

Response ID ANON-1JYR-RXVK-H

Submitted to Criminal Justice (Sentencing etc) Bill
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Introduction

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

Organisation:
Police Service of Northern Ireland

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.

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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?

Yes

Please provide information to support your answer here::

The PSNI agrees with the purposes of sentencing as set out in Clause 1. The codification of these purposes — punishment, public protection, reduction of crime by deterrence, rehabilitation and reparation — provides courts with clear statutory direction and supports greater consistency in sentencing outcomes, which in turn supports public confidence in the criminal justice system. While public protection has always been a relevant consideration in sentencing, placing it explicitly on a statutory footing alongside the other purposes is welcome as it provides clarity and consistency

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 PSNI agrees that proportionality, fairness and transparency are the appropriate principles upon which sentencing in Northern Ireland should be based. Placing these principles on a statutory footing provides a clear framework for judicial decision-making and supports more predictable and consistent outcomes. From a policing perspective, transparency in sentencing is particularly important — where victims, communities and officers can understand the basis upon which sentences are determined; confidence in the justice system is strengthened.

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?

Not Answered

Please provide information to support your answer here::

The PSNI supports the objectives of Clause 2. A duty on courts to follow relevant sentencing guidance promotes consistency and transparency in sentencing outcomes, which benefits all criminal justice partners and supports public confidence in the justice system. The requirement to give reasons

where a court departs from guidance ensures that any departure is principled and open to scrutiny. The PSNI has no concerns to raise in relation to this clause

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::

The PSNI supports these provisions. However as suspended sentence orders increase in use, demand on PSNI as the enforcement fall back will grow — when orders break down, police respond. The PSNI asks the Committee to seek confirmation from the Department of Justice that this enforcement demand has been quantified and that the Probation Board for Northern Ireland will be adequately funded to supervise the increased caseload. Without that assurance, the risk to public safety falls operationally on the PSNI

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::

Clear operational and supervision periods provide certainty for all criminal justice partners as to the duration of an offender's obligations and when enforcement action may be required. The PSNI supports the periods as drafted but reiterates that the supervision framework is only as effective as the PBNI resource available to deliver it.

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 PSNI supports this provision. Where an offender clearly understands the requirements imposed on them and the consequences of breach, compliance is more likely and enforcement action by police less frequently required. This provision supports the effective operation of community sentences in practice.

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 PSNI agrees with the intent of Clause 7. Clarity on how a suspended sentence is treated provides certainty for all criminal justice partners, including police, particularly in relation to enforcement decisions when a further offence is committed during the operational period.

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::

The PSNI agrees with the intent behind Clauses 8-10. Rehabilitative work and visible reparation as components of a suspended sentence are legitimate objectives that the PSNI supports. However, the specific requirements that may be attached to a suspended sentence have not yet been clearly defined in published material. From an operational policing perspective this matters — police officers need to understand what conditions an offender is subject to in order to identify and respond to a breach effectively. The PSNI asks the Committee to ensure that the menu of available community requirements is clearly specified before commencement. The PSNI also reiterates that the rehabilitative intent of these clauses can only be realised if the Probation Board for Northern Ireland is adequately funded to deliver the supervision and programmes required.

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

No

Please provide information to support your answer here::

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 PSNI supports the responsible officer framework as set out in Clauses 11-13. Clear statutory obligations on the responsible officer and a corresponding duty on the offender to keep in touch provide the framework within which community sentences can be effectively supervised and enforced. From a policing perspective, the responsible officer is the critical link between community supervision and enforcement — where a responsible officer identifies a breach, police are the enforcement fall back. The effectiveness of this framework therefore depends directly on responsible officers having manageable caseloads and sufficient capacity to maintain meaningful contact with offenders. The PSNI reiterates its ask that the Committee seek assurance from the Department of Justice that PBNi will be adequately resourced to fulfil these obligations as caseloads increase under the Bill's expanded community sentencing provisions.

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::

Clause 14 is of direct operational relevance to the PSNI. When a suspended sentence order is breached or a further offence is committed during the operational period, frequently the PSNI identifies the breach, responds to the incident and initiates the enforcement process. Clear statutory provision on how breach is treated and the effect of further conviction provides the framework within which police can act with confidence. The PSNI supports these provisions but reiterates that the breach process is only effective where the responsible officer has maintained sufficient contact with the offender to identify non-compliance at an early stage — returning to the PSNI's core concern that PBNi must be adequately resourced to fulfil its supervisory role.

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::

The PSNI agrees. A requirement on the court to state in plain language the reason for imposing a life sentence and explain its effect to the offender supports transparency and public understanding of sentencing decisions. This is consistent with the principles set out in Clause 1 and the PSNI has no concerns to raise in relation to this provision.

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 PSNI supports the introduction of statutory starting points for mandatory life sentence tariffs — 15 years where there are no significant aggravating factors and 20 years where the seriousness of the offence is exceptionally high. This provides greater transparency and consistency in sentencing for the gravest offences and gives courts a clear framework while retaining judicial discretion to depart where circumstances warrant. The PSNI has no concerns to raise in relation to this provision.

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?

Yes

Please provide information to support your answer here::

The PSNI agrees with the approach in Clause 20. Limiting the unduly lenient sentence referral mechanism to Crown Court sentences is a proportionate and practical decision. Extending it to Magistrates' Court sentences risks inconsistency and confusion. The PSNI has no concerns to raise.

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 PSNI agrees with the intent behind Clause 21. The ability for the Director of Public Prosecutions to refer unduly lenient Crown Court sentences to the Court of Appeal provides an important safeguard for victims and supports public confidence in the justice system. The PSNI has no concerns to raise.

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

No

Please provide information to support your answer here::

Nothing further than was outlined above in the previous two questions.

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::

The PSNI strongly supports the introduction of this statutory aggravating factor. Charlotte's Law — named after Charlotte Murray, a Co Tyrone woman murdered in 2012 whose remains have never been found, and developed with the support of the family of Lisa Dorrian who disappeared in 2005 — creates a meaningful incentive for convicted killers to disclose the location of a victim's remains at any stage of the justice process. The minimum 30% addition to the notional custodial period for non-disclosure, with a proportionate reduction available where disclosure is subsequently made, is a balanced and principled approach. The PSNI supports this provision without reservation and recognises the determination of the families involved in campaigning for this change.

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::

The PSNI agrees with the principles behind Clauses 28-30. The provision that any reduction will never exceed the aggravation applied at sentencing is an important safeguard — it ensures that a killer cannot benefit beyond the point of neutralising the aggravator through disclosure. The incentive to disclose at any stage post-conviction is balanced and proportionate. The PSNI supports these provisions without reservation.

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::

The PSNI strongly supports this provision. Requiring Parole Commissioners to consider a prisoner's failure to disclose the location of a victim's remains when making release decisions is the Northern Ireland equivalent of Helen's Law, introduced in England and Wales following Marie McCourt's campaign for justice for her daughter Helen. This is a long-overdue provision that places the interests of victims' families at the heart of the parole process. The PSNI supports it without reservation.

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::

The PSNI agrees that race, religion, sexual orientation and disability are an appropriate list of protected characteristics for the purposes of the hate crime aggravator. Northern Ireland has experienced record levels of racially motivated hate crime and the PSNI strongly supports the introduction of a statutory aggravator framework. The PSNI notes that for the aggravator to be effective, evidence of hostility must be identified and documented from the point of first response — it cannot be asserted at the prosecution stage without a solid evidential foundation built during the investigation

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 PSNI agrees with the consequences outlined in Clause 34. The requirement for the court to state on conviction that the offence was aggravated by hostility, to record that on the offender's criminal record and to treat it as increasing the seriousness of the offence, provides a transparent and meaningful framework. The requirement to explain how the aggravation affected the sentence imposed supports public understanding and victim confidence.

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 PSNI agrees that the Department of Justice should have the power to add, amend or revoke the groups for whom an aggravator applies. Societal understanding of hate-motivated offending evolves and a flexible mechanism that allows the framework to be updated without primary legislation is a sensible and proportionate approach.

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::

The PSNI supports the introduction of a vulnerable victim aggravator. Offenders who target or exploit victims they know or ought to know are vulnerable should face a higher sentence, and placing this on a statutory footing provides courts with a clear and consistent basis for applying it. The PSNI has no concerns to raise in relation to this provision.

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?

No

Please provide information to support your answer here::

The PSNI supports the principle of extending statutory protection to workers in public-facing roles who currently have no specific offence covering their position. However, the PSNI has serious concerns about how this objective has been achieved, specifically in relation to the repeal of the existing offence of assaulting a constable under Section 66 of the Police (Northern Ireland) Act 1998. The Bill, through its schedules, removes 'assaults' from Section 66 and amends the heading from 'Assaults on, and obstruction of' a constable to simply 'Obstruction of' a constable. The effect is that the specific offence of assaulting a constable in the execution of their duty — which has existed in Northern Ireland law for decades — is repealed and replaced by the new generic public worker offence under Clause 37. PSNI was consulted on the Bill prior to its introduction. However, the initial outline shared during that engagement did not include the schedules, and the repeal of the assault on constable offence was therefore not apparent at that stage. PSNI welcomes the opportunity that Committee Stage provides to give this provision the specific scrutiny it warrants. A constable exercising powers of arrest or detention acts as an agent of the state with coercive legal authority that no other public worker holds. An assault in that context carries a dimension beyond harm to an individual — it is a challenge to the lawful exercise of state authority. That distinction has long been recognised in law and the PSNI's position is that it should continue to be reflected in specific statutory provision. When England and Wales addressed the same policy question, the answer was the Assaults on Emergency Workers (Offences) Act 2018, which created a specific named offence covering police, NHS workers, fire and rescue and others as a distinct category without repealing the existing police assault offence. Northern Ireland's approach creates a generic public worker offence encompassing a significantly broader range of roles and repeals the specific police offence entirely. The PSNI's position is that Northern Ireland should at minimum replicate the England and Wales model. Assaults on police officers are currently recorded and reported as a distinct category, informing officer welfare, deployment decisions, risk assessments and public accountability reporting to the Policing Board. The absorption of assaults on police into a generic public worker offence will undermine the ability to monitor, analyse and respond to officer assaults specifically. The PSNI does not oppose the creation of the new generic public worker offence. It asks the Committee to consider whether Clause 35 should be amended to retain the assault element of Section 66 of the Police (Northern Ireland) Act 1998 alongside the new provision rather than repealing it — achieving the policy objective of broader protection without removing the specific recognition that the policing function warrants.

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

No

Please provide information to support your answer here::

The PSNI notes that the definition is broad, encompassing anyone employed or engaged to provide a service to the public, perform a public duty or deliver a public service, whether paid or unpaid. While the PSNI does not object to the breadth of the definition in principle, it reiterates its concern that police constables — who exercise coercive powers of the state not available to other public workers — are not distinguished within it. The Committee is asked to consider whether the definition adequately reflects the distinct nature of the policing function.

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 PSNI considers the maximum penalty of 2 years on indictment to be appropriate. The PSNI notes however that the penalty is only one element of the framework — the loss of the specific named offence for assaulting a constable, as set out in the PSNI's response to the new offence question above, remains a significant concern regardless of the penalty level.

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 PSNI supports the inclusion of a statutory aggravator for more serious offences committed against a public worker. The requirement on the court to state the aggravation on conviction, record it and treat it as increasing the seriousness of the offence is welcome. The PSNI notes however that this aggravator applies only to the specified serious offences listed in Clause 38 — it does not apply to the new Clause 37 offence itself. For the most common scenario of a straightforward assault on a public worker, there is no aggravation mechanism. The PSNI asks the Committee to consider whether this gap is appropriate.

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?

Yes

Please provide information to support your answer here::

The PSNI supports the increase in maximum penalties for causing death or grievous bodily injury by driving while disqualified. This reflects the additional culpability of an offender who causes death or serious injury while knowingly driving in breach of a court order.

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 PSNI supports this increase. Victim families and road safety organisations have long considered the current maximum of 14 years insufficient. An increase to 20 years better reflects the gravity of these offences and provides courts with greater sentencing flexibility in the most serious cases. The provision also presents an opportunity to reinforce public messaging around road safety.

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 PSNI supports increased maximum sentences for repeat road traffic offenders. Repeat offending of this nature demonstrates a persistent disregard for the safety of others and warrants a proportionately higher sentencing ceiling.

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 PSNI supports the introduction and increase of mandatory minimum disqualification periods. Disqualification is a direct and meaningful consequence that removes dangerous drivers from the road and the PSNI welcomes its strengthening in the Bill.

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::

The PSNI agrees with the commencement approach in principle. However the PSNI wishes to place on record that the commencement of provisions expanding community supervision — specifically those in Part 2 of the Bill — should be conditional on confirmation that the Probation Board for Northern Ireland has been adequately resourced to manage the resulting increase in caseload. Commencing those provisions before PBNI capacity is confirmed risks undermining the effectiveness of the community sentencing framework and transferring an unquantified enforcement burden to the PSNI. The PSNI asks the Committee to consider whether a commencement condition of this nature should be included in the Bill.

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 PSNI broadly welcomes the Criminal Justice (Sentencing etc) Bill and supports its principal objectives. The provisions on Charlotte's Law, Helen's Law, hate crime aggravators, life sentence starting points and road traffic offences are all positive and the PSNI supports them without reservation. The PSNI's overarching concern throughout this submission has been the operational consequences of the Bill's expansion of community sentencing. As the number of offenders supervised in the community increases, the demand on PSNI as the enforcement fall back will grow. This demand is currently unquantified. The PSNI asks the Committee to ensure that the Department of Justice and the Probation Board for Northern Ireland are held to account for resourcing the community supervision framework adequately before the relevant provisions are commenced. The PSNI also asks the Committee to give specific scrutiny to the repeal of the assault on constable offence under Section 66 of the Police (Northern Ireland) Act 1998, as effected through the Bill's schedules. This provision was not apparent during pre-introduction engagement and has not been publicly explained or justified by the Department of Justice. The PSNI's position is that the specific offence should be retained alongside the new generic public worker assault offence, reflecting both the distinct legal nature of the policing function and the approach taken in England and Wales under the Assaults on Emergency Workers (Offences) Act 2018. The PSNI is willing to give oral evidence to the Committee if that would assist its scrutiny of the Bill.