

## Response ID ANON-DCPB-8R72-C

Submitted to Criminal Justice (Sentencing etc) Bill  
Submitted on 2026-04-08 19:52:51

### Introduction

What is your name?

Name:

[REDACTED]

What is your email address?

Email:

[REDACTED]

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

[REDACTED]

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I would like my views to be anonymous and understand that my name and organisation details will be withheld, along with any identifiers in the response, but my views will still be published.

### Exercise of court's discretion when sentencing

Clause 1 outlines the purposes and principles of sentencing. It sets out the factors that the court must have regard to for the purposes of sentencing, which are: the punishment of offenders; for the protection of the public; the reduction of crime by deterrence; the rehabilitation of offenders; and, the making of reparations by offenders to persons affected by their offences. Do you agree with the purposes of sentencing as outlined above?

Yes

Please provide information to support your answer here::

Clause 1 also defines the principles of sentencing as proportionate, fair and transparent. Do you agree with these being set as the principles of sentencing?

Yes

Please provide information to support your answer here::

Do you have anything further to add on Clause 1 of the Bill?

No

Please provide any further information relating to Clause 1 here::

Clause 2 imposes a duty to follow guidance relevant to the case when sentencing an offender, unless it would be contrary to the interests of justice to do so and to give reasons in relation to sentencing. Do you support the objectives of this clause?

Yes

Please provide information to support your answer here::

Do you have anything further to add on Clause 2 of the Bill?

No

Please provide information to support your answer here::

Part 1 - Exercise of court's discretion when sentencing - Do you have anything further to add on Part 1 of the Bill?

No

Please provide information to support your answer here::

## Availability and effect of suspended sentence orders

Clause 3 sets out when suspended sentence orders may be made and Clause 4 sets out what a suspended sentence order is and how it will be activated. Do you support the provisions around when suspended sentences can be used and what a suspended sentence order is in Clauses 3 and 4 of the Bill?

Yes

Please provide information to support your answer here::

Any additional demand that may fall to policing from these clauses should be identified and appropriate resource allocated

Clause 5 sets out the operational period and supervision period which apply to a suspended sentence. Do you agree with the periods and requirements outlined in the clause?

Not Answered

Please provide information to support your answer here::

Any additional demand that may fall to policing from these clauses should be identified and appropriate resource allocated

Clause 6 sets out that a court must explain to an offender, in language the offender can understand, the reason why it is imposing requirements and the effect of them. Do you agree with the provision of copies of orders and explanation of effect as laid out in Clause 6?

Yes

Please provide information to support your answer here::

Clause 7 sets out how a suspended sentence is to be treated. Do you agree with the intent of Clause 7?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 3 to 7 of the Bill?

No

Please provide information to support your answer here::

## Community requirements

The Minister of Justice has stated that the intention behind adding community-based requirements to suspended sentences is to allow rehabilitative work to be carried out where it might be helpful to do so and to add a visible element to making reparations that could be realised via a community based sentence. Do you agree with the intent behind enacting Clauses 8-10?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 8 to 10 of the Bill?

Yes

Please provide information to support your answer here::

Anticipated demand that may fall to PSNI should be clearly articulated and resourced

## Responsible Officer

Do you have any comments on Clauses 11 to 13 of the Bill?

No

Please provide information to support your answer here::

## Activation of sentence and amendment of order etc.

Do you have any comments on Clause 14 of the Bill?

Yes

Please provide information to support your answer here::

Demand upon stretched PSNI resources needs to be articulated and appropriate resource provision provided. This should include training and other costs.

### Supplementary (Suspended sentences)

Do you have any comments on Clauses 15 to 17 of the Bill?

No

Please provide information to support your answer here::

Part 2 - Suspended Sentences. Do you have anything further to add on Part 2 of the Bill?

No

Please provide information to support your answer here::

### Life sentences

Clause 18 makes provision so that, where a court makes an order under paragraph (1) or (3) of the Life Sentences (Northern Ireland) Order 2001 (the 2001 Order), the court must state in ordinary language the reason for imposing a life sentence and explain in ordinary language to the offender the effect of such a decision. Do you agree with the intention behind this clause?

Yes

Please provide information to support your answer here::

Clause 19 inserts new Article 5B and Schedule A1 into the 2001 Order on the determination of tariffs in cases of mandatory life sentences for adult offenders. This includes the starting point of 15 years where there are no aggravating factors and 20 years as the starting point where the seriousness of the offence is exceptionally high. Do you agree with the provisions of this clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 18 or 19 of the Bill?

No

Please provide information to support your answer here::

Part 3 - Life sentences. Do you have anything further to add on Part 3 of the Bill?

No

Please provide information to support your answer here::

### Unduly lenient sentences

Three options were consulted on for the reform of unduly lenient sentence review: • Option A – All Crown Court and Magistrates' Courts sentences are made referable • Option B – All Crown Court sentences are made referable • Option C – All Crown Court sentences and sentences for offences with a maximum penalty of 12 months or more when tried in a Magistrates' Court are made referable. No clear preference for any option emerged as a result of the consultation. The review team concluded that to extend the arrangements to some Magistrates' Courts sentences would risk diminishing their purpose and would add to confusion over which offences were included, so it was decided to only make the referrals applicable to Crown Court sentences. Do you agree with the approach as provided for in Clause 20?

No

Please provide information to support your answer here::

It is not clear why magistrates Courts Sentences would not be referable

Clause 21 allows for the Director of Public Prosecutions for Northern Ireland to refer a case to the Court of Appeal where it appears to them that the sentencing has been unduly lenient and the case is one which is applicable under Clause 20. Do you agree with the intent behind this Clause?

Yes

Please provide information to support your answer here::

Do you have any comments on Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Part 4 - Unduly lenient sentences. Do you have anything further to add on Part 4 of the Bill?

No

Please provide information to support your answer here::

**Failure to disclose information about victim's remains: Increase to sentence following failure to disclose**

Part 5 of the Criminal Justice (Sentencing etc) Bill, covering Clauses 24 to 27, proposes to introduce a statutory aggravating factor, adding a minimum of 30% to the notional custodial period, for failure to disclose the location of a victim's remains or how a victim was disposed of. Do you agree with the introduction of this aggravating factor as an additional tariff to sentencing in "no body" cases?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 24 to 27 of the Bill?

No

Please provide information to support your answer here::

**Reduction to sentence following disclosure**

Clauses 28 to 30 of the Bill deal with applying a reduction to the additional aggravating tariff where disclosure of the location or detailing what happened to a victim's remains is made post conviction. The principle is that the amount of any reduction will never exceed the aggravation applied at the point of sentencing but provides an incentive for the offender to disclose information about the victim's remains or how they were disposed of. Do you agree with the principles behind Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 28 to 30 of the Bill?

No

Please provide information to support your answer here::

**Parole Commissioners**

Clause 31 places a duty on Parole Commissioners to consider a failure by a prisoner to disclose the location of victim's remains or how a victim's remains have been disposed of, when considering their release as part of the public interest decision making. Do you agree that this should form part of the consideration for the Parole Commissioners when making a determination?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 31 of the Bill?

No

Please provide information to support your answer here::

**Supplementary (Failure to disclose)**

Do you have any comments on Clause 32 of the Bill?

No

Please provide information to support your answer here::

Part 5 - Failure to disclose about a victim's remains. Do you have any further comments on Part 4 of the Bill?

No

Please provide information to support your answer here::

#### Particular persons or groups: Aggravation by hostility

Clause 33 introduces an aggravator to an offence if the offence is aggravated by the person's race, religion, sexual orientation or as a result of disability. Do you agree with this being an appropriate list of groups for the aggravators included in this Clause?

Yes

Please provide information to support your answer here::

Clause 34 sets out the consequences of aggravation by hostility. Do you agree with the consequences outlined in the Clause?

Yes

Please provide information to support your answer here::

Clause 35 provides the Department of Justice with the power to add, amend or revoke the kinds of hostility by which an offence may be aggravated if the hostility relates to a group or characteristic. Do you agree that the Department should be able to amend the groups for whom an aggravator applies?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 33 to 35 of the Bill?

No

Please provide information to support your answer here::

#### Aggravation by reason of vulnerability

Clause 36 introduces a new aggravator by reason of the victim being vulnerable, following a consultation which originally included older age and vulnerability as potential aggravators. Do you agree with including vulnerability as an aggravator in this Clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 36 of the Bill?

No

Please provide information to support your answer here::

#### Public Workers etc

Clause 37 introduces a new offence of assault on a public worker and defines a public worker as being a person employed or engaged to provide a service to the public, performing a public duty or delivering a public service. Do you agree with the new offence of assault on a public worker?

Yes

Please provide information to support your answer here::

It is positive to widen this offence out, however the importance of assaulting a police officer or staff member in the course of their duties should not be diminished as police officers and staff perform a unique role in society. Anything to strengthen sentences is to be welcomed

Do you agree with the definition of a public worker as defined in Clause 37?

Yes

Please provide information to support your answer here::

With a caveat above

Clause 37 proposes that a person found guilty of assaulting a public worker could receive a fine and/or be sentenced to up to 2 years imprisonment. Do you believe the penalties for this offence are appropriate?

No

Please provide information to support your answer here::

Up to 2 years is a maximum which will rarely be achieved. Assaults on police officers and staff should attract a higher sentence as a deterrent.

Clause 38 proposes introducing a new aggravator if an offence is committed against a public worker who is acting in the exercise of functions as a public worker. Do you agree with the inclusion of an offence of aggravation by assault on a public worker?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 37 to 39 of the Bill?

No

Please provide information to support your answer here::

Part 6 - Particular persons or groups. Do you have any further comments on Part 6 of the Bill?

No

Please provide information to support your answer here::

## Road Traffic Offences

Clause 40 increases the maximum penalty for causing death or grievous bodily injury by driving while disqualified to 12 months or the statutory maximum fine or both when tried summarily, and 4 years or a fine or both when tried on indictment. Do you agree with the proposed increased sentences?

No

Please provide information to support your answer here::

Appears lenient in the context of a repeat offender, causing significant harm, with no regard for the law.

Clause 41 of the Bill proposes to increase the maximum sentences for driving offences that cause death or grievous bodily injury, through dangerous driving or while under the influence of drink or drugs, from 14 years to 20 years. Do you agree with the increase in maximum sentencing for these offences?

Yes

Please provide information to support your answer here::

Clause 42 of the Bill proposes to increase the maximum sentences available for certain repeat offences which occur within 10 years of the person serving the required custodial period for the earlier offence. Do you agree with the increase to the maximum sentence periods for certain repeat offenders?

Yes

Please provide information to support your answer here::

Clauses 43 to 45 provide for disqualification periods for certain offences and for certain repeat offences and increase the mandatory minimum disqualification period. Do you agree with the introduction of new mandatory minimum disqualification periods included in these clauses of the Bill?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 40 to 45 of the Bill?

No

Please provide information to support your answer here::

Part 7 - Road Traffic Offences. Do you have anything further to add on Part 7 of the Bill?

No

Please provide information to support your answer here::

## General

Do you have comments on Clauses 46 to 49 of the Bill?

No

Please provide information to support your answer here::

## Commencement

Do you agree that the sections of the Bill should be commenced as outlined in Clause 50 of the Bill?

Yes

Please provide any other comments or views you have here::

## Short Title

Do you have any comments on Clause 51 of the Bill?

No

Please provide any other comments or views you have here::

## Any Other Comments on the Bill

Do you have any other comments or views on the Criminal Justice (Sentencing etc) Bill?

No

Please provide any other comments or views you have on the Criminal Justice (Sentencing etc) Bill here::