

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of  
**Justice**

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7 September 2016

Maurice,

Thank you for your letter of 8 August about the offence of paying for sex.

At our meeting on 27 June, I said that I would write to you when I had had the opportunity to consider the subject of our discussion in more detail.

As regards the current application for judicial review of the new offence on grounds of ECHR incompatibility, I understand that the Department's position on the leave application was based on Counsel's assessment that most, if not all, of the points raised by the applicant were arguable, which is the test that the court will apply when deciding whether or not to grant leave. That assessment was made and communicated to the applicant and the court prior to the involvement of OFMDFM in the proceedings. I am content that this advice remains appropriate.

As regards the position that the Department intends to adopt in answer to the legal challenge, I do not think it is right for me to go into detail at this stage. It is my understanding that there are historical and relevant facts that will need to be relayed to the court regarding the Department's policy position at the time which are not in any way affected by my views as an MLA during the passage of your Bill. However, the Department's legal team hopes to be in a position to coordinate, as much as possible, the

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defence of the proceedings with the legal team acting for the Executive Office, if leave is granted.

Finally, in answer to your two specific questions, I have no plans to seek any repeal, and, as you might expect me to say, I will deal with any questions individually in the context in which they arise.

A handwritten signature in black ink, appearing to read "CSugden".

**CLAIRE SUGDEN MLA**  
**Minister of Justice**