commission (NILC) has established a good working relationship with other Law Commissions including the Law Reform Commission of Ireland. It is in that context that I am writing to inform you that I have decided to close the NILC from 1 April 2015. My decision has been driven entirely by budget pressures.

I am copying this letter to Frances Fitzgerald.

*Yours  
David*

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

9 October 2014

*Dear Chris*

## **THE NORTHERN IRELAND LAW COMMISSION**

I am writing to inform you that I have decided to close the Northern Ireland Law Commission (NILC) from 1 April 2015. My decision has been driven entirely by budget pressures.

My officials are working with NILC staff to secure an orderly run-down of the Commission between now and the end of March including the early completion, or transfer, of projects within the current programme of work. This will include input to the UK-wide review of electoral reform and NILC staff will contact their counterparts in the Law Commission for England and Wales and Scotland soon to discuss this matter.

I have copied this letter to Theresa Villiers.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Senator Ian Gorst  
Chief Minister  
States of Jersey  
PO Box 140  
Cyril le Marquand House  
The Parade  
St Helier  
Jersey JE4 8QT

9 October 2014

*Dear Senator Gorst*

#### **THE NORTHERN IRELAND LAW COMMISSION**

I am aware that the Northern Ireland Law Commission (NILC) has established a good working relationship with other Law Commissions including the Law Commission of Jersey. It is in this context that I am writing to inform you that I have decided to close the NILC from 1 April 2015. My decision has been driven entirely by budget pressures.

*Yours*  
*David Ford*

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Kenny MacAskill MSP  
Cabinet Secretary for Justice  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DS

9 October 2014

*Dear Kenny*

**THE NORTHERN IRELAND LAW COMMISSION**

I am writing to inform you that I have decided to close the Northern Ireland Law Commission (NILC) from 1 April 2015. My decision has been driven entirely by budget pressures.

My officials are working with NILC staff to secure an orderly run-down of the Commission between now and the end of March including the early completion, or agreed transfer, of projects within the current programme of work. This will include input to the UK-wide review of electoral reform and NILC staff will contact their counterparts in the Law Commission for England and Wales and Scotland soon to discuss this matter.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Theresa Villiers MP  
Secretary of State for Northern Ireland  
Stormont House  
Stormont  
Belfast  
BT4 3SH

9 October 2014

*Dear Theresa*

**THE NORTHERN IRELAND LAW COMMISSION**

Please find enclosed a copy of a letter sent today to Chris Grayling.

*Yours*  
*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

Enc

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 90528121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1218/2014

Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

9 October 2014

*Dear Chris*

#### **THE NORTHERN IRELAND LAW COMMISSION**

I am writing to inform you that I have decided to close the Northern Ireland Law Commission (NILC) from 1 April 2015. My decision has been driven entirely by budget pressures.

My officials are working with NILC staff to secure an orderly run-down of the Commission between now and the end of March including the early completion, or transfer, of projects within the current programme of work. This will include input to the UK-wide review of electoral reform and NILC staff will contact their counterparts in the Law Commission for England and Wales and Scotland soon to discuss this matter.

I have copied this letter to Theresa Villiers.

**DAVID FORD MLA**  
Minister of Justice

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
14 October 2014**

Copy distribution below

- 1. KAREN PEARSON (KP 24/10/14. We are meeting with the NILC Accounting Officer on a regular basis.)**
- 2. DAVID FORD**

**COR/765/2014: CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION (NILC)**

**Issue:** Dr Venkat Iyer, sole commissioner at the NILC has written with some concerns about the orderly wind-down of the NILC in advance of its closure from 1 April 2015.

**Timing:** Routine

**Presentational Issues:** None likely at this point.

Press Office content with this submission.

**FOI Implications:** Parts of this submission may be considered under s.36 of the Act.

**Financial Implications:** N/A

**Shared Future Proofing:** N/A

**Legislative Implications:** N/A

**Legal advice:** N/A

**Justice Comm/Executive**

**Referral:** Not required

**Recommendation:** That you note the content of this submission and agree to write to Dr Iyer along the lines of the attached draft letter

**Background**

Dr Venkat Iyer, sole commissioner at the NILC, has written in response to your earlier letter to him to explain your decision to close the NILC. While he understands your decision Dr Iyer says that it came as a surprise and he remains saddened by it. He also questions the legal status of the commission post April 2015 and asks to be

kept informed of discussions on this matter. Dr Iyer's main concern is the level of extra savings that the NILC has been asked to find in-year (around £80,000) and his view that this will compromise the orderly wind-down of the organisation and impact on the credibility of the Commission. He also notes that he has not "had the pleasure" of any consultation with officials.

2. Specifically, Dr Iyer suggests that work on the Defamation project and the Public Health projects should continue up to the closure of the NILC in April. He says that DOJ officials have asked that the defamation project should be immediately transferred to DFP.

### **Detail**

3. The NILC has been asked to find efficiencies in-year on top of the easements that have been returned due to staff not being appointed etc. While it is clear that the NILC has high fixed overheads in terms of accommodation etc the CE is working with directorate accountants and staff to identify any additional savings (£80,000 has been mentioned) and progress has been made. We would not agree with the view that no further savings can be achieved in-year. Officials have not said that the defamation project should cease immediately but we have asked for this to be considered in the context of the current budget situation. It may be that there is a natural break-point at which it may pass over before the end of March and this is being considered. Further advice may follow on the wind-down of the NILC work programme.

4. Officials have kept in close touch with the NILC through the CE and met with the CE and Dr Iyer last week. The meeting was constructive and covered the issues raised in Dr Iyer's letter and should have allayed at least some of his concerns.

### **Recommendation**

5. It is recommended that you reply along the lines of the attached draft letter.

signed

**WILLIAM STEVENSON**  
**EXT 73590**

Copy list  
Nick Perry  
David Lavery



## **DRAFT LETTER FOR DAVID FORD'S SIGNATURE**

Dr Venkat Iyer  
Commissioner  
Northern Ireland Law Commission  
Linum Chambers  
8<sup>th</sup> Floor  
2 Bedford Square  
Bedford St  
Belfast BT2 7ES

October 2014

### **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION (NILC)**

Thank-you for your letter dated 10 October following my decision to close the Commission from 1 April 2015 with an orderly wind-down between now and then. I am grateful for your understanding of the issues involved and I appreciate the sadness that will be felt by yourself and staff at the Commission. I would emphasise that the decision was taken with regret and is a direct consequence of the very difficult financial pressures facing us in-year and beyond.

These pressures mean that there is a need to identify all uncommitted and non-essential expenditure in the current financial year; this applies equally to the department and all of its arm's length bodies. I am sorry that this process is causing additional stress within the Commission but I am afraid that it is necessary to ensure that the department can live within a much-constrained budget this year while protecting front-line services as much as possible. That said, it is not the case that all current work at the Commission must cease now and I am aware that officials are working with you and the Chief Executive to identify the optimum outcome in each case.

I am grateful for your co-operation during this sensitive and difficult time for the Commission. I understand that, since writing, you have met with officials and discussed many of issues raised in your letter. I have asked officials to ensure that this communication is maintained so that you and staff at the Commission are fully engaged and informed as the wind-down proceeds.

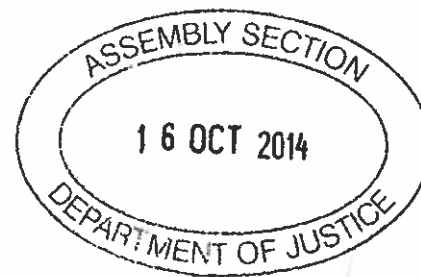
**DAVID FORD MLA**

**Minister of Justice**



**AN TARD-AIGHNE  
THE ATTORNEY GENERAL**

Tithe an Rialtais, Sraid Mhuirfean Luchtarach, Baile Atha Cliath 2  
Government Buildings, Upper Merrion Street, Dublin 2  
MD Mairián Doiciméad/DX Document Exchange: DX7 Baile Atha Cliath/DX7 Dublin  
Teileafón/Telephone: +353-1-661 6944 Facs/Fax: +353-1-662 3969  
Riomphost/Email: [info@agirlgov.ie](mailto:info@agirlgov.ie) url: [www.irlgov.ie/ag](http://www.irlgov.ie/ag)



14<sup>th</sup> October 2014

Our Ref: AGPO/2014/04793  
Your Ref: SUB/1218/2014

Mr David Ford MLA  
Minister for Justice  
Department of Justice  
Ministers Office Block B  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

**Re: The Northern Ireland Law Commission**

Dear Minister,

I wish to acknowledge your letter dated 9<sup>th</sup> October in relation to the above matter which has been brought to the attention of the Attorney General.

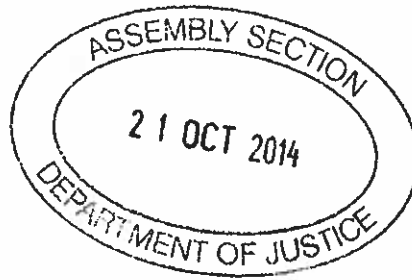
Yours sincerely,

**Ian Coleman**  
Private Secretary to the  
Attorney General

{ack141014b.docx}



Ministry  
of Justice



David Ford MLA  
Minister of Justice  
Minister's Office Block B  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

**The Right Honourable  
Chris Grayling MP**

Lord Chancellor and  
Secretary of State for Justice  
102 Petty France  
London  
SW1H 9AJ

T 020 3334 3555

F 020 3334 3669

E [general.queries@justice.gsi.gov.uk](mailto:general.queries@justice.gsi.gov.uk)

[www.gov.uk/moj](http://www.gov.uk/moj)

Your ref: SUB/1218/2014  
Our ref: 15445

17 October 2014

**NORTHERN IRELAND LAW COMMISSION**

Thank you for your letter of the 9<sup>th</sup> October regarding the closure of the Northern Ireland Law Commission.

I note that as part of your closure process for the Northern Ireland Commission you will be engaging with the Law Commission for England and Wales on the project that is being jointly undertaken on electoral reform. I know that this will be appreciated by the Law Commission for England and Wales.

As part of the winding up process for the Northern Ireland Law Commission I would be grateful if you could ensure that nothing is done which would cause problems for the Law Commission for England and Wales in respect of jurisdiction.

I have copied this letter to Theresa Villiers.

**CHRIS GRAYLING**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/765/2014

Dr Venkat Iyer  
Commissioner  
Northern Ireland Law Commission  
Linum Chambers  
2 Bedford Square  
Bedford St  
Belfast BT2 7ES

27 October 2014

*Dec Dr Iyer*

Thank-you for your letter dated 10 October following my decision to close the Commission from 1 April 2015 with an orderly wind-down between now and then. I am grateful for your understanding of the issues involved and I appreciate the sadness that will be felt by yourself and staff at the Commission. I would emphasise that the decision was taken with regret and is a direct consequence of the very difficult financial pressures facing us in-year and beyond.

These pressures mean that there is a need to identify all uncommitted and non-essential expenditure in the current financial year; this applies equally to the department and all of its arm's length bodies. I am sorry that this process is causing additional stress within the Commission but I am afraid that it is necessary to ensure that the department can live within a much-constrained budget this year while protecting front-line services as much as possible. That said, it is not the case that all current work at the Commission must cease now and I am aware that officials are working with you and the Chief Executive to identify the optimum outcome in each case.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

I am grateful for your co-operation during this sensitive and difficult time for the Commission. I understand that, since writing, you have met with officials and discussed many of issues raised in your letter. I have asked officials to ensure that this communication is maintained so that you and staff at the Commission are fully engaged and informed as the wind-down proceeds.

**DAVID FORD MLA**  
Minister of Justice



**Law  
Commission**

Reforming the law

The Right Honourable Chris Grayling MP,  
Lord Chancellor and Secretary of State for  
Justice,  
Ministry of Justice,  
102, Petty France,  
London. SW1H 9AJ.

**The Rt. Hon. Sir David Lloyd Jones  
Chairman**

Law Commission  
1st Floor, Tower, Post Point 1.50  
52 Queen Anne's Gate  
London. SW1H 9AG  
(access through 102 Petty France)

t 020 3334 5270  
f 020 3334 4198  
e david.lloydjones@lawcommission.gsi.gov.uk

28 October 2014

*Dear Lord Chancellor,*

**NORTHERN IRELAND LAW COMMISSION**

I am grateful to you and the Ministry of Justice liaison team for keeping us informed of the position in relation to the proposed closure of the Northern Ireland Law Commission ("NILC"). In that regard I have been shown correspondence between Mr. David Ford MLA and yourself.

I am sure you will understand that the Law Commissioners and I have real concerns both as to the proposal that the NILC should be summarily disposed of in this way and as to the constitutional propriety of the Northern Ireland Executive simply cutting off funding to a body established by Act of Parliament without amending legislation. However, in this letter I need to draw to your attention the real practical difficulties which the proposal creates for the Law Commission of England and Wales. I hope it will be helpful if I describe them briefly.

Since the creation of the NILC under the Justice (Northern Ireland) Act 2002 we have worked closely with our colleagues both in Scotland and in Northern Ireland on projects which sensibly could only be undertaken on a UK wide basis, whether they sit within devolved competence (our recent project on the Regulation of Healthcare Professionals) or within the reserved field (our current project on Electoral Law). While the majority of the work on these projects has been done by our staff, the projects require the expert input of the staff of the NILC which, as matters stand, is the statutory law reform body in respect of Northern Ireland.

The first difficulty which the closure of the NILC would cause us relates to our statutory powers. The Law Commission of England and Wales has no power to undertake law reform projects or to make recommendations for reform in respect of the law in Northern Ireland. This follows from section 1(1), Law Commissions Act 1965 as amended.

The second difficulty is a practical one. Effective proposals for the reform of the law of Northern Ireland can be achieved only with the active involvement of a body familiar with the particular features of the existing law and the needs of that Province. Thus, both in the project on Regulation of Healthcare Professionals and that on Electoral Law, we have been dependent on the NILC, as a partner in the project, in this regard. For example, the NILC has had to work proactively to ensure that we engage with the relevant stakeholders in Northern Ireland and properly take account of their particular views.

Our immediate and most pressing concern relates to our current project on Electoral Law, which is a tripartite project undertaken jointly with NILC and the Scottish Law Commission. Here the law of Northern Ireland is markedly different from that of England and Wales and that of Scotland and, while our staff are leading the project, they are heavily reliant on the NILC for detailed knowledge of the specific, very technical differences in the law which applies to Northern Ireland and, most important of all, of the reasons for them.

This project is partly funded by the Cabinet Office and a consultation paper, agreed by all three UK Law Commissions, is due to be published before Christmas 2014. The project has a particularly tight timetable. The consultation period has been designed to fall between the Scottish referendum and the 2015 General Election. The project is required to result in a report and draft Bill by 2017 in order to enable a Bill to be introduced and enacted in time for the general election of 2020.

Before any decision is taken to close the NILC, it is essential that arrangements should be made which would permit this project to proceed to completion.

For the same reasons, the closure of the NILC would call into question our ability to undertake law reform projects on a UK-wide basis in the future. In the absence of the NILC we would not be able to undertake such projects unless the Northern Ireland Executive took a leading role and gave significant support throughout.

The loss of the NILC will also present difficulties for our Statute Law Repeals and Consolidation functions, both of which need to be able to deal with legislation extending throughout the United Kingdom.

Given the urgency with which these issues need to be resolved, I have asked our Chief Executive to seek meetings with officials in the Northern Ireland Office, the Northern Ireland Executive, Cabinet Office and the Ministry of Justice.

I am sending a copy of this letter to Mr. David Ford MLA, in order to acquaint him with the difficulties to which the proposal would give rise and in the hope that they can be resolved.

*Yours ever,  
David*

c.c. Mr. David Ford MLA

## Document 30

29 October 2014

Kenny MacAskill MSP  
Cabinet Secretary for Justice  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

  
**Scottish Law Commission**  
*promoting law reform*

Your ref:  
Our ref: A/5/6/11

*Dear Cabinet Secretary,*

### **NORTHERN IRELAND LAW COMMISSION**

I have heard about the proposed closure of the Northern Ireland Law Commission ("NILC"), for financial reasons, and in that regard I have been shown the letter to you from David Ford MLA, Minister for Justice for Northern Ireland, dated 9 October 2014.

I have serious concerns both as to the proposal that the NILC be closed down in this way, and as to the constitutional propriety of the Northern Ireland Executive simply cutting off funding to a body established by an Act of Parliament without seeking to pass any amending legislation.

The proposal also creates pressing practical difficulties for the Scottish Law Commission. Since the creation of the NILC by the Justice (Northern Ireland) Act 2002 we have worked closely with colleagues in the Law Commission for England and Wales and in the NILC on projects undertaken on a UK wide basis, whether they come within devolved competence, such as the Regulation of Health Care Professionals, or fall within reserved matters, such as the current joint project on electoral law. This Commission cannot, of course, undertake law reform projects, or make recommendations for reform, in respect of Northern Ireland law; and only the NILC can ensure that in such projects we engage with the relevant stakeholders in Northern Ireland and take proper account of their views.

Particular issues arise in relation to our current project on electoral law, which is a tripartite project being undertaken between this Commission, the NILC and the Law Commission for England and Wales. I understand that the Chairman of the Law Commission for England and Wales has written to the Lord Chancellor and Secretary of State for Justice raising these issues as a matter of urgency, and seeking meetings to discuss them with officials in the Northern Ireland Office, the Northern Ireland Executive, Cabinet Office and the Ministry of Justice. I wish to lend my strong support to the views expressed by Sir David Lloyd Jones and I very much hope that these discussions can resolve the issues.

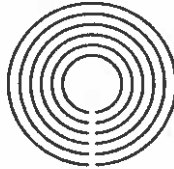
I am copying this letter to David Ford MLA.

*Yours sincerely*  
*Paul B. Curran*

**LORD PENTLAND**



**Law  
Commission**  
Reforming the law



**LAW REFORM**  
COMMISSION/COMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ



**Scottish Law Commission**  
*promoting law reform*

Mr David Ford MLA  
Minister of Justice  
Minister's Office Block B  
Castle Building  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG

Dear Minister,

The Law Commissions which we represent and the Northern Ireland Law Commission ("NILC") meet annually to discuss matters of common interest. At our meeting in Dublin on 24 October we discussed the proposed closure of the NILC of which you have informed our respective Ministers.

We write to record our concern and regret at the proposed closure of a body which is an effective force for law reform in Northern Ireland and with which we have developed valuable working relationships.

Most common law countries have law commissions established to review and make recommendations to government on law reform, its modernisation and development. They provide an opportunity for a systematic review of matters which might not otherwise be undertaken. We believe that the existence of an independent law reform body is of great importance for any legal system and particularly for smaller systems in which the scope for development of the law by way of judicial decisions is limited.

While we understand that closure of the Commission is proposed purely for financial reasons, we respectfully wonder whether proper account has been taken of the major contribution the Commission has made to the promotion of the rule of law in your jurisdiction and of the need for such a body in the future.

Yours sincerely,

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission of England and Wales

Mr Justice John Quirke  
President  
Law Reform Commission of Ireland

The Hon Lord Pentland  
Chairman  
Scottish Law Commission

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
10 November 2014**

See distribution below

- 1. KAREN PEARSON (KP 11/11/14)**
- 2. DAVID FORD**

**SUB/1218/2014 and COR/863/2014: CLOSURE OF THE NILC**

**Issue:** The Chairmen/President of the Law Commissions of England and Wales, Scotland and Ireland have written a joint letter to you to express their disappointment at your decision to close the NILC. The Chairman of the Jersey Law Commission later wrote in support of the joint letter.

**Timing:** Routine.

**Presentational Issues:** You reply could be made public.

Press office content.

**FOI Implications:** Likely to be disclosable.

**Financial/Legal/Shared  
Future Proofing/Legs  
Implications:**

N/A.

**Justice Committee/  
Executive Referral:**

N/A

**Recommendation:** That you note the contents of this submission and agree to reply along the lines of the attached draft.

**Background**

The Heads of the Law Commissions for England and Wales, Scotland, Ireland, Northern Ireland and Jersey meet annually. Closure of the NILC was discussed at the recent meeting of the group held in Dublin on 24 October after which the following wrote a joint letter to you;

- The Rt Hon Sir David Lloyd Jones, Chairman of the Law Commission of England and Wales,

- The Hon Lord Pentland, Chairman of the Scottish Law Commission, and
- Mr Justice John Quirke, President, Law Reform Commission of Ireland.

Clive Chaplin, Chairman of the Jersey Law Commission later wrote in support of the joint letter (Cor/863/2014 refers).

2. The letter records concern and regret at the proposed closure noting that the NILC is an effective force for law reform in NI with which the other Law Commissions have developed a valuable working relationship. The writers note that most common law countries have law commissions and believe that the existence of an independent law reform body is of great importance for any legal system and particularly smaller systems.

3. The writers say they understand the closure is purely for financial reasons and respectfully wonder whether proper account has been taken of the major contribution the Commission has made to the promotion of the rule of law in your jurisdiction.

4. You have also been copied letters written by Sir David Lloyd Jones to Chris Grayling and by Lord Pentland to Kenny Macaskill. Both letters are similar if a little harsher in tone than the letter sent directly to you. They note concerns about the "summary disposal of the NILC" and "the constitutional propriety of the Northern Ireland Executive simply cutting off funding to a body established by Act of Parliament without amending legislation". More practically, the letters note the difficulty in taking forward UK-wide law reform projects which require expert input by the NILC. The impact on the current electoral reform project is noted as a concern.

## **Recommendation**

5. It is recommended that you respond to the joint letter to re-iterate that your decision was made with some regret in light of a difficult financial settlement and that work is underway to deal with the early completion or hand-over of existing projects. You should copy the letters to Chris Grayling and Kenny MacAskill and Clive

Chaplin. For completeness you might also copy to Frances Fitzgerald and Dr Venkat Iyer. Draft letters are attached for your consideration.

SIGNED

**WILLIAM STEVENSON**

Copy list

Nick Perry

David Lavery



Draft letter to be signed by David Ford to each of the following

The Rt. Hon. Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London SW1H 9AG

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

**THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services front-line services have had to be given greater priority.

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

**DAVID FORD MLA**

**Minister of Justice**

Draft letter for David Ford's signature to each of the following

Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London SW1H 9AJ

Kenny MacAskill MSP  
Cabinet Secretary for Justice  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DS

Frances Fitzgerald TD  
Minister of Justice and Equality  
94 St Stephen's Green  
Dublin 2

Clive Chaplin  
The Jersey Law Commission  
44 Esplanade  
St Helier  
Jersey  
JE4 9WJ

Dr Venkat Iyer  
Commissioner  
Northern Ireland Law Commission  
Linum Chambers  
2 Bedford Square  
Belfast  
BT2 7ES

November 2014

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

**DAVID FORD MLA**  
**Minister of Justice**

**/encl**

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
7 November 2014**

Copy distribution below

- 1. KAREN PEARSON (KP, 11/11/14)**
- 2. DAVID FORD**

**EXP\14\231: CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

**Issue:** Paul Givan has written on behalf of the Justice to request clarification of the rationale for your decision to close the NILC given that this appears to be a departure from a recommendation in the Criminal Justice Review that there should be a Law Commission.

**Timing:** Routine

**Presentational Issues:** Your reply will likely be made public at the Justice Committee.

Press Office content with this submission.

**FOI Implications:** Likely to be disclosable.

**Financial Implications:** The primary reason for deciding to close the NILC is financial. We expect savings against the budget this year and further savings next year which will assist the department to live within its budget settlement.

Reviewed by Finance.

**Shared Future Proofing:** N/A

**Legislative Implications:** N/A

**Legal advice:** N/A

**Executive Referral:** Not required

**Recommendation:** That you note the content of this submission and agree to write to Mr Givan along the lines of the attached draft.

## **Background**

You wrote to the Justice Committee on 22 October to notify members of your decision to close the NILC from 1 April 2015. This was noted without comment by the Committee. Alban Maginness however raised the matter at the meeting on 29 October and asked that the Committee write to ask you provide further clarification on the rationale for your decision given that the establishment of a law commission appears to be a departure from a recommendation in the Criminal Justice Review (CJR).

2. The Law Commission was established following a recommendation in the CJR and this was included in the discussions around the future of the NILC. Interestingly, the CJR also recommends inter alia that the Commission should receive a sufficient budget to do its work. The reality is that you had agreed to reform the NILC in line with John Hunter's review and the decision to close was made due to budget pressures and with some regret.

## **Recommendation**

3. It is recommended that you reply to Mr Givan along the lines of the attached draft reply.

signed

**WILLIAM STEVENSON**

**EXT 73590**

### Copy list

Nick Perry

David Lavery

Lian Patterson



## **DRAFT LETTER FOR SIGNATURE BY DAVID FORD**

Paul Givan MLA  
Chairman of the Committee for Justice  
Room 242  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

November 2014

### **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

Thank-you for your letter dated 3 November seeking clarification on the rationale for my decision to close the Northern Ireland Law Commission noting that the establishment of the Commission was part of the Criminal Justice Review.

My original intention earlier this year was to restructure the Board and senior staffing at the Commission following an independent review undertaken in late 2012 in line with DFP guidance on the sponsorship arrangements for arms' length bodies. In this context work was underway to appoint a new Chairman, Commissioners and a Director of Law Reform and to prepare a new work programme of law reform.

However, the scale of the budget cuts faced by the DOJ in –year and beyond meant that all such plans had to be reviewed. In light of this I took the decision to close the Commission from 1 April 2015 in order to redirect resources and to protect front-line services as much as possible.

While the Criminal Justice Review recommended the establishment of law reform function it also said that such a body must be adequately resourced. Unfortunately, I am unable to provide the necessary resources in light of the financial pressures facing my department.

I would want to emphasise that I do appreciate and value the function of law reform and the work of the Law Commission to date. As I indicated in my earlier letter my decision was taken with regret and I would hope that the Law Commission may be re-established should funds become available in future. At this time I cannot say when that might be.

**DAVID FORD MLA**  
**Minister of Justice**

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
10 November 2014**

See distribution below

1. **KAREN PEARSON (KP 11/11/14)**
2. **DAVID FORD**

**BRIEFING FOR YOUR MEETING WITH THE ATTORNEY GENERAL**

**Issue:** You are meeting with the Attorney General to discuss closure of the NILC.

**Timing:** The meeting has been arranged for 18 November.

**Presentational Issues:** This is a private meeting.

Press office content.

**FOI Implications:** May be withheld.

**Financial/Legal/Shared  
Future Proofing/Legs  
Implications:**

The meeting will likely discuss the legislative options.

**Justice Committee/  
Executive Referral:** Not unless legislation is planned.

**Recommendation:** That you note the background to this case and the attached lines.

**Background**

The attached submission was prepared following the Attorney General's (AG) reply to your letter informing him of your decision to close the NILC.

2. Rather than send the draft letter to the AG you asked to meet with him and this has been arranged for 18 November in the AG's room, Parliament Buildings at 11.00 with a pre-brief at 10.45. Karen Pearson will attend the meeting and the pre-brief.

3. The AG's view on whether the legislation that established the NILC should be repealed will be important. While it would offer a neat solution with no residual risks it would mean that new legislation would be required to re-establish the Commission in future. This balance will no doubt feature in your discussion and it will be useful to have the AG's view to inform your decision.

4. There has been very little comment about the closure of the NILC apart from a joint letter from the Chairs of other Law Commissions in GB, Jersey and Ireland who wrote to express their general concern.

SIGNED

**WILLIAM STEVENSON**

**EXT 73590**

Copy list

Nick Perry

David Lavery

Lian Patterson

Maura Campbell



**Document 35**

**From:** [REDACTED]

**Sent:** 12 November 2014 08:12

**To:** Stevenson, William <William.Stevenson@dojni.x.gsi.gov.uk>

**Cc:** Perry, Nick <Nick.Perry@dojni.x.gsi.gov.uk>; Lavery, David A <David.Lavery2@dojni.x.gsi.gov.uk>;

Patterson, Lian <pattersl@dojni.x.gsi.gov.uk>; Campbell, Maura

<Maura.Campbell@dojni.x.gsi.gov.uk>; [REDACTED]

[REDACTED]

**Subject:** Submission: SUB/1383/2014 BRIEFING FOR YOUR MEETING WITH THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE

Unclassified

**From:** [REDACTED]

Private Office

**To:** Stevenson William

**Date:** 12/11/2014

Action Copy: Perry Nick

Lavery David

Patterson Lian

Campbell Maura

[REDACTED]

SUB/1383/2014:BRIEFING FOR YOUR MEETING WITH THE ATTORNEY GENERAL

The Minister has seen and read your submission of 10/11/2014 and noted it accordingly.

Many thanks.

[REDACTED]

Castle Buildings Tel: [REDACTED]

**FROM: WILLIAM STEVENSON  
CRIMINAL JUSTICE POLICY & LEGISLATION DIVISION  
14 November 2014**

See distribution below

- 1. KAREN PEARSON (KP 17/11/14)**
- 2. DAVID FORD**

**CLOSURE OF THE NILC; IMPACT ON THE WORK PROGRAMME**

|                                                                          |                                                                                                                                                                               |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Issue;</b>                                                            | <b>That you write to Ministers with an interest in the NILC work programme to explain how this work will be handled between now and closure of the NILC on 31 March 2015.</b> |
| <b>Timing:</b>                                                           | <b>Routine.</b>                                                                                                                                                               |
| <b>Presentational Issues:</b>                                            | <b>There has been some media interest in closure of the NILC, including the defamation project and your letters may be made public.</b><br><br><b>Press office content.</b>   |
| <b>FOI Implications:</b>                                                 | <b>Likely to be disclosable.</b>                                                                                                                                              |
| <b>Financial/Legal/Shared<br/>Future Proofing/Legs<br/>Implications:</b> | <b>The costs are affordable within the current budgets although all expenditure would reduce the potential savings from the NILC.</b><br><br><b>Reviewed by finance.</b>      |
| <b>Justice Committee/<br/>Executive Referral:</b>                        | <b>N/A</b>                                                                                                                                                                    |
| <b>Recommendation:</b>                                                   | <b>That you note the contents of this submission and agree to reply along the lines of the attached draft.</b>                                                                |

**Background**

You wrote to executive colleagues and others to inform them of your decision to close the NILC from 1 April 2015. You said then that you would write again to those Ministers whose departments had referred projects to the Commission to outline proposals for their early completion or transfer. In the interim, we have had discussions with officials in relevant departments and would propose that you now

write along the lines of the attached letters. There are three outstanding projects as follows:

- Defamation (DFP)
- Public Health (DHSSPS)
- Electoral Reform (Cabinet Office/NIO)

## **Defamation**

2. DFP referred the issue of defamation to the Law Commission and good progress has been made. The NILC is funding this work which is being undertaken by a legal researcher whose contact ends on 31 March 2015 and by an academic seconded from the LSE with a special interest in defamation. The consultation document has been prepared and is now ready for publication. It is estimated that the NILC has just enough time to collate the findings of the consultation and prepare a final report for DFP before the Commission closes its doors on 31 March.

3. You will be aware of recent newspaper articles suggesting that DOJ is blocking libel reform by closing the NILC and not publishing the consultation document.

4. There has also been criticism from Lords Lester, Pannick and Lexton, in a letter to the Times on 12 November critical of the decision to close the NILC and the impact that this would have on the defamation project. The Chairmen of other Law Commissions in the UK and Ireland have also written with concern about the proposed closure.

5. The options for this work are that:

- The DOJ continues to fund this work up to 31 March. This would incur the £6,600 cost of expert seconded but would see the work completed without any perceived hindrance by DOJ.
- DOJ withdraws funding from 1 December and DFP is asked to fund the £6,600 seconded legal expert from December to March to complete the project. If DFP refuses funding then the NILC would pass the consultation paper to DFP for their action.

- The consultation is launched now with the responses going to DFP to analyse and prepare the final report. DFP could pay the seconded expert to do this. On that basis it is similar to option 2 but deflects criticism that DOJ has held up the process. NILC would not then complete the project.

6. DFP would prefer option 1 above on the basis that the NILC should continue with this work as agreed and have it completed by the closure date of the NILC. The cost to the NILC of completing this work is relatively small and there could be criticism and reputational damage to the DOJ if we can be accused of holding up this work.

On balance it is recommended that you write to Simon Hamilton along the lines of option of option 1. This would see the DOJ meeting its commitment to this project with the best chance of it being completed by 31 March 2015.

## **Public Health**

7. The NILC is working on a Review of the Public Health Act referred by DHSSPS. The act applies to the response to health related emergencies such as the Ebola crisis and CBRN attacks. DHSSPS has pointed out that DOJ has an interest in this work in terms of the PSNI's responsibilities for decontamination in CBRN incidents.

8. This project is not scheduled to be completed until 2016/17 and is part-funded by DHSSPS by way of a seconded legal officer who works with a NILC-funded legal officer. The project was not formally adopted into the work programme although we were content that it would be (you were about to agree approve the project at the time of the time of the decision to close the Commission) and that preparatory work should begin.

9. The NILC lawyer works reduced hours (4 days per week) and is contracted to the NILC up to March 2016 with no break clause in her contract. Legal advice confirms that the NILC (and from 1 April 2015 the DOJ) is legally obliged to continue with the contract, or buy out the outstanding salary, to March 2016. Legal advice is that TUPE would not apply but that the contract may be transferred if the work goes to DHSSPS.

10. This is an important project for DHSSPS and officials want it to continue. DHSSPS has funding in place for one legal officer to work on the project to its completion and would, with their Minister's approval, seek to have DHSSPS take over the project. DHSSPS officials know that DOJ has a contractual commitment to the NILC legal advisor to March 2016.

11. Options for this project are:

- DOJ fund the project up to March 2015 and request that DHSSPS take over sponsorship of the project from 1 April and the contract for the NILC legal officer.
- As 1 above but agree that DOJ pay all of the salary and costs of the NILC legal advisor to March 2016 in line with our legal obligations.
- As 1 above but suggest that DOJ pay half of the NILC legal officer's salary up to March 2016. The risk here is that if DHSSPS say no then DOJ would have to pick up the full cost of the NILC lawyer's salary if DHSSPS sponsor the project or buy-out the lawyer if they don't.
- Say that we are ending the project from 31 March 2015 and buy-out the NILC lawyer's salary.

12. It is recommended that you agree to write to Jim Wells to suggest option 3 above. It is reasonable that we ask for a contribution from DHSSPS to the salary on the NILC lawyer on the basis that they will have the benefit of the expertise. We would however have to be prepared to pay this salary should DHSSPS agree to take on the project, or to buy out, the salary if they don't.

### **Electoral Reform**

13. The electoral reform project is a UK-wide review led by the Law Commission in England and Wales with input from the Law Commissions in Scotland and Northern Ireland. The Cabinet Office has provided £30,000 annually to fund the NILC to provide input. A consultation paper is due to be launched in December 2014 with the final report scheduled for 2017.

14. The NIO has policy lead for electoral law in Northern Ireland. I have spoken to an official there who is content that the NIO would be the contact point for queries

about election law as it applies in Northern Ireland. They would not however provide the legal input that is currently undertaken by the NILC.

15. It is therefore recommended that you write to the Chris Grayling (MOJ as sponsor of the Law Commission of England and Wales) to explain that the NILC will close on 31 March 2015 and that there would be no legal input to the electoral project from that date. You might also advise that NIO officials have agreed to act as a point of contact for electoral law issues. This letter should be copied to NIO, Cabinet Office and the Chairman of the Law Commission for England and Wales.

### **Recommendation**

16. It is recommended that you write along the lines of the attached draft letters.

signed

**WILLIAM STEVENSON**  
**Ext 73590**

Copy list  
Nick Perry  
David Lavery  
Lian Patterson  
Glyn Capper



## **DRAFT LETTER FOR SIGNATURE BY DAVID FORD**

Mr Simon Hamilton MLA  
Minister of Finance  
Clare House  
303 Airport Road West  
Belfast  
BT3 9ED

November 2014

### **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

Thank you for your supportive letter dated 30 September 2015 in response to my earlier letter advising that the Northern Ireland Law Commission (NILC) is to close from 1 April 2015. I am now in a position to update you on the matters currently being considered by the NILC that are of particular interest to your department.

The defamation project referred by you to the NILC has made good progress and has reached a critical milestone in that the consultation document is now complete and ready for issue. Following a twelve week consultation I am advised that the NILC would hope to be in a position to have the final report available by the end of March 2015.

I am content to approve funding for this work up to the end of March 2015. The seconded legal expert will continue to work on the project during the consultation period to facilitate completion by this date. Should the project over-run I would ask that you agree to fund the secondee for the short period that may be required to complete the task on the basis that the NILC will not operate from 1 April 2015.

The Law Commission has completed the research on enforcement of child contact orders and my Department recently received a final paper. As I have indicated in previous correspondence, my Department is willing to share and discuss the

findings from this research with the Department of Finance and Personnel in due course.

**DAVID FORD MLA**  
**Minister of Justice**

## **DRAFT LETTER FOR SIGNATURE BY DAVID FORD**

Mr Jim Wells MLA  
Minister of Health, Social Services and Public Safety  
Department of Health, Social Services and Public Safety  
Castle Buildings  
Stormont  
Belfast  
BT4 3SQ

November 2014

### **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote on 24<sup>th</sup> September to explain that the Northern Ireland Law Commission (NILC) is to close from 1 April 2015 I said that I would write again to those Ministers who had projects with the Commission to outline proposals for their early completion or transfer to department concerned.

The NILC is currently working on a Review of the Public Health Act referred by DHSSPS. I understand that this is an important review for DHSSPS and that work is progressing well with an expected completion date in 2016/17. The project is part funded by DHSSPS by way of a seconded legal officer who works with a NILC-funded legal officer.

The NILC lawyer has a fixed term contract that runs to March 2016 with no break clause. I am advised that TUPE would not apply in this case but that DHSSPS could take over the existing fixed term contract should the work transfer to DHSSPS and individual concerned agrees.

I would propose that the NILC continue to fund the NILC lawyer engaged on this work up to the end of March 2015 when the Commission will close.

DHSSPS might wish to then take over management of the project from 1 April 2015 and, if so, to consider taking over the contract of the NILC lawyer should this meet with her approval. In such circumstances I would ask that DHSSPS to

fund half of the NILC lawyers costs in recognition of the expertise that would be brought with DOJ paying the remaining half.

It would be helpful to have your response so that the necessary arrangements may be put in place and staff may be made aware as soon as possible of the plans that affect them.

**DAVID FORD MLA**  
**Minister of Justice**

## **DRAFT LETTER FOR SIGNATURE BY DAVID FORD**

The Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
Petty France  
102 Petty France  
London SW1H 9AJ

November 2014

### **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote previously to advise you of my decision to close the Northern Ireland Law Commission (NILC) from 1 April 2015 I said that I would write again to update you on our plans for the early completion or transfer of projects within the existing work programme. One such project is the UK-wide review of electoral law that is being undertaken by the Law Commission for England and Wales with input from other UK Commissions including the NILC.

I regret that support from the NILC for the electoral law project will cease on 31 March 2015. Policy for elections in Northern Ireland is not devolved and rests with the Northern Ireland Office (NIO). My officials have discussed this matter with the NIO and confirmed the NIO would continue, as now, to provide advice to the Law Commission on electoral matters in Northern Ireland. The contact in the NIO is Lee Hegarty who, I understand, is known to officers working on the electoral law project. NIO input would not extend to include the law reform expertise currently provided by the NILC.

Cabinet Office provides funding to the NILC to support the UK project. The funding expires in March 2015 and the NILC will continue to provide input to that date as required. Clearly, no further funds should be allocated.

I have copied this letter to Theresa Villiers MP, Francis Maude MP and Sir David Lloyd Jones.

**DAVID FORD MLA**  
**Minister of Justice**

Copy of the letter to Chris Grayling should be sent to each of the following:

Theresa Villiers MP  
Secretary of State for Northern Ireland  
Stormont House  
Stormont  
Belfast BT4 3SH

Francis Maude MP  
Minister for the Cabinet Office and Paymaster General  
Cabinet Office  
Whitehall  
London

Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor  
52 Queen Anne's Gate  
London SW1H 9AG

November 2014

Please find attached a copy of a letter sent to Chris Grayling MP on closure of the Northern Ireland Law Commission.

**DAVID FORD MLA**  
**Minister of Justice**

/Enc

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1382/2014

Paul Givan MLA  
Chairman of the Committee for Justice  
Room 242  
Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

12 November 2014

*Dear Paul*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

Thank you for your letter dated 3 November seeking clarification on the rationale for my decision to close the Northern Ireland Law Commission noting that the establishment of the Commission was part of the Criminal Justice Review.

My original intention earlier this year was to restructure the Board and senior staffing at the Commission following an independent review undertaken in late 2012 in line with DFP guidance on the sponsorship arrangements for arms' length bodies. In this context work was underway to appoint a new Chairman, Commissioners and a Director of Law Reform and to prepare a new work programme of law reform.

However, the scale of the budget cuts faced by the DOJ in –year and beyond meant that all such plans had to be reviewed. In light of this I took the decision to close the Commission from 1 April 2015 in order to redirect resources and to protect front-line services as much as possible.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

While the Criminal Justice Review recommended the establishment of law reform function it also said that such a body must be adequately resourced. Unfortunately, I am unable to provide the necessary resources in light of the financial pressures facing my department.

I would want to emphasise that I do appreciate and value the function of law reform and the work of the Law Commission to date. As I indicated in my earlier letter my decision was taken with regret and I would hope that the Law Commission may be re-established should funds become available in future. At this time I cannot say when that might be.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

#### **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Dr Venkat Iyer  
Commissioner  
Northern Ireland Law Commission  
Linum Chambers  
2 Bedford Square  
Belfast  
BT2 7ES

12 November 2014

*Dear Dr Iyer*

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

*Yours  
David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

ENC

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours  
David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

#### **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours*  
*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

## **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours  
David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

12 November 2014

*Dear Chris*

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

*Yours*

*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

ENC

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

## **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

## **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Kenny MacAskill MSP  
Cabinet Secretary for Justice  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DS

12 November 2014

*Dear Kenny*

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

*Yours  
David*

**DAVID FORD MLA**  
Minister of Justice

ENC

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

#### **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private\\_office@dojni.x.gsi.gov.uk](mailto:private_office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.doj.ni.gov.uk](http://www.doj.ni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

Yours  
David Ford

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Clive Chaplin  
The Jersey Law Commission  
44 Esplanade  
St Helier  
Jersey  
JE4 9WJ

12 November 2014

*Dear Mr Chaplin*

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

*Yours  
David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

**ENC**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private\\_office@dojni.x.gsi.gov.uk](mailto:private_office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

#### **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours*

*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

#### **THE NORTHERN IRELAND LAW COMMISSION**

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours*  
*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Frances Fitzgerald TD  
Minister of Justice and Equality  
94 St Stephen's Green  
Dublin 2

12 November 2014

*Dear Frances*

Please find attached a copy of a letter sent today to the Chairman and President of the Law Commissions of England and Wales, Scotland and Ireland.

*Yours*

*David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

ENC

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

Mr Justice Quirke  
President  
Law Reform Commission of Ireland  
IPC House  
35-38 Shelbourne Road  
Dublin 4

November 2014

*Dear Judge Quirke*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

*Yours  
David Ford*

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Rt Hon Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower,  
52 Queen Anne Gate  
London  
SW1H 9AG

12 November 2014

*Dear Sir David*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by Lord Pentland to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: COR/863/2014

The Hon Lord Pentland  
Chairman  
Scottish Law Commission  
140 Causewayside  
Edinburgh  
EH9 1PR

12 November 2014

*Dear Lord Pentland*

## THE NORTHERN IRELAND LAW COMMISSION

Thank you for the recent letter written jointly by the Chairmen of the Law Commissions of England and Wales, Scotland and the President of the Law Reform Commission of Ireland in response to my decision to close the Northern Ireland Law Commission from 1 April 2015. I have also received copies of letters written by Sir David Lloyd Jones to the Lord Chancellor and by you to Kenny MacAskill MSP on the same subject. Clive Chaplin, Chairman of the Jersey Law Commission has written in support of your joint letter.

I should explain that the decision to close the Northern Ireland Law Commission was taken with regret and only after much consideration. Unfortunately, the exceptionally difficult budget pressures this year, and for the foreseeable future, meant that some difficult choices had to be made. While I value the work of the NILC, and law reform in general, other areas, not least front-line services have had to be given greater priority.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.doj.mt.gov.uk](http://www.doj.mt.gov.uk)

Part of the work that is underway to ensure an orderly wind-down of the NILC is considering the early completion or hand-over of the law reform projects currently underway. This will of course include the UK-wide project on electoral reform.

I have copied this letter to the Lord Chancellor, Kenny MacAskill MSP, Frances Fitzgerald TD, Clive Chaplin and Dr Venkat Iyer.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
**Minister of Justice**



Ministry  
of Justice

The Rt. Hon. Sir David Lloyd Jones  
Chairman  
Law Commission  
1<sup>st</sup> Floor, Tower, Post Point 1.50  
52 Queen Anne's Gate  
London  
SW1H 9AG

Our ref: 16146

**The Right Honourable  
Chris Grayling MP**

Lord Chancellor and  
Secretary of State for Justice  
102 Petty France  
London  
SW1H 9AJ

T 020 3334 3555

F 020 3334 3669

E [general.queries@justice.gsi.gov.uk](mailto:general.queries@justice.gsi.gov.uk)

[www.gov.uk/moj](http://www.gov.uk/moj)

12 November 2014

**NORTHERN IRELAND LAW COMMISSION**

Thank you for your letter of the 28<sup>th</sup> October regarding the closure of the Northern Ireland Law Commission and the issues that this will present to the projects that you are undertaking with the Northern Ireland Commission.

I appreciate the difficulties that the closure of the Northern Ireland Commission will present to the projects that you are jointly working on and about any future UK wide projects that you may wish to undertake. Unfortunately as David Ford indicated in his letter the closure decision has been driven entirely by budget pressures. However, your approach to meeting with officials in Northern Ireland, the Northern Ireland Executive, Cabinet Office and this department seems sensible and will hopefully result in productive solutions to some of the issues that you have outlined.

My officials of course stand ready to help in anyway they can.

I have copied this letter to David Ford MLA.

**CHRIS GRAYLING**



**Law  
Commission**

Reforming the law

**The Rt. Hon. Sir David Lloyd Jones**

**Chairman**

Law Commission

1<sup>st</sup> Floor, Tower, Post Point 1.50,

52 Queen Anne's Gate,

London. SW1H 9AG

(access via 102 Petty France)

Mr. David Ford MLA  
Minister of Justice  
Department of Justice  
Minister's Office Block B  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast. BT4 3SG

t 020 3334 5270

f 020 3334 4198

e david.lloydjones@lawcommission.gsi.gov.uk

18 November 2014

*Dear Minister,*

**The Northern Ireland Law Commission**

Thank you for your letter of 12 November 2014 which I received this morning. I am grateful to you for your response.

As you will understand our immediate concern is the timely progress of the UK-wide project on electoral reform. We are currently working with the Northern Ireland Law Commission and the Scottish Law Commission on the completion of a consultation paper which is due to be published next month. The timetable is critical because the consultation must be completed before the General Election next May. In the longer term the intention is to publish the final report on this project and draft legislation in 2017 so as to permit legislation to be introduced in advance of the 2020 General Election.

It seems to me that, if this is acceptable to you, a useful next step would be for our Chief Executive to contact officials in your Department in order to discuss ways in which we can secure the continuing involvement of Northern Ireland in this important project.

I have sent copies of this letter to the Lord Chancellor, Lord Pentland and Dr. Venkat Iyer.

*Yours sincerely,  
David Lloyd Jones*



**Law  
Commission**  
Reforming the law

**The Rt. Hon. Sir David Lloyd Jones**  
**Chairman**  
Law Commission  
Steel House  
11 Tothill Street  
London. SW1H 9LJ

t 020 3334 0214  
f 020 3334 0219  
e david.lloydjones@lawcommission.gsi.gov.uk

The Rt. Hon. Chris Grayling MP  
Lord Chancellor &  
Secretary of State for Justice  
102 Petty France  
London. SW1H 9AJ

18 November 2014

*Dear Lord Chancellor,*

**Northern Ireland Law Commission**

Thank you for your letter of 12 November 2014 which I received this morning.

We need to act now to secure the future of the electoral reform project and the participation in it of Northern Ireland. To that end we will now approach officials in the Northern Ireland Executive, The Cabinet Office and your Department. I have this morning also received a helpful letter from Mr. Ford which opens the door to such discussions on the future of the project.

I remain very grateful to you and to your officials for your support and your offer of further assistance.

I have copied this letter to David Ford MLA.

*With best wishes,  
Yours ever,  
David.*

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

The Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
Petty France  
102 Petty France  
London SW1H 9AJ

20 November 2014

*Dear Chris*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote previously to advise you of my decision to close the Northern Ireland Law Commission (NILC) from 1 April 2015 I said that I would write again to update you on our plans for the early completion or transfer of projects within the existing work programme. One such project is the UK-wide review of electoral law that is being undertaken by the Law Commission for England and Wales with input from other UK Commissions including the NILC.

I regret that support from the NILC for the electoral law project will cease on 31 March 2015. Policy for elections in Northern Ireland is not devolved and rests with the Northern Ireland Office (NIO). My officials have discussed this matter with the NIO and confirmed that the NIO would continue, as now, to provide advice to the Law Commission on electoral matters in Northern Ireland. The contact in the NIO is Lee Hegarty who, I understand, is known to officers working on the electoral law project. NIO input would not extend to include the law reform expertise currently provided by the NILC.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Cabinet Office provides funding to the NILC to support the UK project. The funding expires in March 2015 and the NILC will continue to provide input to that date as required. Clearly, no further funds should be allocated.

I have copied this letter to Theresa Villiers MP, Francis Maude MP and Sir David Lloyd Jones.

A handwritten signature in black ink, appearing to read 'David Ford'.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

Francis Maude MP  
Minister for the Cabinet Office and Paymaster General  
Cabinet Office  
Whitehall  
London

20 November 2014

*Dear Francis*

Please find attached a copy of a letter sent to Chris Grayling MP on closure of the Northern Ireland Law Commission.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

The Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
Petty France  
102 Petty France  
London SW1H 9AJ

20 November 2014

*Dear Chris*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote previously to advise you of my decision to close the Northern Ireland Law Commission (NILC) from 1 April 2015 I said that I would write again to update you on our plans for the early completion or transfer of projects within the existing work programme. One such project is the UK-wide review of electoral law that is being undertaken by the Law Commission for England and Wales with input from other UK Commissions including the NILC.

I regret that support from the NILC for the electoral law project will cease on 31 March 2015. Policy for elections in Northern Ireland is not devolved and rests with the Northern Ireland Office (NIO). My officials have discussed this matter with the NIO and confirmed that the NIO would continue, as now, to provide advice to the Law Commission on electoral matters in Northern Ireland. The contact in the NIO is Lee Hegarty who, I understand, is known to officers working on the electoral law project. NIO input would not extend to include the law reform expertise currently provided by the NILC.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Cabinet Office provides funding to the NILC to support the UK project. The funding expires in March 2015 and the NILC will continue to provide input to that date as required. Clearly, no further funds should be allocated.

I have copied this letter to Theresa Villiers MP, Francis Maude MP and Sir David Lloyd Jones.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

Sir David Lloyd Jones  
Chairman  
Law Commission  
1st Floor  
52 Queen Anne's Gate  
London  
SW1H 9AG

20 November 2014

*Dear Sir David*

Please find attached a copy of a letter sent to Chris Grayling MP on closure of the Northern Ireland Law Commission.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

The Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
Petty France  
102 Petty France  
London SW1H 9AJ

20 November 2014

*Dear Chris*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote previously to advise you of my decision to close the Northern Ireland Law Commission (NILC) from 1 April 2015 I said that I would write again to update you on our plans for the early completion or transfer of projects within the existing work programme. One such project is the UK-wide review of electoral law that is being undertaken by the Law Commission for England and Wales with input from other UK Commissions including the NILC.

I regret that support from the NILC for the electoral law project will cease on 31 March 2015. Policy for elections in Northern Ireland is not devolved and rests with the Northern Ireland Office (NIO). My officials have discussed this matter with the NIO and confirmed that the NIO would continue, as now, to provide advice to the Law Commission on electoral matters in Northern Ireland. The contact in the NIO is Lee Hegarty who, I understand, is known to officers working on the electoral law project. NIO input would not extend to include the law reform expertise currently provided by the NILC.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Cabinet Office provides funding to the NILC to support the UK project. The funding expires in March 2015 and the NILC will continue to provide input to that date as required. Clearly, no further funds should be allocated.

I have copied this letter to Theresa Villiers MP, Francis Maude MP and Sir David Lloyd Jones.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

Mr Simon Hamilton MLA  
Minister of Finance and Personnel  
Clare House  
303 Airport Road West  
Belfast  
BT3 9ED

20 November 2014

*Dee Simon*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

Thank you for your supportive letter dated 30 September 2015 in response to my earlier letter advising that the Northern Ireland Law Commission (NILC) is to close from 1 April 2015. I am now in a position to update you on the matters currently being considered by the NILC that are of particular interest to your Department.

The defamation project referred by you to the NILC has made good progress and has reached a critical milestone in that the consultation document is now complete and ready for issue. Following a twelve week consultation I am advised that the NILC would hope to be in a position to have the final report available by the end of March 2015.

I am content to approve funding for this work up to the end of March 2015. The seconded legal expert will continue to work on the project during the consultation period to facilitate completion by this date. Should the project over-run I would ask that you agree to fund the secondees for the short period that may be required to complete the task on the basis that the NILC will not operate from 1 April 2015.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

The Law Commission has completed the research on enforcement of child contact orders and my Department recently received a final paper. As I have indicated in previous correspondence, my Department is willing to share and discuss the findings from this research with the Department of Finance and Personnel in due course.

**DAVID FORD MLA**  
Minister of Justice

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

Mr Jim Wells MLA  
Minister of Health, Social Services and Public Safety  
Department of Health, Social Services and Public Safety  
Castle Buildings  
Stormont  
Belfast  
BT4 3SQ

20 November 2014

*Per Ji*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote on 24 September to explain that the Northern Ireland Law Commission (NILC) is to close from 1 April 2015, I said that I would write again to those Ministers who had projects with the Commission to outline proposals for their early completion or transfer to department concerned.

The NILC is currently working on a Review of the Public Health Act referred by DHSSPS. I understand that this is an important review for DHSSPS and that work is progressing well with an expected completion date in 2016/17. The project is part funded by DHSSPS by way of a seconded legal officer who works with a NILC-funded legal officer.

The NILC lawyer has a fixed term contract that runs to March 2016 with no break clause. I am advised that TUPE would not apply in this case but that DHSSPS could take over the existing fixed term contract should the work transfer to DHSSPS and the individual concerned agrees.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

I would propose that the NILC continue to fund the NILC lawyer engaged on this work up to the end of March 2015 when the Commission will close. DHSSPS might wish to then take over management of the project from 1 April 2015 and, if so, to consider taking over the contract of the NILC lawyer should this meet with her approval. In these circumstances, I would ask that DHSSPS funds half of the NILC lawyer's costs in recognition of the expertise that would be brought to your Department with DOJ paying the remaining half.

It would be helpful to have your response so that the necessary arrangements may be put in place and staff may be made aware as soon as possible of the plans that affect them.

**DAVID FORD MLA**  
**Minister of Justice**

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast  
BT4 3SG

Tel: 028 9052 8121

[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

Theresa Villiers MP  
Secretary of State for Northern Ireland  
Stormont House  
Stormont  
Belfast  
BT4 3SH

20 November 2014

*Dear Theresa*

Please find attached a copy of a letter sent to Chris Grayling MP on closure of the Northern Ireland Law Commission.

*Yours*

*David*

**DAVID FORD MLA**  
**Minister of Justice**

ENC

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

**Justice**

[www.dojni.gov.uk](http://www.dojni.gov.uk)

Minister's Office Block B,  
Castle Buildings  
Stormont Estate  
Ballymiscaw  
Belfast BT4 3SG  
Tel: 028 9052 8121  
[private.office@dojni.x.gsi.gov.uk](mailto:private.office@dojni.x.gsi.gov.uk)

Our ref: SUB/1424/2014

The Rt Hon Chris Grayling MP  
Lord Chancellor and Secretary of State for Justice  
Ministry of Justice  
Petty France  
102 Petty France  
London SW1H 9AJ

20 November 2014

*Dear Chris*

## **CLOSURE OF THE NORTHERN IRELAND LAW COMMISSION**

When I wrote previously to advise you of my decision to close the Northern Ireland Law Commission (NILC) from 1 April 2015 I said that I would write again to update you on our plans for the early completion or transfer of projects within the existing work programme. One such project is the UK-wide review of electoral law that is being undertaken by the Law Commission for England and Wales with input from other UK Commissions including the NILC.

I regret that support from the NILC for the electoral law project will cease on 31 March 2015. Policy for elections in Northern Ireland is not devolved and rests with the Northern Ireland Office (NIO). My officials have discussed this matter with the NIO and confirmed that the NIO would continue, as now, to provide advice to the Law Commission on electoral matters in Northern Ireland. The contact in the NIO is Lee Hegarty who, I understand, is known to officers working on the electoral law project. NIO input would not extend to include the law reform expertise currently provided by the NILC.

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**  
[www.dojni.gov.uk](http://www.dojni.gov.uk)

Cabinet Office provides funding to the NILC to support the UK project. The funding expires in March 2015 and the NILC will continue to provide input to that date as required. Clearly, no further funds should be allocated.

I have copied this letter to Theresa Villiers MP, Francis Maude MP and Sir David Lloyd Jones.

**DAVID FORD MLA**  
**Minister of Justice**