

**CONFIDENTIAL**

Cabinet Office



## **Council of Ministers**

### **Sub- Committee on Justice**

### **Terms of Reference**

#### **1. Purpose**

- 1.1. The Council of Ministers has agreed to set up a Sub-Committee for Justice (the Sub-Committee) to deal with cross-Departmental matters relating to Civil and Criminal justice policy.<sup>1</sup>
- 1.2. The purpose of the Sub-Committee is to lead, set direction and coordinate the development of strategic policy (as relates to justice) as set out in the 2023 Island Plan. The Island Plan details the priorities that will be delivered by Government over the term of its administration (to September 2026). All Council Sub-Committees must be focused on delivery of these priorities which will also form the basis for planning undertaken by Departments, Offices and Statutory Boards.
- 1.3. The Sub-Committee is responsible for providing oversight for the delivery of the relevant priorities, targets and objectives within the Island Plan. The Sub-Committee will also be responsible for reconciling any issues and seeking to ensure that Council's priorities are delivered.

#### **2. Role of the Sub-Committee**

2.1 The Sub-Committee will:

- Consider and coordinate matters of justice policy as referred to it by Council;
- Identify and draft policies to recommend to Council;
- Consider matters raised by the Constitutional and Legal Affairs and Justice Committee, (a Committee of Tynwald) and advise Council on responses, as required;
- Advise the Minister for Justice and Home Affairs where necessary; and
- Advance the principles of open, transparent and fair justice, ensuring the needs of victims and complainants are represented.

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<sup>1</sup> Minute 1082/2020 refers

- 2.1. Government's progress towards delivering the Island Plan's targets and objectives will be reported quarterly and available publicly on the Island Plan website. The Sub-Committee will be invited to comment on quarterly updates before submission to CoMin for consideration prior to publication.
- 2.2. The role of this Sub Committee is to co-ordinate the development of a cohesive cross-government approach to policy concerning justice.

### **3. Scope**

- 3.1. The Sub-Committee will concern itself with matters relating to Civil and Criminal Justice policy referred to it by the CoMin.
- 3.2. The Sub-Committee will consider matters raised by the Tynwald Constitutional and Legal Affairs and Justice Committee and, where appropriate, make recommendations to CoMin on any required response.
- 3.3. The Sub-Committee may consider and recommend priorities for legislation to the CoMin legislative committee.
- 3.4. The Sub-Committee will consider reports and recommendations from the Criminal Justice Board.
- 3.5. The Sub-Committee will work to resolve conflicts in policy areas across departments or their functions.
- 3.6. The Chair of the Sub-Committee may, by mutual agreement, meet with members of the Judiciary to discuss matters of common interest.
- 3.7. The Sub-Committee will not comment on individual cases at any stage of their progress through the Justice system.
- 3.8. The Sub-Committee will not comment on judgments or the performance of the Judiciary.
- 3.9. The Sub-Committee may not comment on, or attempt to direct any operational matters relating to the Constabulary, the Judiciary or any prosecution function.

### **4. Membership**

- 4.1. The Sub-Committee shall comprise:
  - Minister for Justice and Home Affairs [Chair]
  - Minister for Health and Social Care
  - Member for Treasury (with responsibility for Social Security/Legal Aid)
  
- Supported by –

- Minister for Treasury
- His Majesty's Attorney General
- Chief Registrar
- Chief Executive Department of Home Affairs
- Director of Change and Reform, Cabinet Office
- Director of Social Security, Treasury
- Legal Aid Certifying Officer

## **5. Support and Resources**

- 5.1. The Cabinet Office will provide administrative and research support to the Sub-Committee. Other officers will be co-opted to attend as and when required by the Sub-Committee.
- 5.2. The Sub-Committee may co-opt persons from within Government or the community, in an advisory capacity, to assist with the consideration of issues referred to the Sub-Committee.

## **6. Meeting frequency**

- 6.1. Meetings of the Sub-Committee will be scheduled and agreed with the Chairman but shall take place at least quarterly.
- 6.2. Minutes will be prepared in accordance with Minute Taking Guidance prepared by the Chief Secretary's Office and will be issued to the Sub-Committee no later than ten days following each meeting. Minutes will be circulated for out of Committee approval to enable prompt submission to Council.
- 6.3. Agendas are compiled with the approval of the Chair [Minister for Justice and Home Affairs].
- 6.4. A request for an item to be included on the agenda should always be accompanied by supporting documentation. The agenda and papers will, wherever possible, be distributed to members at least one week before each meeting by the Secretariat. In normal circumstances late papers will not be accepted, in exceptional circumstances approval for late papers to be circulated must be obtained from the Chair otherwise papers should be brought to the meeting under AOB and considered at the discretion of the Chair.
- 6.5. In order for there to be a quorum at a meeting, a majority of political members must be present. Political members Ministers may assign a Departmental Member to deputise for them as required.

## **7. Governance and reporting**

- 7.1. The Sub-Committee will report to the Council; along with other sub-committees, the Minutes will form part of a routine distribution process to all Ministers. Minutes will be provided to the Council of Ministers Administration Manager for provision to Council

- 7.2. The Sub-Committee for Justice will be supported by a "Lead Officer Group" (LOG) which comprises the relevant officers of the Departments, Boards and Offices represented on the Sub-Committee. The Lead Officer Group is chaired by the Chief Executive of the Department of Home Affairs.
- 7.3. The Lead Officer Group's priorities in relation to the work of the Sub-Committee will be set and agreed by the Sub-Committee. Officers will ensure that the appropriate information is provided to the Sub-Committee in a timely manner. The Sub-Committee notes the position of His Majesty's Attorney General and that it may not dictate priorities or direct the work of that role.
- 7.4. Documents should not be circulated for wider distribution other than to nominated officers without the necessary permission which will be secured by the secretariat.
- 7.5. All political members of the Sub-Committee are required to abide<sup>2</sup> by collective responsibility as per the [Government Code](#).
- 7.6. Department Members attending in place of a Minister shall have in place the appropriate delegation from the respective Minister.
- 7.7. Ministers (or their delegated Members) should take particular care to avoid any perceived conflicts of interest and declare this to the Chair (or secretariat?).
- 7.8. The Sub-Committee is reminded of the requirement under sections 6A and 6B of the Council of Ministers Act 1990 in respect of the commitment to the rule of Law and the independence of the Judiciary.
- 7.9. All documentation issued in relation to the Sub-Committee including the Sub-Committee's Terms of Reference, proceedings and papers are subject to the same statutory confidentiality as applies to the meetings and proceedings of Council and should be therefore treated accordingly.

## **8. Finance**

- 8.1 The Sub-Committee has no authority to contract out work and no finance is currently allocated.

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<sup>2</sup> Council of Minister's Minute No. 031/19 (Council Paper 19/004 refers)