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Submitted to Criminal Justice (Sentencing etc) Bill
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Introduction

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Organisation:
The Katie Trust

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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?

No

Please provide information to support your answer here::

The Katie Trust supports the stated purposes of sentencing in principle; however, their effectiveness depends on how they are applied in practice. The Katie Trust agrees that the purposes of sentencing should include punishment, public protection, deterrence, rehabilitation and reparation. These are appropriate core purposes and provide a recognisable framework for sentencing.

However, in practice, their application must be capable of reflecting the realities of pattern-based offending, particularly in domestic abuse cases. Abuse is often experienced not as a single incident but as a course of conduct involving cumulative harm, psychological domination, repeated assaults, intimidation and post-separation abuse. If sentencing focuses too narrowly on the individual offence before the court, it may fail to reflect the true seriousness of the offending or the level of risk posed to the victim and wider public.

KT would therefore encourage the Committee to ensure that the purposes of sentencing are applied in a way that recognises cumulative harm, delayed reporting and the impact of coercive control on victim disclosure. This is particularly important where procedural delay, evidential gaps or time limits on summary offences mean that the full pattern of offending is not reflected in the final charge set before the court.

Of particular relevance to KT's work are the purposes of public protection and reparation. Reparation to persons affected by offences is especially significant in cases involving bereavement, where families bear long-term harm that may never be fully remedied.

KT would also note a potential tension between rehabilitation and public protection in cases involving high-risk or repeat offenders. Where patterns of escalation are evident, the protection of victims and the public must remain the primary consideration.

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::

The Katie Trust agrees that sentencing should be proportionate, fair and transparent. These are essential principles and KT supports their statutory recognition.

On proportionality: the Bill defines this as proportionate to the seriousness of the offence, taking into account aggravating and mitigating factors and the character of the offender. KT supports this definition but notes that proportionality depends on the court having a complete picture of offending. In domestic abuse cases, the conduct before the court may represent only part of the harm experienced. Where coercive control, delayed reporting, or investigative delay means that offences are not captured within applicable time limits, sentencing can appear proportionate to the charge while being

disproportionate to the lived reality of the harm.

On fairness: the Bill does not define what fairness means in practice. KT considers that fairness must extend to victims and their families, not only to offenders. A sentence which is procedurally fair to the accused but fails to reflect the full impact of offending is not truly fair in any meaningful sense.

On transparency: victims and families should be able to understand not only the sentence imposed, but how the court assessed seriousness, risk, and aggravating features. This is particularly important in cases involving coercive control or high-risk behaviour which may otherwise be minimised or inadequately reflected in the charges before the court.

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

Yes

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

KT considers that Clause 1 would be strengthened by clearer recognition that sentencing should reflect not only the offence of conviction in isolation, but also the broader context in which offending occurs where that context is properly evidenced.

KT has direct experience of cases where evidence was obtained at the time of reporting but not reviewed for a prolonged period (in excess of 12 months), and where formal victim interviews took place significantly later. As a result, offences fell outside statutory time limits and could not be charged.

This resulted in sentencing being based on a materially incomplete account of offending behaviour, despite evidence existing at the time of the original report.

In particular, the Committee may wish to consider whether the sentencing framework sufficiently captures:

- cumulative harm across repeated incidents;
- the effect of coercive control on delayed reporting and victim presentation;
- the way investigative delay can reduce the number or seriousness of charges ultimately before the court; and
- the need to protect the public from offenders whose behaviour demonstrates escalation and pattern, even where the final indictment presents only part of that pattern.

Without this, there is a risk that sentencing reform improves structure on paper without fully improving outcomes in practice for victims of domestic abuse and other pattern-based harm.

This is further compounded by how information is presented at sentencing, where pre-sentence reports may rely on summaries and offender accounts, while victim impact statements are constrained in scope, limiting the court's ability to fully understand the harm caused.

KT would specifically draw the Committee's attention to the structural imbalance in how harm is presented at sentencing. Pre-sentence reports may rely on case summaries and the offender's own account, while victim impact statements are typically confined to the specific charges before the court. This means the court may be receiving a more complete picture of the offender's perspective than of the victim's experience.

KT recommends that the Committee consider whether Clause 1 should be accompanied by guidance — or a statutory requirement — that courts must, where relevant evidence exists, consider the broader pattern of offending behaviour and not solely the charges on the indictment. This would begin to address the gap between sentencing structure and sentencing outcomes in practice.

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::

The Katie Trust supports the objective of Clause 2 in creating a duty on courts to follow relevant sentencing guidance and to explain any departure from it. This has the potential to improve consistency and reduce disparity in sentencing outcomes.

KT notes that Clause 2 identifies the Lady Chief Justice's Sentencing Group as the primary source of guidance. KT would strongly encourage the Group to prioritise guidance on domestic abuse, coercive control, and pattern-based offending, where inconsistency in sentencing is most evident in practice. In KT's experience, courts can reach materially different outcomes in cases involving similar patterns of harm, particularly where non-physical abuse, escalation, or high-risk indicators are present.

KT also notes the inclusion of the interests of justice exception allowing departure from guidance. While this flexibility is appropriate in principle, KT is concerned that without clear parameters, it risks reintroducing the inconsistency that the clause seeks to address. The requirement to state reasons for departure is welcome, but reasons alone do not ensure proportionate outcomes.

KT therefore considers that the duty to follow guidance must be supported by guidance that explicitly addresses cumulative harm, coercive control, and delayed disclosure — and by training to ensure consistent understanding across the judiciary and legal practitioners.

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

Yes

Please provide information to support your answer here::

KT welcomes that Clause 2(4) defines sentencing guidance broadly, including Court of Appeal judgments and guidance judgments identified by the Lady Chief Justice's Sentencing Group. This breadth is important, as formal guidelines alone may not capture the full range of offending contexts courts encounter in practice.

However, KT's key concern is the gap between guidance existing and guidance being consistently applied. In KT's experience supporting families through criminal proceedings, there is significant variation in how courts approach cases involving similar patterns of harm. This inconsistency is experienced directly by victims and families, who may observe very different outcomes in cases that appear comparable, without any clear explanation of why. KT would therefore recommend that the Committee consider the following specific measures to support effective implementation:

First, mandatory training for judiciary and legal practitioners on domestic abuse dynamics, coercive control, and cumulative harm should accompany the introduction of any new guidance.

Second, a monitoring mechanism should be established to assess consistency in the application of guidance over time. This could sit with the Lady Chief Justice's Sentencing Group or an appropriate oversight body.

Third, KT notes that the guidance duty in Clause 2 and the unduly lenient sentence provisions in Part 4 are complementary. Consistent guidance reduces the risk of unduly lenient outcomes; the ability to challenge such outcomes provides a backstop where guidance has not been followed. The Committee should ensure both mechanisms are as robust as possible.

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

Yes

Please provide information to support your answer here::

The Katie Trust welcomes Part 1 as a meaningful step toward a more structured and transparent sentencing framework. The statutory recognition of sentencing purposes and principles, and the duty to follow and explain departures from guidance, are positive developments which have the potential to improve consistency and public confidence.

However, KT considers that Part 1 has a significant structural limitation: it improves the framework within which courts operate, but does not address the quality or completeness of the information courts receive when sentencing.

In practice, courts are often sentencing on the basis of a materially incomplete account of offending. This arises from the combined effect of coercive control delaying victim recognition and disclosure, investigative delays causing offences to fall outside statutory time limits, and victim impact statements confined to charges before the court rather than the broader harm experienced. Pre-sentence reports may similarly rely on case summaries and the offender's own account, creating a structural imbalance in whose experience the court fully hears.

The principles of proportionality, fairness and transparency set out in Part 1 cannot operate effectively if the information underpinning sentencing decisions is incomplete.

KT therefore recommends that Part 1 be accompanied by a clear requirement — in guidance or statute — that courts consider the broader pattern of offending where evidence exists, and that the Lady Chief Justice's Sentencing Group prioritises guidance addressing cumulative harm, coercive control, and delayed disclosure as a matter of urgency.

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::

The Katie Trust supports the use of suspended sentence orders where applied appropriately and with clear safeguards. The structured framework introduced by Clauses 3 and 4 is a positive development.

However, KT has significant concerns about the application of these provisions in domestic abuse and coercive control cases. Clause 3 permits suspended sentences for terms up to 2 years for non-serious offences. In practice, where charges are limited by delayed reporting, evidential gaps, or statutory time limits, offences which reflect serious and sustained harm may fall within this lower threshold — not because the behaviour is minor, but because the full pattern of offending is not before the court.

KT is also concerned about how activation under Clause 4 operates in domestic abuse cases.

An activation event requires either a further imprisonable offence during the operational period or a breach of requirements. Where continued abuse of the same victim does not result in a new charge quickly, the activation mechanism may not respond to ongoing harm in a timely way.

From the perspective of victims and families, a suspended sentence with no immediate custodial consequence can be experienced as no consequence at all — particularly where the offender remains in the community and contact continues.

KT recommends that sentencing guidance explicitly addresses the suitability of suspended sentences in cases involving coercive control, repeated violence, or indicators of escalation, and that risk to the victim is central to that assessment.

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?

Yes

Please provide information to support your answer here::

The Katie Trust supports the inclusion of defined operational and supervision periods as a framework for managing suspended sentences. However, KT has concerns about whether the periods set out in Clause 5 are adequate in cases involving domestic abuse and coercive control.

Clause 5 sets a minimum supervision period of 6 months. In domestic abuse cases, 6 months is unlikely to be sufficient to meaningfully assess or address risk, particularly where patterns of coercive control are deeply entrenched. KT would strongly recommend that guidance directs courts toward longer supervision periods in such cases.

KT is also concerned about the cliff-edge effect when operational and supervision periods end. Research consistently shows that post-separation is the period of highest risk for victims of domestic abuse. Where an operational period expires while risk remains elevated, there is no mechanism within these provisions to extend protection. The end of a supervision period does not mean the end of danger.

KT would therefore recommend that courts are guided to set operational periods at the longer end of the available range in domestic abuse cases; supervision periods reflect the specific risk profile of the offender rather than defaulting to the minimum; and multi-agency communication does not cease at the end of the formal supervision period where ongoing risk has been identified.

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::

The Katie Trust supports the requirement in Clause 6 that courts explain suspended sentence orders to offenders in plain language, and that copies are provided to the probation officer for distribution. Clarity about expectations and consequences is an important component of any effective sentencing framework.

However, KT notes a significant omission in Clause 6: there is no requirement to inform the victim of the order, its terms, or its implications. Where a suspended sentence is imposed in a domestic abuse case, the victim has a direct and ongoing interest in knowing what conditions apply to the offender, what would constitute a breach, and what protections — if any — are in place. The current provisions make no provision for this.

KT would also note that explanation of an order to an offender does not equate to compliance. In cases involving coercive control or entrenched abusive behaviour, the issue is not a lack of understanding but a willingness to respect boundaries and the safety of others. Explanation alone cannot substitute for robust supervision and timely response to breach.

KT recommends that Clause 6 be amended or accompanied by guidance requiring that victims are informed of the key terms of any suspended sentence order made in their case, in accessible language and in a timely manner.

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::

The Katie Trust supports the intent of Clause 7 in providing clarity on the legal status of a suspended sentence before and after activation. Clear rules about how such sentences are treated for statutory purposes are important for consistency and for the operation of related provisions across agencies.

However, KT draws the Committee's attention to one aspect of Clause 7 which may have practical significance in domestic abuse and safeguarding contexts. Clause 7(1) provides that an unactivated suspended sentence is treated as a custodial sentence for most statutory purposes, but expressly excludes provisions relating to disqualification for or loss of office. This means that until a suspended sentence is activated, an offender may not automatically face disqualification consequences that would otherwise follow a custodial sentence.

Where an offender holds a position of trust, works with vulnerable people, or has responsibilities involving children, this exclusion may have implications for safeguarding. KT would ask the Committee to consider whether this exclusion is appropriate in all circumstances, or whether guidance should address how agencies are notified of suspended sentences in cases involving offenders in positions of trust.

KT would also note that victims should be kept informed at each stage of this process, including when activation occurs and when appeal periods expire, so that they are not left uncertain about the offender's legal status.

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

Yes

Please provide information to support your answer here::

Having considered Clauses 3 to 7 as a whole, KT wishes to draw the Committee's attention to three further points not fully addressed in the individual clause responses.

First, the suspended sentences framework contains no explicit reference to domestic abuse. Given the particular risks and dynamics involved in such cases, KT considers that the Bill should either include specific provisions or be accompanied by dedicated guidance addressing when suspended sentences are and are not appropriate in domestic abuse contexts. Silence on this point risks leaving the decision entirely to judicial discretion, with the inconsistency that entails.

Second, KT is concerned about the interaction between suspended sentence orders and existing protective orders such as non-molestation orders. Where both are in place, there must be clarity about how agencies communicate, how breaches are escalated, and how the two frameworks operate together. The Bill does not address this.

Third, KT notes that Clause 16 prevents courts from making both a community order and a suspended sentence order at the same time. While this may avoid duplication, it may also limit flexibility in complex cases where a combination of approaches might better reflect the offending and the risk posed.

KT's overall position on Part 2 is that the expanded suspended sentences framework has potential value, but requires dedicated guidance, stronger victim notification provisions, and explicit safeguards in domestic abuse cases to be effective in practice.

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::

The Katie Trust supports the intention behind Clauses 8 to 10 in providing a structured framework for community requirements within suspended sentences. The inclusion of a requirement to obtain a pre-sentence report before imposing community requirements, set out in Clause 10, is particularly welcome.

However, KT has concerns about how these provisions will operate in domestic abuse cases. The pre-sentence report requirement is important, but KT notes that Clause 10(2) allows courts to dispense with this report if they consider it unnecessary, stating their reasons in open court. In domestic abuse cases, KT would strongly caution against this exception being used routinely. A pre-sentence report is one of the few mechanisms through which the broader context of offending — including patterns of behaviour, risk indicators, and victim impact — can be properly placed before the court. Dispensing with it risks sentencing on an even more incomplete picture than would otherwise be the case.

KT is also concerned that community requirements, while constructive in appropriate cases, may in some domestic abuse contexts create an impression of meaningful accountability without adequately addressing underlying behaviour or risk. Completing unpaid work hours or attending appointments does not address coercive control.

KT recommends that guidance explicitly states that pre-sentence reports should be the norm rather than the exception in domestic abuse cases, and that risk to the victim must be central to any decision about community requirements.

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

Yes

Please provide information to support your answer here::

KT wishes to raise two specific points about the detail of Clauses 8 to 10 not addressed in the previous response.

First, Clause 9(4) requires courts to ensure that community requirements avoid conflict with the offender's religious beliefs, other court orders, and interference with work or education. KT notes that this provision contains no equivalent requirement to consider the safety of the victim. Where an offender is subject to a non-molestation order or other protective measure, community requirements should not be imposed in a way that creates opportunities for contact, proximity, or intimidation. KT recommends that Clause 9(4) be amended or accompanied by guidance to include an explicit requirement to consider victim safety when determining the nature and terms of community requirements.

Second, KT considers that where community requirements are imposed in domestic abuse cases, perpetrator behaviour change programmes should be explicitly considered as an appropriate requirement. Practical or punitive requirements alone do not address the attitudes and behaviours that drive abuse. The availability and quality of such programmes in Northern Ireland should be reviewed to ensure that this option is genuinely accessible to courts.

Both points reflect KT's broader concern that community requirements must be designed and supervised with victim safety as the primary consideration, not an afterthought.

Responsible Officer

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the intention of Clauses 11 to 13 in establishing clear roles, responsibilities, and obligations for responsible officers and offenders under suspended sentence orders.

However, KT wishes to highlight two specific concerns about the detail of these provisions.

First, Clause 12(4) sets out what responsible officers must avoid when giving instructions or imposing requirements. Like Clause 9(4), it lists conflict with religious beliefs, other court orders, and interference with work or education — but contains no equivalent requirement to consider the safety of the victim. This omission is consistent with Clause 9(4) and KT considers it equally significant here. Responsible officers supervising offenders in domestic abuse cases must have an explicit duty to consider victim safety as part of their supervisory function. KT recommends this be addressed through amendment or guidance.

Second, Clause 13 requires offenders to notify the responsible officer of any change of address. KT notes there is no corresponding requirement for the responsible officer to notify the victim or relevant support services of address changes, particularly where proximity to the victim is a risk factor. In domestic abuse cases, knowing where an offender is living can be critical to victim safety. KT recommends that guidance addresses how address change information is communicated to relevant parties where a safeguarding need exists.

KT would also emphasise that the effectiveness of responsible officer supervision depends on adequate resourcing of the Probation Board and on officers receiving specialist training in domestic abuse dynamics and coercive control.

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::

The Katie Trust supports the intention of Clause 14 in providing a framework for responding to breaches and further offending. KT particularly welcomes the duty in paragraph 9 of Schedule 2 requiring courts to activate a suspended sentence on breach unless it would be unjust to do so. This creates a meaningful presumption in favour of activation which is important.

However, KT has three specific concerns about how breach provisions will operate in domestic abuse cases.

First, Schedule 2 gives courts the option on breach of imposing a fine of up to £1,000 or making no order at all. In a domestic abuse context, these responses to breach may be wholly inadequate — particularly where the breach indicates escalating behaviour or continued attempts to control the victim. KT recommends that guidance explicitly addresses the serious weight that should be given to breach in domestic abuse cases.

Second, KT is concerned about the unjust to activate exception in paragraph 9 of Schedule 2. Without clear parameters, this exception risks becoming a routine escape route that undermines the presumption of activation. Guidance should make clear that in domestic abuse cases, the threshold for finding activation unjust should be high.

Third, there is no provision for victims to be notified of breach proceedings or their outcomes. In domestic abuse cases, a victim may be directly affected by whether a sentence is activated or not. KT recommends that victim notification be built into the breach process.

Supplementary (Suspended sentences)

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the intention of Clauses 15 to 17 in providing the regulatory and interpretive framework for suspended sentence orders. However, KT wishes to raise two specific concerns.

First, Clause 15 grants the Department of Justice power to make regulations governing supervision arrangements, unpaid work, and the functions of responsible officers. These regulations are subject to negative resolution only, meaning they can come into force without affirmative Assembly approval unless actively challenged. KT is concerned that key operational detail — including detail that directly affects how domestic abuse cases are managed under suspended sentences — is being delegated to secondary legislation with limited scrutiny. KT recommends that regulations made under Clause 15 which relate to the supervision of offenders convicted of domestic abuse offences should be subject to affirmative resolution, given their potential impact on victim safety.

Second, KT notes that Clause 16 prevents courts from making both a community order and a suspended sentence order simultaneously. While KT raised this briefly in response to Clauses 3 to 7, it warrants emphasis here. In complex domestic abuse cases, the most appropriate response may involve elements of both. KT recommends that the Committee considers whether this restriction is too inflexible, or whether guidance should address how courts approach cases where both disposals might otherwise be appropriate.

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

Yes

Please provide information to support your answer here::

The Katie Trust recognises that Part 2 represents a significant expansion and modernisation of the suspended sentences framework in Northern Ireland. The introduction of structured community requirements, clearer supervisory arrangements, and a presumption of activation on breach are all positive developments.

However, having considered Part 2 as a whole, KT wishes to draw the Committee's attention to two overarching concerns.

First, KT has identified a consistent pattern of omission across multiple provisions in Part 2. Clauses 9(4), 12(4), and 13 each set out what courts and responsible officers must consider or avoid — but none of them includes an explicit requirement to consider the safety of the victim. This is not an isolated drafting oversight; it is a structural absence that runs through the entire suspended sentences framework. KT strongly recommends that the Committee address this by introducing an explicit victim safety consideration into each of these provisions.

Second, KT notes that the effectiveness of Part 2 depends entirely on the quality and timeliness of supervision and breach responses. The Lady Chief Justice recently raised concerns before the Stormont Justice Committee about delays in the criminal justice system and their impact on victims. Those pressures will affect how suspended sentences are managed in practice. KT urges the Committee to satisfy itself that the Probation Board has adequate resourcing to deliver the supervisory framework Part 2 requires.

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::

The Katie Trust strongly supports the intention of Clause 18 in requiring courts to state their reasons for tariff decisions in open court in ordinary language, and to explain the effect of the order to the offender. For families of victims in murder and manslaughter cases, understanding how a tariff has been determined is not a peripheral concern — it is central to their experience of justice.

KT welcomes in particular the requirement that reasons be given in ordinary language. Tariff decisions in life sentence cases are among the most significant judicial decisions a family will encounter, yet they are often expressed in legal language that is difficult for non-lawyers to understand. The requirement for plain language explanation is a meaningful step toward accessibility.

However, KT notes that Clause 18 requires the court to explain the effect of the order to the offender, but contains no equivalent requirement to explain the decision to the victim's family. In KT's direct experience, families frequently do not understand why a particular tariff has been set, what it means in practice, or how it affects the offender's eventual eligibility for parole consideration. This gap causes real and unnecessary distress.

KT recommends that Clause 18 be accompanied by a requirement — or at minimum clear guidance — that the court's reasons and the effect of the tariff are communicated to the victim's family in accessible language, either directly or through the Victim Information Scheme, at the earliest opportunity.

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::

The Katie Trust supports the introduction of statutory starting points for tariffs in mandatory life sentence cases. Clearer structure promotes consistency and transparency, and KT welcomes this development.

KT wishes to specifically welcome two categories included in Schedule 3 as attracting the higher 20-year starting point. Paragraph 1(2)(j) includes murder where the victim and offender were personally connected within the meaning of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, and paragraph 1(2)(k) includes murder where the offender had repeatedly or continuously engaged in controlling or coercive behaviour toward the victim.

These provisions explicitly recognise the heightened gravity of domestic homicide and coercive control-related murder. For KT, which supports families

bereaved in exactly these circumstances, their inclusion is significant and welcome.

KT also notes that Schedule 3 paragraph 5(1)(d) lists concealment or destruction of the body as an aggravating factor. This directly complements the Charlotte's Law provisions in Part 5 and KT welcomes the consistency between these two parts of the Bill.

However, KT would emphasise that starting points must not become ceilings. Where offending involves sustained coercive control, prolonged abuse, or patterns of harm extending beyond the murder itself, courts must be willing to depart upward from starting points to reflect the full gravity of the case. The flexibility to do so must be clearly understood and consistently exercised.

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

Yes

Please provide information to support your answer here::

Having considered Clauses 18 and 19 together, KT wishes to raise three further points not addressed in the individual responses.

First, KT draws attention to the mitigating factors listed in Schedule 3 paragraph 6, specifically paragraph 6(1)(c) which recognises as a mitigating factor that the offender intended to act in self-defence. In domestic homicide cases where a victim of prolonged abuse kills their abuser, this provision may be directly relevant. KT welcomes its inclusion and would encourage the Committee to ensure that courts are supported by guidance in understanding how this factor applies in the context of domestic abuse, including where the response to abuse may not have been immediate.

Second, KT notes that Schedule 3 paragraph 7 preserves the effect of previous convictions as an aggravating factor. In domestic abuse related murders, previous convictions for abuse, assault, or coercive control should carry significant weight. KT recommends that guidance makes this explicit.

Third, KT welcomes that the power to amend starting points under Schedule 3 paragraph 8 is subject to affirmative resolution. This is a stronger scrutiny mechanism than the negative resolution procedure used for regulations under Clause 15, and KT considers it appropriate given the significance of these provisions. KT would encourage the Committee to apply the same standard of scrutiny to other regulation-making powers in the Bill where victim safety is directly engaged.

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

Yes

Please provide information to support your answer here::

The Katie Trust considers Part 3 to be one of the most significant sections of the Bill for the families KT supports. Murder and manslaughter cases — including domestic homicides — represent the most serious end of the harm KT encounters in its work, and the introduction of a clearer, more transparent framework for life sentence tariffs is genuinely welcome.

KT particularly welcomes the explicit recognition within Schedule 3 of domestic homicide and coercive control-related murder as categories attracting the higher 20-year starting point. This is an important acknowledgment of the gravity of these offences and of the particular harm they cause. KT also welcomes the inclusion of self-defence as a mitigating factor, which has direct relevance in cases involving survivors of domestic abuse.

However, KT's overarching concern about Part 3 is one that runs consistently through the Bill: the framework is designed around explanation to the offender, with no equivalent provision for communicating decisions to the victim's family. Clause 18 requires courts to explain tariff decisions to the offender in ordinary language. There is no corresponding requirement to ensure that families understand what has been decided and why.

For families who have lost someone to murder or manslaughter, the tariff decision is one of the most significant moments in the justice process. Not understanding it — or learning about it second-hand, in legal language, long after the hearing — compounds an already devastating experience.

KT's single overarching recommendation for Part 3 is that victim family communication be placed on the same statutory footing as offender explanation. This would transform Part 3 from a framework that serves the court process into one that genuinely serves justice.

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 referrable • Option B – All Crown Court sentences are made referrable • 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 referrable. 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::

The Katie Trust does not agree with the approach taken in Clause 20 and considers it creates a significant gap in protection for victims of serious domestic abuse.

KT acknowledges that Clause 20(3) makes some provision for Magistrates' Court cases, allowing the Department to specify categories of summary offence by regulation. However, this means that the scope of review for Magistrates' Court cases is entirely dependent on ministerial action that may never occur, or may be too narrow when it does. There is no guarantee that domestic abuse offences will be included. KT considers that this is inadequate and that the scope of review should not be left to regulatory discretion in this way.

The core problem is this: in domestic abuse cases, the full pattern of offending is frequently not reflected in the final charges. Delayed reporting, the impact of coercive control on disclosure, investigative delay, and statutory time limits on summary offences all contribute to cases being dealt with at Magistrates' Court level — not because the underlying behaviour is minor, but because the justice system has not captured it fully. Sentencing at Magistrates' Court level is also subject to a maximum of 6 months per offence, further limiting the court's ability to reflect seriousness.

A sentence that is unduly lenient does not become acceptable simply because of the court in which it was passed. KT recommends that the Committee press for domestic abuse offences to be expressly included within the scope of Clause 20(3) regulations from commencement, and that the regulation-making power be subject to affirmative rather than negative resolution.

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::

The Katie Trust supports the intention of Clause 21 in giving the Director of Public Prosecutions power to refer unduly lenient sentences to the Court of Appeal. This is an important safeguard and KT welcomes its extension across all Crown Court cases. KT wishes to highlight two specific provisions within Clause 21 that are particularly relevant to the families it supports.

First, Clause 21(7) provides that where a reference relates to a life sentence tariff, the Court of Appeal must not make any allowance for the fact that the person is being sentenced for a second time. This is a crucial protection. Without it, offenders might effectively benefit from the leniency of the original sentence by receiving a reduced tariff on appeal. KT strongly welcomes this provision.

Second, KT notes that Schedule 4 sets a 28-day time limit for referral applications. KT would ask the Committee to consider whether this period is sufficient in complex cases, particularly where victims or families need time to understand the sentence imposed and communicate concerns to the DPP. KT's experience is that families often do not fully understand a sentencing decision until some time after it is made, by which point a 28-day window may already be closing.

KT reiterates that Clause 21's effectiveness remains dependent on the scope of Clause 20. A referral mechanism that cannot reach Magistrates' Court cases involving serious domestic abuse is a mechanism that will fail many of the victims who need it most.

KT also notes that there is no requirement for victims or families to be informed where a referral is made, or not made. This creates a gap in transparency and risks excluding those most directly affected from a process that exists, in part, to safeguard them.

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

Yes

Please provide information to support your answer here::

Having addressed the core concern about Clause 20's scope in the previous responses, KT wishes to use this question to address Clauses 22 and 23, which have not yet been considered.

Clause 22 allows either the DPP or the sentenced person to refer a point of law to the Supreme Court following the Court of Appeal's review, subject to certification that the point is of general public importance. KT welcomes this provision. Sentencing in domestic abuse and coercive control cases raises genuinely significant legal questions — about how cumulative harm is assessed, how pattern-based offending is reflected in tariffs, and how vulnerability is recognised — that could benefit from authoritative Supreme Court guidance. KT would encourage the DPP to consider whether cases involving these issues meet the public importance threshold where the opportunity arises.

However, KT notes a consistent gap across the whole of Part 4: there is no provision for victims or their families to be notified of referral proceedings, their progress, or their outcome. A family whose loved one's killer has received what they believe to be an unduly lenient sentence has a direct interest in whether a referral is made or pursued. Yet Part 4 makes no provision for keeping them informed at any stage.

KT recommends that the Committee address this gap by introducing a victim and family notification requirement across Part 4, consistent with the broader principle that justice should be visible and accessible to those most directly affected.

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

Yes

Please provide information to support your answer here::

The Katie Trust recognises Part 4 as a genuinely significant development in Northern Ireland's sentencing framework. Extending the unduly lenient sentence referral mechanism across all Crown Court cases, providing a route to the Supreme Court on points of general public importance, and protecting against double jeopardy discounts in life sentence cases are all meaningful improvements. KT welcomes Part 4 in principle.

However, KT's responses to the individual clauses have identified three specific concerns that the Committee should address before Part 4 is finalised.

First, the scope of Clause 20 must be strengthened. Domestic abuse offences dealt with at Magistrates' Court level — often as a direct consequence of systemic factors rather than the underlying seriousness of offending — must be expressly included within the referral framework, either on the face of the Bill or through guaranteed and time-bound regulation-making.

Second, the 28-day time limit for referral applications in Schedule 4 should be reviewed. Families often do not fully understand a sentencing decision within 28 days of it being made. A longer or more flexible window would better serve victims and support effective use of the referral mechanism.

Third, Part 4 contains no provision for victim or family notification of referral proceedings or outcomes. This is inconsistent with the Bill's stated commitment to transparency and fairness, and should be remedied.

Together these three changes would transform Part 4 from a mechanism that serves the legal system into one that genuinely serves victims.

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::

The Katie Trust strongly supports the introduction of this aggravating factor.

The failure to disclose the location of a victim's remains, or the circumstances of their disposal, causes profound and ongoing harm to families. Unlike other offences, this harm does not end at the point of conviction. Families are left without answers, without the ability to lay their loved one to rest, and without the opportunity to begin a meaningful grieving process.

This ongoing uncertainty can have a sustained psychological impact, including prolonged trauma, complicated grief, and an enduring sense of injustice. In KT's experience supporting families affected by sudden and suspicious deaths, the absence of disclosure can be as harmful as the original offence itself.

The introduction of a statutory aggravating factor appropriately recognises that harm continues beyond the offence; non-disclosure is a deliberate and ongoing act; and this behaviour reflects a lack of remorse and continued control over the victim and their family. KT supports the inclusion of a defined uplift to sentencing as a means of recognising this ongoing harm and reinforcing the seriousness of such conduct.

KT also wishes to engage with the specific mechanics of Clauses 24 to 27. The structured step-by-step approach to calculating the sentencing uplift in Clause 24(3) is welcome — it provides clarity and consistency for courts applying this provision.

However, KT has two specific concerns. First, the minimum additional custodial period of 30% set out in Clause 24(5) is a floor, not a ceiling. KT supports this but would emphasise that in cases where non-disclosure has been sustained over many years, causing prolonged and severe harm to families, courts should be willing to depart significantly upward from the minimum. Guidance should make clear that 30% is the starting point in the least serious cases of non-disclosure, not the norm.

Second, Clause 24(2) provides that the uplift does not apply if it would be contrary to the interests of justice. KT is concerned that without clear parameters this exception could be used to avoid applying the uplift in cases where it is clearly warranted. The Committee should consider whether guidance or statutory criteria are needed to define when this exception may legitimately be invoked.

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

Yes

Please provide information to support your answer here::

KT wishes to use this question to address the technical provisions of Clauses 25 to 27, which have not been considered in the previous response.

KT welcomes the clarity provided by Clause 25 in establishing that the total sentence term where the uplift applies is the aggregate of the notional custodial sentence and the additional custodial period. This straightforward calculation provides transparency and is consistent with the Bill's overall commitment to clear and reasoned sentencing.

KT also welcomes Clause 26's confirmation that the uplift provisions take precedence over other sentencing limits where they conflict. This ensures that the Charlotte's Law provisions cannot be circumvented by other statutory constraints on sentence length.

However, KT wishes to raise one practical concern about implementation. Clause 24(1)(c) requires the court to believe that the offender has information

about the victim's remains which has not been disclosed. KT would ask the Committee to consider how this belief is to be formed and evidenced in practice. Families and investigative agencies may hold relevant information about what an offender knows — KT recommends that guidance addresses how such information can be placed before the court, and that families are given an opportunity to contribute to this process.

Finally, KT reiterates that families should be clearly informed of how the uplift has been calculated in their case and what it means in practice for the offender's sentence.

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::

The Katie Trust supports the principles behind Clauses 28 to 30 in providing a structured and incentivised framework for disclosure. Encouraging offenders to disclose the location of a victim's remains is of profound importance to the families KT supports, and any measure that increases the likelihood of disclosure has significant value.

KT wishes to highlight three specific aspects of these provisions.

First, KT welcomes the formula in Clause 29(5) which reduces the benefit of disclosure the longer an offender waits before coming forward. This creates a meaningful incentive for early disclosure and appropriately recognises that prolonged non-disclosure causes greater harm. The principle that the earlier the disclosure, the greater the potential reduction, is the right approach.

Second, KT strongly welcomes the retrospective application in Clause 30, which allows the reduction framework to apply to sentences passed before commencement where certain conditions are met. For families in existing cases who are still waiting for answers, this provision may be directly relevant and KT considers its inclusion essential.

Third, KT notes that Clause 28 requires disclosures to be made on oath to a person nominated by the Department. KT recommends that guidance addresses how families are informed when a disclosure process is initiated, and whether they are able to provide relevant contextual information to assist in verifying the accuracy of what is disclosed under Clause 28(2).

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

Yes

Please provide information to support your answer here::

KT wishes to use this question to raise points about the Department's role under Clauses 28 to 30 that have not been addressed in the previous response.

Clause 28 places the Department of Justice in a significant quasi-judicial role — receiving disclosures on oath, verifying their accuracy, and determining whether to accept or reject them. KT considers this an appropriate mechanism but has two concerns about how it will operate in practice.

First, Clause 28(3) allows the Department to reject a disclosure where information is false in a material way or where the offender has further undisclosed information. KT would ask the Committee to consider what happens when a disclosure is rejected — specifically whether families are informed of the rejection, and whether the offender faces any consequence beyond the loss of the sentence reduction. The Bill is silent on this.

Second, and most importantly, KT draws the Committee's attention to the experience of families when a disclosure is accepted. Receiving information about how a loved one's remains were disposed of is likely to be deeply distressing, even where it brings some form of closure. KT strongly recommends that the guidance accompanying these provisions includes a clear requirement for specialist bereavement and trauma support to be made available to families at the point of and following disclosure.

KT welcomes that regulations under Clause 28(5) are subject to affirmative resolution, ensuring appropriate Assembly scrutiny of the disclosure framework in practice.

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::

The Katie Trust strongly supports the inclusion of a duty on Parole Commissioners to consider failure to disclose when making public protection decisions. This provision is essential and KT welcomes it unreservedly.

Non-disclosure is not a historical feature of the original offence — it is an ongoing act that continues to cause harm to families every day it persists. At the point of parole consideration, an offender who has still not disclosed the location of a victim's remains is still actively causing that harm. KT considers that this is directly and necessarily relevant to any assessment of risk, remorse, and readiness for release.

KT particularly welcomes two aspects of Clause 31. First, the requirement in Clause 31(3) that Commissioners consider not only the fact of non-disclosure but their view of the reasons for it. This requires Commissioners to engage meaningfully with whether non-disclosure is deliberate, strategic, or indicative of an ongoing refusal to acknowledge harm — all of which are directly relevant to risk. Second, Clause 31(5) extends this duty to sentences passed before commencement and to equivalent offences under other jurisdictions' laws. For families in existing cases, this is essential.

KT recommends that families are formally notified when non-disclosure is being considered as part of a parole decision, and that they are given an opportunity to provide information about the ongoing impact of non-disclosure on them. Their experience is directly relevant to the Commissioners' assessment and should not be excluded from it.

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

Yes

Please provide information to support your answer here::

KT wishes to raise two further points about Clause 31 not addressed in the previous response.

First, KT notes that Clause 31(2) requires Parole Commissioners to obtain and consider information about a prisoner's non-disclosure before making a public protection decision. The Bill does not specify where this information should come from or how it should be gathered. KT considers that families should be a formal and recognised source of this information. They are best placed to describe the ongoing impact of non-disclosure and to provide context about what the prisoner may know. KT recommends that the guidance accompanying Clause 31 establishes a clear process for obtaining information from families, and that this is treated as a standard part of the parole consideration process rather than an optional step.

Second, KT notes the interaction between Clause 31 and the disclosure provisions in Clauses 28 to 30. Where an offender has made a relevant disclosure during the custodial period and received a sentence reduction under Clause 29, the Commissioners will need to assess whether that disclosure was complete and genuine. KT recommends that the Department's findings from the Clause 28 verification process are made available to the Parole Commissioners as part of their Clause 31 consideration, ensuring that the two frameworks operate consistently and that partial or false disclosures do not result in unwarranted parole decisions.

Supplementary (Failure to disclose)

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the interpretive provisions in Clause 32 and welcomes the clarity they provide for the application of Part 5. KT wishes to draw attention to two specific aspects of the definitions in Clause 32.

First, the definition of "victim" in Clause 32 includes a clarification that a reference to the victim's remains being disposed of includes the remains being left at the location where the victim died. KT strongly welcomes this clarification. Without it, an offender might argue that simply leaving a body at the scene does not engage the provisions of Part 5. This clarification closes that potential gap and KT considers it essential.

Second, KT notes that while Part 5 is framed around the "victim" of the offence, the ongoing harm addressed by these provisions falls primarily on the victim's family. Families are the ones left without answers, without the ability to recover and lay their loved one to rest, and without the closure that disclosure could bring. KT would encourage the Committee to ensure that accompanying guidance explicitly recognises families as the primary bearers of ongoing harm under Part 5, and that all notification, support, and information provisions are designed with families — not only the deceased victim — at their centre.

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

Yes

Please provide information to support your answer here::

The Katie Trust considers Part 5 to be among the most significant and welcome provisions in the entire Bill. The introduction of Charlotte's Law — combining a sentencing uplift for non-disclosure, an incentivised reduction framework for subsequent disclosure, and a duty on Parole Commissioners to consider non-disclosure at the point of release — is a coherent, balanced and long-overdue recognition of the unique and ongoing harm caused to families.

KT particularly welcomes three features of Part 5. The retrospective application in Clause 30, which extends the disclosure incentive to existing cases. The formula in Clause 29 which reduces the benefit of disclosure the longer an offender waits, incentivising early disclosure. And the requirement in Clause

31(3) that Parole Commissioners consider not only the fact of non-disclosure but their view of the reasons for it, which requires genuine engagement with the prisoner's ongoing refusal to acknowledge harm.

However, KT's overarching concern about Part 5 mirrors the concern identified across the Bill as a whole: the framework is focused on the offender and the court process, with insufficient attention to the family's experience. Part 5 creates significant processes — verification of disclosures, parole consideration, sentence calculation — but contains no provisions ensuring that families are informed, involved, or supported throughout.

KT's single overarching recommendation for Part 5 is that a family charter be developed alongside these provisions, setting out clearly what families can expect at each stage — when they will be informed, what support will be available, and how they can contribute to the processes that directly affect them. This would ensure that Part 5 delivers not only legal change but genuine justice for families.

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::

The Katie Trust supports the inclusion of racial hostility, religious hostility, hostility related to sexual orientation, and hostility related to disability as protected characteristics attracting aggravated sentencing. These are appropriate categories and their statutory recognition is welcome.

However, KT wishes to draw the Committee's attention to a significant omission from Clause 33: gender and sex are not included as protected characteristics. This is relevant to KT's work in a direct and practical way. Many of the serious offences KT encounters — including domestic homicides, sexual violence, and fatal assaults — involve hostility toward the victim that is rooted, wholly or partly, in their gender. Misogyny as a motivating factor in violence against women is well documented, yet the current framework provides no mechanism to recognise it as an aggravating factor.

KT notes that Clause 35 gives the Department power to add further characteristics by regulation, subject to affirmative resolution. KT strongly recommends that the Committee presses for gender and sex to be added as protected characteristics either on the face of the Bill or as a priority exercise of the Clause 35 power at the earliest opportunity after commencement.

KT also welcomes the two-limb test in Clause 33(2) — capturing both demonstrated hostility toward the victim and offences motivated by hostility toward a group — as appropriately broad in its reach.

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::

The Katie Trust supports the inclusion of racial hostility, religious hostility, hostility related to sexual orientation, and hostility related to disability as protected characteristics attracting aggravated sentencing. These are appropriate categories and their statutory recognition is welcome.

However, KT wishes to draw the Committee's attention to a significant omission from Clause 33: gender and sex are not included as protected characteristics. This is relevant to KT's work in a direct and practical way. Many of the serious offences KT encounters — including domestic homicides, sexual violence, and fatal assaults — involve hostility toward the victim that is rooted, wholly or partly, in their gender. Misogyny as a motivating factor in violence against women is well documented, yet the current framework provides no mechanism to recognise it as an aggravating factor.

KT notes that Clause 35 gives the Department power to add further characteristics by regulation, subject to affirmative resolution. KT strongly recommends that the Committee presses for gender and sex to be added as protected characteristics either on the face of the Bill or as a priority exercise of the Clause 35 power at the earliest opportunity after commencement.

KT also welcomes the two-limb test in Clause 33(2) — capturing both demonstrated hostility toward the victim and offences motivated by hostility toward a group — as appropriately broad in its reach.

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::

The Katie Trust supports the power in Clause 35 allowing the Department of Justice to add further protected characteristics to the hostility aggravator framework. The ability to expand the framework in response to evolving understanding of harm and discrimination is important and KT welcomes this provision.

KT particularly welcomes that Clause 35(5) requires any regulations under this power to be subject to affirmative resolution. Given that the power can

effectively expand criminal liability, this is the appropriate level of Assembly scrutiny and KT would resist any attempt to reduce this to negative resolution.

KT notes that Clause 35(4) allows regulations under this power to amend, repeal or modify any statutory provision including the Act itself. This is a significant Henry VIII power and KT would ask the Committee to ensure that its use is subject to clear parameters and that the affirmative resolution requirement in Clause 35(5) is rigorously maintained.

Most importantly, KT reiterates its recommendation from the Clause 33 response: the Department should exercise the Clause 35 power to add gender and sex as protected characteristics at the earliest opportunity after commencement. KT strongly encourages the Committee to press for a commitment from the Department that this will be done, with a clear timetable, rather than leaving it as an indefinite possibility.

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

Yes

Please provide information to support your answer here::

Having considered Clauses 33 to 35 as a whole, KT wishes to make three further observations.

First, KT reiterates that the absence of gender and sex from the protected characteristics in Clause 33 is the single most significant gap in Part 6 from KT's perspective. The three clause answers on this section have consistently returned to this point because it is fundamental. KT urges the Committee to treat the addition of gender and sex as an urgent priority, whether through amendment to Clause 33 or through a committed and time-bound use of the Clause 35 power.

Second, KT notes that the hostility aggravator in Clause 33 and the vulnerability aggravator in Clause 36 may both apply in the same case — for example, where a victim is both a member of a protected group and vulnerable. The Bill does not address how courts should approach cases where both aggravators are present. KT recommends that guidance addresses this interaction clearly, ensuring that multiple aggravating features are each given appropriate weight.

Third, KT would highlight a practical concern about domestic abuse cases. Where an offence involves hostility motivated in part by the victim's protected characteristic, this may not be routinely identified or charged as an aggravator in cases involving a personal relationship between offender and victim. KT recommends that guidance and training explicitly address how the hostility aggravator applies in domestic and intimate partner contexts.

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::

The Katie Trust strongly supports the inclusion of vulnerability as an aggravating factor. Recognising that offenders who target or exploit vulnerable victims cause increased harm is an important step toward more proportionate sentencing.

KT welcomes the definition of "vulnerable person" in Clause 36(7), which includes persons whose ability to protect themselves is significantly impaired for "any other reason" beyond disability, illness or old age. KT considers that this formulation is broad enough to capture situational vulnerability — including vulnerability created and reinforced by an offender through coercive control over time. Courts should be guided to recognise this form of vulnerability explicitly, even where the victim does not present in ways traditionally associated with vulnerability.

KT also welcomes the "ought reasonably to have known" test in Clause 36(2). In domestic abuse cases, an offender who has deliberately isolated, controlled and undermined a victim cannot credibly claim ignorance of their vulnerability. This test appropriately closes that potential escape route.

However, KT is concerned that the broad definition in Clause 36(7) may in practice be interpreted narrowly without clear guidance. KT recommends that guidance accompanying Clause 36 explicitly addresses situational and psychologically-created vulnerability, including the vulnerability arising from coercive control, so that courts consistently recognise and apply the aggravator in domestic abuse cases.

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

Yes

Please provide information to support your answer here::

KT wishes to raise three further points about Clause 36 not addressed in the previous response.

First, Clause 36(6) excludes the aggravator where the characteristic relied upon to prove vulnerability is also an element of the offence charged. KT supports this as a sensible technical boundary but would ask the Committee to ensure that guidance clearly explains this limitation so that prosecutors and courts understand when the aggravator can and cannot be charged.

Second, Clause 36(7)(a) defines a person under 18 as automatically vulnerable for the purposes of this provision. KT welcomes this. In domestic abuse

cases, children are frequently present in the household and affected by the abuse, even where they are not the primary victim of the specific offence charged. KT recommends that guidance explicitly addresses the position of children in domestic abuse households and how their presence and vulnerability should be reflected in sentencing.

Third, KT notes a practical question not addressed by the Bill: how is vulnerability established before the court? The evidence needed to prove that a victim was vulnerable and that the offender knew or ought to have known this may be complex and contested. KT recommends that guidance addresses the evidential approach to establishing vulnerability, particularly in cases involving psychological or situational vulnerability where there may be no obvious physical indicators.

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::

The Katie Trust supports the introduction of a specific offence of assault on a public worker. Individuals delivering public services operate in challenging environments and recognising assaults against them as a distinct offence reflects the importance of protecting those carrying out roles in the public interest.

KT notes that many public workers who interact directly with domestic abuse victims — including social workers, healthcare professionals, housing officers, and support workers — may be at risk of assault by perpetrators seeking to intimidate, obstruct or punish those supporting their victims. This provision is therefore relevant to KT's work in a direct if indirect way, and KT welcomes the protection it provides to those working in this field.

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the definition of a public worker as set out in Clause 37. The inclusion of those employed or engaged to provide a service to the public, perform a public duty, or deliver a public service provides a broad and appropriately flexible definition.

KT notes that Clause 37(4) confirms that the employment or engagement may be paid or unpaid. This is important as it ensures that volunteers and third sector workers delivering public services are within the definition. Many organisations supporting victims of domestic abuse and bereavement, including those operating similarly to KT, deliver services that could fall within this definition. KT welcomes their inclusion

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?

Yes

Please provide information to support your answer here::

The Katie Trust supports the proposed penalties as appropriate in principle. The availability of both summary and indictment routes, with a maximum of 2 years on indictment, reflects the range of seriousness that assaults on public workers can involve.

KT would note that where an assault on a public worker is connected to domestic abuse — for example, an assault on a professional supporting a victim — the sentencing court should have regard to that context as an aggravating feature. The perpetrator's motivation in such cases may go beyond the assault itself and reflect an attempt to undermine the victim's support network. KT recommends that guidance addresses this scenario explicitly.

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::

The Katie Trust supports the inclusion of an aggravating factor where a specified offence is committed against a public worker acting in the course of their duties. Recognising the context in which the offence takes place is important in ensuring sentencing reflects both the nature of the conduct and its wider impact.

KT notes that the list of specified offences in Clause 38(3) is appropriately broad, including manslaughter, wounding, assault occasioning actual bodily harm, sexual assault, and non-fatal strangulation. KT welcomes the inclusion of non-fatal strangulation under section 28 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022, which is a recognised high-risk indicator in domestic abuse cases.

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

Yes

Please provide information to support your answer here::

KT wishes to make one observation about Clauses 37 to 39 as a whole. Clause 38(6) preserves the court's ability to treat an offence committed against a public worker as aggravating even where the offence is not listed in Clause 38(3). KT welcomes this flexibility — it ensures that the aggravator framework does not operate as an exhaustive ceiling and that courts retain discretion to reflect the full context of offending.

KT also reiterates that consistent application of these provisions will require clear guidance and training, particularly in relation to cases where an assault on a public worker is connected to domestic abuse or to attempts by a perpetrator to obstruct support being provided to a victim.

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

Yes

Please provide information to support your answer here::

The Katie Trust considers Part 6 to contain some of the most practically significant provisions in the Bill for the victims and families KT supports. The introduction of statutory aggravator frameworks for hostility, vulnerability, and offences against public workers represents a meaningful step toward sentencing that better reflects the full context and impact of serious offending.

However, having considered Part 6 as a whole, KT wishes to consolidate three overarching concerns.

First, the absence of gender and sex from the protected characteristics in Clause 33 remains KT's single most significant concern about Part 6. Given that many of the most serious offences KT encounters involve gender-based hostility, this omission is not a minor technical gap — it is a substantive limitation on the reach of the hostility aggravator framework. KT urges the Committee to address this as a matter of priority.

Second, the vulnerability aggravator in Clause 36 has significant potential in domestic abuse cases but will only be realised if courts are guided to recognise situational and coercive control-created vulnerability. Without dedicated guidance and training, there is a real risk that the aggravator will be applied inconsistently or narrowly.

Third, KT notes that the three aggravator frameworks in Part 6 — hostility, vulnerability, and public worker — may all be relevant in a single case. Courts need clear guidance on how to approach cases where multiple aggravators apply, ensuring that each is given appropriate and cumulative weight.

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?

Yes

Please provide information to support your answer here::

The Katie Trust supports the proposed increase in penalties for offences involving causing death or grievous bodily injury while driving whilst disqualified. Such offences involve a clear and deliberate disregard for both the law and public safety, and increasing available penalties appropriately reflects the seriousness of the harm caused.

KT works directly with families bereaved through sudden, traumatic deaths including road traffic fatalities. For those families, the sentence imposed is a direct signal of how the justice system values the life that has been lost. KT therefore has a direct and personal interest in ensuring that sentencing for these offences reflects the full gravity of the harm caused

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::

The Katie Trust supports the increase in maximum sentencing from 14 to 20 years for offences involving causing death or grievous bodily injury through dangerous driving or while under the influence of drink or drugs. These offences result in devastating and irreversible harm to victims and families, and it is appropriate that sentencing powers reflect this.

KT would emphasise that maximum sentences must be genuinely available and consistently applied in the most serious cases. Increasing the maximum is only meaningful if courts are willing to impose sentences at the upper end of the range where the circumstances warrant it. KT recommends that sentencing guidance explicitly addresses the factors that should attract sentences toward the higher end of the new range.

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::

The Katie Trust strongly supports the increase in maximum sentences for repeat offenders, including the provision for life imprisonment where a person commits a further qualifying offence within the relevant period. Repeat offending in this category indicates a fundamental failure to respond to previous sanctions and demonstrates an ongoing and serious risk to the public.

KT would draw the Committee's attention to the connection between this provision and the broader theme running through KT's submission — that patterns of behaviour and escalation must be central to sentencing considerations. An offender who causes death or serious injury through dangerous driving and reoffends is demonstrating exactly that pattern, and it is appropriate that the sentencing framework responds accordingly.

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::

The Katie Trust supports the introduction of extended mandatory minimum disqualification periods, including the 4-year minimum for offences causing death or grievous bodily injury, and the extended periods for repeat offenders. Driving offences resulting in death or serious injury warrant clear, enforceable and meaningful consequences beyond imprisonment alone.

KT also welcomes the provisions in Clause 45 ensuring that disqualification periods are served after release from prison rather than running concurrently with the custodial sentence. This is an important practical change — a disqualification that runs during imprisonment provides no additional public protection. Serving it after release does.

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

Yes

Please provide information to support your answer here::

KT wishes to make one overall observation about Clauses 40 to 45. The increases to maximum penalties and minimum disqualification periods are welcome, but their effectiveness will depend entirely on courts being willing to use the full range of available powers in appropriate cases.

KT's experience of supporting families bereaved through road traffic deaths is that sentences can feel wholly disproportionate to the loss experienced, even within existing frameworks. Increasing the available powers is a necessary but not sufficient step. KT strongly recommends that sentencing guidance accompanying Part 7 is clear, detailed, and actively directs courts toward the upper end of available sentences in the most serious cases — particularly those involving repeat offending, deliberate disregard for safety, or death of multiple victims.

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the intention of Part 7 in strengthening sentencing for serious driving offences and improving public protection. The increases to maximum penalties, the life imprisonment provision for serious repeat offenders, and the extended disqualification arrangements are all welcome and represent meaningful improvements.

KT's overarching observation about Part 7 is that these provisions will be judged by families not on what the law says but on what sentences are actually imposed. KT urges the Committee to satisfy itself that the sentencing guidance accompanying Part 7 will genuinely drive courts toward sentences that reflect the full gravity of road traffic deaths and serious injuries — and that the increases in available powers translate into improved outcomes for bereaved families in practice.

General

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

Yes

Please provide information to support your answer here::

The Katie Trust supports the inclusion of Clauses 46 to 49 as necessary supplementary provisions. However KT wishes to raise two specific points.

First, Clause 46 grants the Department of Justice a broad power to make supplementary and consequential regulations, including power to amend primary legislation. KT welcomes that Clause 46(3) requires affirmative resolution where primary legislation is amended — this is the appropriate level of

scrutiny for a power of this breadth. However KT notes that other regulations under Clause 46 are subject only to negative resolution under Clause 46(4). KT would encourage the Committee to consider whether any categories of regulation under Clause 46 — particularly those affecting victim-facing provisions — should also be subject to affirmative resolution.

Second, KT notes that Clause 49 provides that most of the Bill's provisions do not apply to offences committed before commencement. This means that the new suspended sentences framework, aggravating factors, and road traffic provisions will not benefit victims of pre-commencement offending. KT understands the legal rationale for this but notes the contrast with Part 5, where Clause 30 specifically provides for retrospective application of the Charlotte's Law framework. KT would ask the Committee to consider whether any other provisions — particularly the vulnerability aggravator in Clause 36 — could be extended retrospectively in appropriate circumstances.

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::

The Katie Trust broadly supports the commencement arrangements outlined in Clause 50. KT particularly welcomes that Part 5 — Charlotte's Law — is due to come into force within two months of Royal Assent. For families currently living with non-disclosure, this relatively swift commencement is important and KT urges the Committee to hold the Department to this timetable.

However, KT has a specific concern about the commencement arrangements for Part 2 and Part 6. Both are to come into force on a day appointed by the Department, with no specified timeframe. Part 2 introduces the new suspended sentences framework and Part 6 introduces the hostility, vulnerability, and public worker aggravators — provisions that are directly relevant to the victims and families KT supports.

Leaving commencement entirely to ministerial discretion creates a risk of indefinite delay. KT would ask the Committee to press the Department for a clear and committed timetable for commencing Parts 2 and 6, and to consider whether the Bill should specify a longstop date by which these provisions must be brought into force. Guidance and training must also be in place before commencement — but this should be a reason to prepare promptly, not to delay indefinitely.

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?

Yes

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

The Katie Trust welcomes the Criminal Justice (Sentencing etc) Bill as a meaningful and in many respects significant step forward for sentencing in Northern Ireland. The introduction of Charlotte's Law, the statutory starting points for life sentence tariffs, the vulnerability aggravator, the extension of unduly lenient sentence arrangements, and the strengthened road traffic penalties are all genuinely welcome developments. KT has indicated support for the large majority of the Bill's provisions.

However, having considered the Bill in its entirety, KT wishes to leave the Committee with three overarching observations.

First, the Bill consistently and repeatedly addresses what courts and responsible officers must explain to offenders, without equivalent provision for communicating decisions to victims and families. This pattern — visible across Clauses 6, 18, and throughout Part 2 — is not an isolated drafting oversight. It reflects a structural orientation toward the offender that KT considers must be addressed if the Bill is to deliver genuine justice rather than simply improved process.

Second, the Bill strengthens the framework within which courts sentence, but does not address the quality or completeness of the information courts receive. Where domestic abuse cases are artificially truncated by delayed disclosure, investigative delay, and statutory time limits, even the best sentencing framework will produce outcomes that are proportionate to the charges but not to the full reality of the harm. This gap sits outside the Bill but must be addressed alongside it.

Third, KT notes that several of the most important provisions — Parts 2 and 6 — have no guaranteed commencement date. A Bill that never comes fully into force helps no one. KT urges the Committee to press for committed timetables and to hold the Department accountable for implementation.

The Bill has the potential to make a real difference. Whether it does will depend on what happens after Royal Assent.