FROM THE OFFICE OF THE JUSTICE MINISTER

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG
[redacted]

JCP\26\278

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

9 November 2026

Dear Kathy,

SL1: THE COMPENSATION FOR MISCARRIAGES OF JUSTICE (ALTERATION OF OVERALL COMPENSATION LIMITS) ORDER (NORTHERN IRELAND) 2026

The Department of Justice proposes to make the above Statutory Rule under powers conferred by section 133A of the Criminal Justice Act 1988. The Statutory Rule is subject to the draft affirmative resolution procedure.

Purpose of the Statutory Rule

The Statutory Rule will increase the statutory compensation awards payable as compensation for miscarriages of justice in Northern Ireland, in cases administered by the Department of Justice, by 30%. The revised limits will be:

- £1.3 million in cases where the applicant has spent more than ten years in custody (increased from £1 million); and
- £650,000 in any other case (increased from £500,000)

The statutory maximum awards have remained unchanged since 2008. On 15 July 2025 the Ministry of Justice announced that the statutory maximum awards for compensation for miscarriage of justice cases in England and Wales, and in Northern Ireland cases involving national security, would be increased by 30%. The UK Parliament approved this uplift in October 2025, setting the equivalent limits at £1.3 million (more than ten years in custody) and £650,000 (any other case).

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

The statutory maximum awards for miscarriage of justice compensation in Northern Ireland are prescribed in legislation and have remained at the levels set in 2008. The Department considered that the changes in England and Wales, combined with the passage of time since the maximum awards were set, provided an appropriate opportunity to invite public and stakeholder views on whether reform was required in Northern Ireland. The statutory rule does not alter the statutory test for entitlement to compensation, eligibility criteria or the process by which the claims are determined. It increases only the maximum amount of compensation that may be awarded in qualifying cases.

Previous Engagement with the Committee

There has been ongoing engagement with the Committee in relation to this Statutory Rule

- May 2026 – JCP/ 26/99 Advising the Committee of Consultation on the Statutory Maximum Limits for Miscarriages of Justice.
- September 2026 - JCP\26\181 Consultation Report on the Statutory Maximum Limits for Miscarriages of Justice

Financial Implications

There are no set-up or implementation costs associated with the proposed statutory rule. Awards are determined on a case-by-case basis by an independent assessor, having regard to the particular circumstances of each case. The financial impact of the increase will therefore depend on the number and circumstances of cases assessed in any given year rather than a change to the maximum awards.

The statutory maximum is an upper limit; it does not represent the level at which every individual award will be made. Claims for miscarriage of justice compensation are rare and only a small proportion of cases historically have approached the statutory maximum limits. The financial impact is therefore expected to be limited and manageable within existing budgeting processes.

Consultation

A public consultation on miscarriage of justice statutory maximum awards in Northern Ireland ran from 22 June 2026 until 17 August 2026. The Department received seven responses to the consultation.

The consultation contained six questions, three linked to the main question of whether statutory maximum awards should be increased and three linked to whether the Department, in a future mandate, should consider other changes to the miscarriage of justice compensation awards. The majority of respondents agreed that the statutory maximum awards should increase in line with changes made in England and Wales.

- All respondents disagreed with question one, namely that no change should be made and that the existing statutory maximum awards remain unchanged

- Five of the seven respondents agreed with Question 2, namely that the statutory maximum awards should be aligned with those in England and Wales in order to maintain consistency and fairness across jurisdictions that operate under the same legislative framework.

- In response to Question 3: what alternative maximum should be considered one anonymous response suggested higher maximum awards of £1million and £3million. One anonymous response suggested the case profile in Northern Ireland might justify a different approach rather than automatic alignment.

- In relation to Question 4, which sought views on whether consideration should be given to introducing a separate statutory maximum for cases involving more than 20 years in custody, six respondents expressed support for further exploration of the issue.

- On question five whether the statutory maximum awards should be removed altogether one respondent was in favour of this approach, three respondents did not answer this question and three respondents were not in favour of this approach, noting it removed predictability for budgeting, statutory limits provided an important control mechanism and accountability in the use of public funds.

- Question six asked whether there were any operational, legal or other considerations that should be taken into account. One respondent noted any changes should be consistent with Managing Public Money Northern Ireland guidance. One respondent suggested all applicants should be eligible for legal aid. One respondent suggested there should be no time limit for seeking compensation nor any limit on compensation available. Other observations included making the process as simple as possible, allowing applications to select their own solicitor, providing clear guidance and ensure the process was quick.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the proposed Statutory Rule is compatible with Convention rights. The proposed Order increases the statutory maximum awards payable under the Criminal Justice Act 1988 but does not alter the eligibility criteria for compensation, the statutory test for entitlement, or the process through which awards are assessed and determined. The measure is beneficial in nature, increasing the potential level of compensation available to eligible applicants. To the extent that Article 1 of Protocol 1 to the European Convention on Human Rights is engaged, the Department considers that the proposal enhances rather than restricts the enjoyment of any such rights.

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

Equality Impact

An Equality Impact Screening was undertaken. The screening exercise concluded that the preferred policy should be screened out for the purposes of a full Equality Impact Assessment. The proposal increases the statutory maximum compensation awards available to persons who satisfy the statutory requirements for compensation and applies equally to all eligible applicants. The policy does not introduce differential treatment, alter eligibility criteria or create barriers to access for any of the Section 75 groups. No adverse equality impacts were identified and no consultee provided evidence suggesting that a differential impact would arise. Accordingly, a full Equality Impact Assessment was not considered necessary.

Regulatory Impact

A Regulatory Impact Assessment has not been undertaken as the proposal does not impose costs, regulatory requirements or administrative burdens on businesses, charities, voluntary organisations or social enterprises. The proposed changes relate solely to the statutory maximum compensation awards payable by the Department in a limited number of miscarriage of justice cases and have no direct impact on commercial activity or the wider economy.

Rural Needs Impact

A Rural Needs Impact Assessment was completed during policy development and prior to public consultation. The assessment concluded that the proposal would not have a differential impact on people living in rural areas. The policy applies uniformly across Northern Ireland and does not affect access to public services, transport arrangements, infrastructure or service delivery in rural communities. Consequently, no rural needs issues were identified, and no further assessment was considered necessary.

Data Protection Impact

A Data Protection Impact Assessment is not required. The proposal concerns an increase in the statutory maximum compensation awards and does not involve the collection, processing, sharing or retention of personal data beyond existing arrangements already associated with the administration of miscarriage of justice compensation claims. No new data protection risks arise from the proposal.

Child Rights Impact

A Child Rights Impact Assessment has not been undertaken. The proposal concerns the level of statutory maximum compensation awards available under section 133 of the Criminal Justice Act 1988 and does not introduce measures that specifically affect children or young people. The policy does not engage rights protected under the United Nations Convention on the Rights of the Child in a manner that would warrant a dedicated assessment.

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

Position in Great Britain (*if appropriate*).
The statutory compensation limits for miscarriages of justice in England and Wales were introduced in 2008 and increased by 30% in October 2025 by The Compensation for Miscarriages of Justice (Alteration of Overall Compensation Limits) Order 2025, SI 2025/1139, made under section 133A(7) of the Criminal Justice Act 1988.

Any other information

Proposed timing of consideration of the SL1
The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The Department proposes that the Committee consider the SL1 at the meeting on 10 December 2026.

Proposed Operational Date
It is proposed that the rule will come into operation on or before 31 March 2027.
The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for Justice.

Officials would be happy to attend the Committee and provide an oral briefing if that would be helpful.

Yours sincerely,

[redacted]

FIONA SCULLION
DALO