Draft Order laid before the Assembly under section 133A(7) and (9) of the Criminal Justice Act 1988 (c. 33), for approval by resolution of the Assembly.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2026 No. 0000

JUSTICE

The Compensation for Miscarriages of Justice (Alteration of Overall Compensation Limits) Order (Northern Ireland) 2026

Made ***

Coming into operation ***

The Department of Justice makes this Order in exercise of the powers conferred by section 133A(7) and (9) of the Criminal Justice Act 1988(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Compensation for Miscarriages of Justice (Alteration of Overall Compensation Limits) Order (Northern Ireland) 2026.

(2) This Order shall come into operation on the date following the date on which this Order is approved by the Assembly.

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to this Order as it applies to an Act of the Assembly.

Application

2. This Order shall apply in relation to—

(a) an application for compensation made to the Department of Justice under section 133(2) of the Criminal Justice Act 1988 on or after the date on which this Order comes into operation, and

(b) an application for compensation made under that section before the date on which this Order comes into operation, but for which the assessor has not yet made an assessment of the amount of compensation under sections 133(4) and 133A of the Criminal Justice Act 1988.

Amendment of section 133A(5) of the Criminal Justice Act 1988

3.—(1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 133A (miscarriages of justice: amount of compensation)—

(a) in subsection (5)(a), for "£1 million" substitute "£1,300,000";

(b) in subsection (5)(b), for "£500,000" substitute "£650,000".

(a) 1988 c. 33. Section 133A was inserted by section 61(1), (7) and (9) of the Criminal Justice and Immigration Act 2008 (c. 4) and has been amended by S.I. 2010/976

(b) 1954c. 33(N.I.)

Sealed with the Official Seal of the Department of Justice on XX XXXX 2026.



Naomi Long
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the overall compensation limits which apply to compensation payable by the Department of Justice under section 133 of the Criminal Justice Act 1988.

Section 133 of the 1988 Act, which extends throughout the United Kingdom, makes provision for the payment of compensation to those who have suffered a miscarriage of justice following conviction in the justice system. Section 133A(5), which extends to England and Wales and Northern Ireland only, specifies that the total amount of compensation payable must not exceed the overall compensation limit.

Article 3 of this Order amends section 133A(5)(a) and (b) to increase the overall compensation limit which applies to compensation payable by the Department of Justice from £1 million to £1,300,000 in cases where the person has been detained for at least ten years, and from £500,000 to £650,000 in any other case. Compensation is payable by the Department of Justice in relation to eligible cases in Northern Ireland. This Order does not change the overall compensation limits specified in section 133A(5A) which apply to compensation payable by the Secretary of State in relation to eligible Northern Ireland cases that are determined on national security grounds.