FROM THE OFFICE OF THE JUSTICE MINISTER

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 345
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

28 October 2026

Dear Kathy,

JUSTICE (2011 ACT) (AMENDMENT OF SCHEDULE 4) ORDER (NORTHERN IRELAND) 2026 – EXPANSION OF PENALTY NOTICES.

Out of Court Disposals, such as Penalty Notices, are a critical tool as part of the wider Speeding Up Justice programme, which will reduce demand on the criminal justice system at a time of increased pressure and limited resources.

On 2 July 2026, the Justice Committee considered the SL1 for the Justice (2011 Act) (Amendment of Schedule 4) Order (Northern Ireland) 2026 – Expansion of out of court disposals and indicated that it is content for the Department to proceed with the proposed statutory rule.

The SL1 contained a proposed operational date advising that "the rule will come into operation on the day following the date on which this Order is approved by resolution of the Assembly." Officials prepared the draft order on that basis, and at its meeting on 10 September 2026, the Committee for Justice considered SR 2026/0000 The Justice (2011 Act) (Amendment of Schedule 4) Order (Northern Ireland) 2026 – Expansion of Out of Court Disposals and had no objection to the Statutory rule.

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Since then, officials have been working closely with partner Criminal Justice Organisations (CJOs) to plan operational implementation and intend to schedule the Assembly debate as soon as practicable before the Christmas recess in line with Committee instruction that any delay between Committee SL1 approval and Assembly debate should be minimised.

Unforeseen delays to the associated PSNI IT implementation programme mean that, to align with the Committee's preference for scheduling Assembly debate as soon as possible following SL1 approval, the commencement provision in the draft Rule previously submitted to the Committee requires amendment. The proposed change is to provide for commencement on 1 February 2027, allowing the Assembly debate to take place before the Christmas recess.

Consequently, and in line with normal procedures, the current draft rule must be withdrawn, amended and resubmitted.

Officials have updated the previously submitted SL1 correspondence to reflect the revised operational commencement date and, following advice from TEO, are writing to the Committee to outline the proposed approach. This is to ensure the Committee remains content that no further scrutiny is required, given that the only substantive change to the SL1 and rule previously approved by the Committee is the commencement date. The updated draft order and accompanying explanatory memorandum can be found attached as appendices.

Subject to the Committee's agreement, the amended rule will be scrutinised by the Examiner of Statutory Rules, included in a future Examiner's Report, and subsequently returned to the Committee before being scheduled for Assembly debate.

Additionally, in order to prepare for the potential Assembly approval of the expansion of penalty notices and subsequent operational commencement, officials have collaborated with PSNI and engaged with the Human Rights Commission, The Equality Commission and Victims Support NI, to update the Justice (Northern Ireland) Act 2011 Penalty Notices (Part 6 Chapter 1) Departmental Guidance, and a copy is enclosed for your information.

The revised Guidance modernises and expands the scheme to support the introduction of the proposed new statutory penalty notice offences while strengthening operational safeguards and consistency and aims to future proof the guidance for anticipated digitisation of the process.

Key changes include:

- Expansion of the number of eligible offences from 7 to 11, including the addition of Common Assault and possession of Class A, B and C controlled drugs.
- Introduction of a new £150 penalty tier and increases in existing penalty amounts from £40 to £50 and £80 to £120.
- Confirmation that a penalty notice disposal for Common Assault is limited to cases involving no injury or only minor, non-permanent injury.
- Introduction of penalty notices for simple possession of controlled drugs, subject to quantity limits specified in PSNI operational guidance.
- Enhanced prominence of the victim impact section within the process, ensuring victim considerations are consistently recognised and prioritised in decision-making. Increase in the theft value threshold from £200 to £300, allowing a broader range of low-value thefts to be dealt with through the scheme.
- Replacement of the previous eligibility restriction limiting theft penalty notices to two occasions, at least two years apart, with a more flexible and comprehensive assessment of offender suitability and offending history.
- Strengthening of repeat offender safeguards through consideration of recent convictions and other criminal justice disposals for similar offending within the previous 24 months.
- Confirmation of Inspector approval requirements for cases involving hate motivation, breach of trust or vulnerable victims.
- Revision of guidance concerning multiple offences arising from a single incident, providing a clearer framework for the use of penalty notices where more than one eligible offence has been committed.
- Enhanced recording, monitoring, quality assurance and oversight arrangements, for the ongoing review and evaluation of the scheme to ensure continued compliance with human rights and equality obligations.

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The Department wishes to thank the Committee in advancing this work as it seeks to deliver outcomes that support Safer Communities in line with Programme for Government targets.

Yours sincerely,

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