

# 14 Law Reform

## Introduction

- 14.1** Our terms of reference invite us to consider “... mechanisms for addressing law reform”. In this chapter we consider the existing mechanisms for reform of the civil and criminal law in Northern Ireland, law reform mechanisms in a number of other jurisdictions, and what arrangements for law reform might best meet the needs of the people of Northern Ireland. Though our terms of reference required us to focus on the criminal law, the nature of this topic is such that it cannot properly be examined without some reference to civil law matters.

## Current Arrangements for Law Reform in Northern Ireland

- 14.2** Reform of criminal law and procedure is primarily a matter for the Northern Ireland Office, but some aspects of criminal procedure relating to the operation of the courts are the responsibility of the Northern Ireland Court Service. There is no independent mechanism to advise the Government on criminal law reform.
- 14.3** Reform of the civil law in Northern Ireland is the responsibility of the Office of Law Reform within the Department of Finance and Personnel. The non-statutory Law Reform Advisory Committee for Northern Ireland was created in 1989, with a remit to scrutinise the civil law of Northern Ireland, with limited exceptions, and to submit reform proposals to the Secretary of State for Northern Ireland. The Committee is composed of part-time members drawn from the legal profession, including barristers, solicitors and academic lawyers, with one member who is not legally qualified. A High Court judge chairs the Committee. An official of the Office of Law Reform acts as part-time secretary to the Committee. The Committee has no full-time dedicated support staff.
- 14.4** Further information on the current arrangements for law reform in Northern Ireland is set out in the research report on law reform in Northern Ireland, which is published along with this report.<sup>1</sup>

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<sup>1</sup> Dickson and Hamilton, Research Report 9, chapter 2.

## Views Expressed During the Consultation Process

- 14.5** In our consultation paper we sought views on how law reform might be addressed in future and asked for views and comments on the following questions.
- Would an independent law commission be an appropriate way of taking forward the task of proposing law reform in Northern Ireland?
  - How might the members of such a commission be selected, and would who appoint them?
  - Are there other models that the review should consider?
- 14.6** We found almost universal support for the creation of an independent Law Commission to take forward the task of proposing law reform in Northern Ireland. However, few of those who commented on this issue put forward detailed proposals on how such a commission might operate, who might comprise its membership and to whom it should report. One or two respondents expressed reservations about whether there would be sufficient business to justify such a commission.
- 14.7** There was a broad sense that there needed to be political neutrality in the area of law reform. Consideration of law reform issues by an independent and politically impartial body was thought to be highly desirable in Northern Ireland.
- 14.8** We sought the views of the Office of Law Reform. It believed that there was a need for an independent body with responsibility for the systematic development and reform of civil and criminal law. The Office of Law Reform envisaged such a body working in a complementary arrangement with independent law reform agencies in other jurisdictions in the United Kingdom and working in partnership with those in government responsible for advising Ministers on law reform matters. Lay representation at commissioner level and provision for full-time and part-time commissioner appointments were proposed. Two full-time and three part-time commissioners were thought to reflect an appropriate complement, in the first instance. There was seen to be merit in the commission adopting similar practice to most other law commissions, with the ability to prepare its own programme of law reform and have specific projects referred to it by government.
- 14.9** We heard a range of other views and submissions mostly in support of a government-funded, independent body, established on a statutory basis, to consider all aspects of the civil and criminal law. There were suggestions that it should have its own research capacity, that it should have a substantial support staff with access to a law library, and that it should be adequately funded.
- 14.10** There was general agreement that the law reform body should research and consider matters referred to it by the Government. Some believed that it should have the ability to set its own programme or, at the very least, initiate projects of its own volition.

- 14.11** We heard suggestions that a commission's functions should include thematic reviews of law, procedure and practice together with the regular examination of international developments in these areas. The need for broad legal, academic, and lay membership of the body attracted wide consensus. Another feature raised was the need for co-operation between the law reform body and other rights bodies in Northern Ireland, such as the Equality and Human Rights Commissions established under the Northern Ireland Act 1998.
- 14.12** We heard some views in favour of a law commission being established soon and that this should not be contingent upon devolution of responsibility for the criminal law. The need for adequate machinery within government to advise on and carry out proposals for legislative change was recognised. The Office of Law Reform suggested that, in the event of responsibility for criminal law and procedure being devolved to the Northern Ireland Executive, administrative responsibility for advising Ministers on civil and criminal law issues should be brought together within one department, most likely a Department of Justice.
- 14.13** Another body of opinion, presented in the context of proposals for an all-Ireland dimension to law reform, favoured exploration of options for a north/south arrangement in relation to civil and criminal law reform. This could be followed by Ministers establishing arrangements to review relevant law throughout the island of Ireland with a view to harmonisation. It was suggested that consideration be given to establishing an all-Ireland law commission, representing all stakeholders in both justice systems, and tasked with developing an all-Ireland legal framework.
- 14.14** Most, though not all, respondents believed that responsibility for advising on reform of civil and criminal law should be brought together within a commission. A strong message to emerge was the need for a more proactive body that would consult widely and obtain all relevant views and expert opinions and identify areas of law in need of reform and development. The need for objective research, clarification of the law and simplification of language were commonly advocated tasks for a commission. Many emphasised that a law commission should cover procedural aspects of criminal law as well as the substantive law and might have a strong practical emphasis.

## Research and Experience in Other Jurisdictions

- 14.15** In this section we draw heavily upon the research report on law reform in Northern Ireland,<sup>2</sup> and on what we learned during our programme of study visits, to describe the arrangements for law reform in a range of other common law jurisdictions.

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<sup>2</sup> Dickson and Hamilton, Research Report 9.

- 14.16** In England and Wales, Scotland and the Republic of Ireland independent law commissions have responsibility for keeping all of the law, including the criminal law, under review with a view to its systematic development and reform.
- 14.17** The research report describes, under common headings, the law reform mechanisms employed in each of the jurisdictions closest to Northern Ireland. It includes reference to models employed elsewhere with focus on the community orientated approach to law reform in South Africa and Canada; difficulties associated with part-time membership of law reform bodies; novel accountability mechanisms employed in New Zealand; and the role played by the private sector in the United States.

## **ENGLAND AND WALES**

- 14.18** The Law Commission for England and Wales was established by the Law Commissions Act 1965 as an independent body to review all the law in England and Wales with a view to its systematic development and reform. Specific types of law reform cited in the Act are codification; elimination of anomalies; repeal of obsolete and unnecessary enactments; consolidation; simplification; and modernisation of the law.
- 14.19** The Commission comprises four teams, each headed by a commissioner and responsible for a particular branch of the law.<sup>3</sup> Typically, each team comprises three lawyers and three research assistants and manages some five projects at a time. A team is selected to take charge of an approved programme item or reference from the Lord Chancellor. In addressing a particular area of the law the Commission will produce a consultation paper which describes the current law and its shortcomings, as well as setting out possible options for reform. After considering the responses to the paper, a final report is submitted to the Lord Chancellor and subsequently published.
- 14.20** The Commission has a staff of around 70 who are seconded from the Lord Chancellor's Department. In 1998 the Commission's budget was £3,818,500. Commissioners are appointed by the Lord Chancellor for up to five years at a time, after a public advertisement in the press. The Act provides that the Law Commission must submit programmes of law reform for approval by the Lord Chancellor, consider any proposals for law reform which are made or referred to it, and prepare programmes of consolidation and statute law revision.<sup>4</sup> Once a programme has been accepted by the Lord Chancellor, the Commission decides how to plan its work.

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3 Common Law, Company and Commercial Law, Criminal Law and Evidence, and Property and Trust Law.

4 Section 3(1) of the 1965 Act.

- 14.21** In its thirty-second annual report the Commission explained its working methods as follows:
- “The Commission’s work is based on thorough research and analysis of case law, legislation, academic and other writing, law reports and other relevant sources of information both in the United Kingdom and overseas. It takes full account both of the *European Convention on Human Rights* and of other European law. ... It normally publishes a consultation paper inviting views before it finalises its recommendations. The consultation paper describes the present law and its shortcomings and sets out possible options for reform. The views expressed in response by consultees are analysed and considered very carefully. ... The Commission’s final recommendations are set out in a report which contains a draft Bill where the recommendations involve primary legislation”.<sup>5</sup>
- 14.22** The Commission initiates or accepts a law reform project according to its assessment of the relevant considerations, the most significant of which are stated as: the importance of the issues; the availability of resources in terms of both expertise and funding; and the suitability of the issues to be dealt with by the Commission. The Commission aims to make the law simpler, fairer, more modern and accessible, primarily by means of statute law consolidation. The Commission now places considerable emphasis in its reports on the jurisprudence of the European Commission and the European Court of Human Rights. It engages assistance from legal and other consultants and acknowledges the importance of empirical research, which on occasion has been funded from outside the Commission.
- 14.23** There is a statutory requirement for the Law Commission and the Scottish Law Commission to work in consultation with each other. A formal agreement exists between the Commission and the main government departments under which the latter aim to provide an initial response to a Commission report within six months; a final response without unreasonable delay; and an opportunity to comment on any major obstacle they see to implementing the report. Periodic consultations take place with the Home Office as the Commission’s criminal law team prepares its report. After the report is published the Home Office sets up an inter-departmental working group on which the Law Commission might be represented. This group makes recommendations to the relevant Ministers.
- 14.24** The Commission strives to have a media profile and it maintains an extensive web-site, where reports are accessible free of charge. The Commission publishes three magazines per year, detailing government or government-sponsored law reform projects in the United Kingdom and other countries and listing the Commission’s reports that are awaiting implementation.
- 14.25** In terms of accountability, the Commission submits an annual report to the Lord Chancellor, which is then presented to Parliament. It is also subject to a quinquennial review carried out by the Cabinet Office, and its accounts are audited.

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<sup>5</sup> *Law Commission Thirty-Second Annual Report*. (1997) Law Com No 250, page 45.

## SCOTLAND

- 14.26** The Scottish Law Commission was established by the same legislation as that in England and Wales, and many of the provisions of the legislation apply equally to both Commissions.<sup>6</sup> The Commission works in teams, though they operate differently and are not permanently constituted as in England and Wales. Otherwise the methodology employed by the Scottish Commission in considering issues is similar to that in England and Wales. By convention, only the chairman of the Commission is a judge of the Court of Session.
- 14.27** The Scotland Act 1998 confirms that the Scottish Law Commission's remit will continue to include all the law applying in Scotland, whether in relation to reserved or devolved matters. The Commission is accountable to the Minister for Justice and is required to make an annual report that is laid before Parliament.

## THE REPUBLIC OF IRELAND

- 14.28** The Law Reform Commission was established by the Law Reform Commission Act 1975 as a statutory body corporate. Its remit includes criminal and civil law reform in accordance with programmes of law reform established under the 1975 Act and requests on specific topics addressed to it by the Attorney General under the Act. (Such programmes are drawn up by the Commission in consultation with the Attorney General and are submitted by the Taoiseach to the Government for its approval.) In addressing particular issues the Commission will normally publish a consultation paper to seek views from interested individuals and organisations. Responses are analysed and a seminar may be organised to discuss preliminary findings with interested bodies. All relevant views are taken into account by the Commission in preparing the final report. The text of the report is finalised by the Commission, publication arranged by the Secretary, and a copy forwarded by the President of the Commission to the Taoiseach and/or Attorney General, as appropriate.
- 14.29** After consultation with the Attorney General, the Government is responsible for appointing five persons (including a President) as members of the Commission for up to five years. The posts are not advertised. Currently, the Commissioners are all lawyers. The Act does not define or distinguish between the roles and responsibilities of the President and the Commissioners. Terms and conditions of appointment are determined by the Government.
- 14.30** To date the President has been a judge of the Superior Courts. This has aided communication between the Commission and the judiciary. Grant-in-aid to the Law Reform Commission in 1998 was IR£557,000.
- 14.31** Requests by the Attorney General form a substantial part of the Commission's work. In March 1998, a consultative committee, comprising representatives of a range of government

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6 The Law Commission Act 1965.

departments, the Bar Council and the Incorporated Law Society, was established under the auspices of the Office of the Attorney General. The committee assists the Attorney General in the consultations about the programme, in selecting specific topics for examination by the Commission and in monitoring implementation of recommendations of the Commission.

- 14.32** The Commission is highly regarded by government departments. It takes very seriously its position as an independent body and is valued for the fact that its proposals are generated in a politically neutral and unpressurised environment with an emphasis on law reform in the general public interest.
- 14.33** An annual report by the Law Reform Commission is submitted through the Attorney General to the Taoiseach, and laid before both Houses of the Oireachtas.

## CANADA

- 14.34** The Federal Law Commission of Canada was founded by the Law Commission of Canada Act 1996. The Commission offers Canadians a forum to present their views on issues of law and justice. Its programme of study is theme-based rather than related to particular areas of law.
- 14.35** Study panels, each headed by a Commissioner, consist of volunteer members and include representatives from federal government departments and the community. The Commission circulates discussion papers, draft studies and interim reports setting out its tentative recommendations, and organises formal consultation sessions to assist in the elaboration of specific research programmes. It uses a web-site to assist in the consultative process and to provide direct access to research papers as well as an opportunity for dialogue through on-line discussion groups.
- 14.36** The Commission engages in significant outreach through visiting schools, community groups and other organisations. It engages with the media in its efforts to increase understanding and awareness of the law as a feature of everyday life on the part of all Canadians from all parts of the community and all backgrounds. The Commission has also initiated joint activities with the legal professions, law faculties and other university departments, voluntary professional associations, the Uniform Law Conference, the Social Sciences and Humanities Research Council of Canada, and various non-profit making organisations and policy institutes. The strategy is complemented by contacts with several federal departments and agencies and with parliamentarians from all political parties.
- 14.37** The Canadian Commission has five part-time Commissioners, three of whom, including the President, are professors of law at different Canadian universities, the other two being the Commissioner of Ontario Provincial Police and the Director of Corporate Development for

Island Telecom Incorporated. It has five permanent staff comprising an Executive Director; a Director of Research; a Communications Manager; an Administration and Financial Services Officer; and an Executive Secretary.

- 14.38** One of the Commission's first tasks was to solicit nominations for a Standing Advisory Council to advise the Commission on its strategic direction and long-term programme of studies. In practice the Advisory Council has also assisted in planning the research, building networks and launching co-operative projects, adopting procedures and mechanisms for consultation with Canadians, and recruiting the Commission's full-time staff. The Advisory Council has 22 members drawn from across the country and reflecting its diversity.

## **SOUTH AFRICA**

- 14.39** Established in 1973 and reconstituted in 1996, the South African Law Reform Commission has played a major role in developing the criminal justice system since 1994. It has focused on the development, improvement, modernisation and reform of South Africa law. The Commission is chaired by the Chief Justice, assisted by a judge of the Constitutional Court, a High Court judge, a barrister, two practising solicitors and an academic lawyer who, in contrast to other jurisdictions studied, is the only full-time member. Seventeen full-time researchers and a similarly sized administrative staff serve the Commission. The President can appoint additional members, if necessary.
- 14.40** The Commission is committed to developing relevant, accessible law. It has power to undertake investigations to modernise, improve, develop and reform particular aspects or even whole branches of criminal law and procedure. Its objective is to serve society by producing better law and it does so by recommending new laws to Parliament through the Minister of Justice. In making its recommendations, the Commission aims to make the law simpler, fairer, cheaper and more accessible.
- 14.41** The Commission is heavily focused on consultation throughout its work, and has developed close relationships with academics, the private sector and non-governmental organisations. There are a large number of project committees ranging over a wide subject matter including sentencing, security legislation, AIDS, domestic violence, childcare, juvenile justice etc. A committee, which brings in external expertise and members of the community, is assisted by a full-time researcher, and drives each project. The project committee typically works through the process, which involves publication of an issues paper, workshops at regional level, and a discussion paper (which has often included draft legislation). Consulting the public is central to the Commission's approach: it has in recent years adopted a policy of making itself more transparent, accessible and community oriented. The Commission has extended its consultative process by conducting workshops countrywide in urban and rural areas while approaching issues about the legal system from a multi-disciplinary perspective.

- 14.42** The Commission oversees the project committee’s work and presents the final report to the Minister of Justice. Since 1996, the Minister has accepted 88% of the Commission’s recommendations. The Commission’s programme of work is for it alone to determine, but most of its projects come from the Minister. Others, including members of the public, can put forward topics for consideration. All of its projects are relevant to national priorities.

## UNITED STATES OF AMERICA

- 14.43** In the United States of America law reform is a matter for politicians, the legal professions and academics. Many initiatives have been taken forward by groups of attorneys and teachers acting in consort. Since the 1870s law reform has been linked with the official organisation of the Bar.

- 14.44** The American Law Institute was established in 1923 “to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work”. The Institute produces drafts for consideration by its Council and its membership and then publishes various restatements of the law, model codes, and other proposals for law reform. These publications are copiously referred to by attorneys and judges in court cases and are used in many law schools. The Institute has adopted a multi-media approach comprising a comprehensive range of educational materials and services.

## NEW ZEALAND

- 14.45** Law reform in New Zealand is a matter for the Minister of Justice, but the Government is also advised by the statutory Law Commission, which is an independent, central advisory body established by the Law Commission Act 1985 to undertake the systematic review, reform and development of the law of New Zealand.
- 14.46** The Law Commission, funded by the Ministry of Justice, has a membership of five Commissioners (one full-time High Court judge as President and four part-time members). The part-time members bring experience of current practice from different parts of the legal profession. It is served by approximately 15 legal researchers and a director, together with a substantial and fully staffed law library. Its purpose is to help achieve law that is just, principled and accessible, and that reflects the heritage and aspirations of the peoples of New Zealand. It is assisted by a Maori committee, which helps the Commission identify projects to advance Maori culture and help achieve a reflection of that culture in the Commission’s work. The committee is made up of six leading members of the Maori community, including three Maori judges.

**14.47** The Commission may initiate projects or be given references by the Minister for Justice. It consults widely when developing its proposals for reform and generally publishes discussion papers inviting responses before formulating final recommendations. In all its work the Commission has regard to the desirability of simplifying the expression and content of the law. Its proposals have a strong practical bent and it assesses the practical and operational effects of proposed changes to criminal law, criminal justice and criminal procedure.

**14.48** The Law Commission's reports are presented to the Minister of Justice, tabled in Parliament and published. Recent reports cover the law of succession, a review of the Official Information Act 1982, reform of the procedure for *habeas corpus*, and the use of anonymous witnesses in criminal proceedings. Other work during 1998 included an examination of the prosecution process, an examination of alternatives to formal prosecution, a review of the jury system, and a range of work in public and commercial law.

## Evaluation and Recommendations

**14.49** In our deliberations we took full account of views expressed to us during the consultative process, international practice, research and human rights instruments. We also gave careful consideration to the research, commissioned by us to examine this area, which supported the establishment of a new independent law reform body. There were features of models in other jurisdictions that we regard as having worked well. These included project working, together with a proactive and transparent approach to consultation in developing and reporting on proposals.

**14.50** Much success in the area of law reform in other jurisdictions has been attributed to the functioning of their independent law commissions. Current arrangements for law reform in Northern Ireland are clearly not conducive to addressing law reform in a holistic and systematic way. We believe that a more systematic approach would be met by establishing an independent law reform body responsible for both civil and criminal law, procedure and practice in Northern Ireland. We were impressed by the practically oriented commissions in South Africa and New Zealand. We believe this is particularly important for Northern Ireland where there is a good deal of parity with England and Wales so far as substantive criminal and civil law are concerned but many differences in practice and procedure.

**14.51** We have heard very powerful argument for a statutory law reform body, independent of government, which could provide an impartial and objective view of areas of law and make recommendations that the Government might include in its legislative programme. Law commissions in the other jurisdictions considered were, without exception, established on a statutory basis. Taking account of the need to develop law and practice appropriate to the circumstances of Northern Ireland, **we recommend that a Law Commission for**

Northern Ireland be established by statute to keep under review criminal and civil law, including procedure and practice, and to make recommendations to the Government on whatever changes it considers necessary or desirable. The establishment of such a Commission should not be dependent upon responsibility for criminal justice matters being devolved.

**14.52** We were impressed by the working methods of the South African Law Commission, in particular its use of project committees with external experts acting as project leaders under the oversight of a Commissioner. We recognise the importance of public consultation in this field and believe that the approaches of the South African and Canadian Law Commissions provide examples of good practice.

**14.53** Modern societies require law reform to work towards the clarification, simplification and publication of laws that promote respect for human rights and are responsive to the needs of the community. **We believe the functions of the Law Commission for Northern Ireland should include:**

- reviewing the current state of the law and coming forward with recommendations for reform;
- modernising and, where appropriate, simplifying and consolidating legislation;
- providing advice to the Government as to the most suitable topics for law reform and the most appropriate agencies to make a study of the options for reform;
- keeping abreast of developments in other jurisdictions, including in particular England and Wales, Scotland and the Republic of Ireland;
- working closely with Law Commissions in England and Wales, Scotland and the Republic of Ireland with a view to assessing the scope for harmonisation of the criminal law and procedure in all four jurisdictions;
- commissioning research; and
- inviting suggestions for reform and consulting as widely as possible.

**14.54** The Law Commission should consider both substantive law and procedural matters, taking account of current practice and implications for criminal and civil justice.

**14.55** We recommend that the Commission be chaired by a High Court judge on a part-time basis. In terms of membership of the Law Commission our attention has been focused on the need to bring in different experience and areas of legal expertise and we recommend that membership of the Law Commission should include a senior barrister, a senior solicitor, a legal academic, and one lay person. Members should be remunerated. From experiences of law reform bodies in other jurisdictions, it is clear that the involvement of at least one person engaged full-time on law reform greatly enhances the

productivity and credibility of the organisation. However, in the context of a jurisdiction the size of Northern Ireland, we believe that it would be sensible to start with an entirely part-time membership. This can be kept under review in the light of experience and we should stress that we envisage a full-time and well-qualified secretary to the Commission, together with a full-time research officer and a full-time secretariat.

**14.56** We considered to whom the Commission should be responsible and who would make the appointments to the Commission. **If a Law Commission were to be established in advance of responsibility for criminal justice being devolved, then its members should be appointed by the Secretary of State for Northern Ireland, consulting the First Minister and Deputy First Minister. In this event, the Commission should agree its programme of work with the Secretary of State and First Minister and Deputy First Minister. It should submit its reports jointly to the Secretary of State and relevant members of the Northern Ireland Executive Committee. Its reports should be tabled before the Northern Ireland Assembly and Westminster Parliament, and should be published.**

**14.57** We see much merit in placing responsibility for appointments to the Commission with a senior non-political figure who would have an interest in law reform as it affects all government departments. **Once responsibility for criminal law matters is devolved, responsibility for appointing members to the Commission could pass to the Attorney General for Northern Ireland (discussed in Chapters 4 and 15) who would consult with departmental Ministers, as appropriate, and consider government remits for the programme. Policy responsibility for law reform matters would be assumed by the Minister responsible for justice matters.**

**14.58** The details of working methods will be a matter for the Commission. However we endorse the proactive approach to consultation employed in most other jurisdictions. In the context of a project in Northern Ireland this might involve publication of a Law Commission scoping paper, followed by a period of research and of public consultation that would involve actively going out into the community to seek comments and views as well as receiving inputs from the professions and interest groups. The results of this process would be collated and incorporated in a report for government, which would include recommendations. Consideration should be given to using project teams, drawn at least in part from people outside the Commission, to take forward aspects of the work programme.

**14.59** **We recommend that in developing its programme of work, the Commission should make its own suggestions and receive remits from government. In drawing up its programme of work it should also take account of views of others through a consultation process.**

**14.60** Funding is clearly an important issue. **We recommend that the Law Commission should receive a sufficient budget for books and materials and to facilitate the**

**commissioning of research and project work. We further recommend that the Law Commission be required to make all publications publicly accessible.** A web-site facility would more widely publicise and aid distribution of the Commission's documents.

**14.61** The research report<sup>7</sup> provides a cost analysis, based on the assumption of two full-time Commissioners, the provision of a stand-alone law library, and staffing support. They suggest annual running costs of around £660,000 with additional start-up costs of around £320,000. Our recommendation is based on the assumption that none of the Commissioners will work full-time and that the Commission may seek to use an existing law library. On this basis we estimate that annual running costs will be in the region of £500,000, and that start-up costs will be in the region of £250,000.

**14.62** We have identified a number of matters that were raised with us in the course of consultation, some of which are reflected elsewhere in the report, which we believe it would be appropriate for the Law Commission for Northern Ireland to consider as part of its early programme of work:

- **The disclosure procedures under the provisions of the Criminal Procedure and Investigations Act 1996.**
- **Plea bargaining, focusing on issues concerning formalisation, transparency and human rights.**
- **Domestic violence, in particular how current law, policy and practice helps or hinders prevention, protection and service provision in relation to domestic violence. Such a review should not be confined to criminal procedures, but encompass family and civil remedies as well.**
- **Producing, for use by practitioners, a simple, clear and concise comparative guide to criminal law and procedure in Northern Ireland and the Republic of Ireland (see also Chapter 17).**

**14.63** Internal arrangements to support government in legislative matters will still be required and **in the event of criminal justice responsibilities being devolved, we recommend that responsibility for criminal law and procedure and those aspects of civil law which are currently the responsibility of the Office of Law Reform should be brought together within a new Department of Justice.**

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<sup>7</sup> Dickson and Hamilton, Research Report 9.