

23 September 2026

Mr. Paul Frew,
Chair, Justice Committee
C/o Kathy O'Hanlon,
Clerk to the Committee for Justice

Via email: committee.justice@niassembly.gov.uk

Re: Committee for Justice query re Breaches of Suspended Sentences

Dear Paul,

I am writing to follow up on the query you raised with me in yesterday's evidence session on the Criminal Justice (Sentencing etc.) Bill.

Your query related to my view on Schedule 2 of the Bill, with specific reference to what provisions it sets out for perpetrators, convicted of a crime, who then breach or reoffend while serving a suspended sentence and whether the schedule clearly made provision for a custodial sentence to be imposed under such circumstances.

Having reviewed Schedule 2 of the Bill, my reading is that Part 8 (*Powers of court to deal with offender on breach of requirement or subsequent conviction*) sets out the options available to the Courts for dealing with such offenders. While the language that sets out the options is not particularly clear and may be open to interpretation, it does give the Court the power to enforce the original sentence (which was suspended). Clause 1 sets out a number of options open to the Court, depending on the nature of the breach. (1) a, b, c, & d set out the different options with provisions (a) & (b) being custodial and provisions (c), (d) & (e) relating to fines or community requirement. The wording of 1(a) is maybe not as clear as it could be in this regard. It states that:

the court may order that the suspended sentence is to take effect with the original term unaltered;

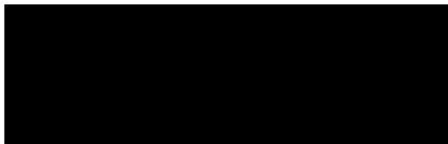
My interpretation of this is that the original sentence handed down to the perpetrator will take effect and will no longer be suspended. Part (b) gives the Court power to substitute the original suspended sentence with a lesser term:

the court may order that the suspended sentence is to take effect with the substitution of a lesser term for the original term;

I would note that my office does not employ legal practitioners and my opinion is based on my own reading of this so the Committee may wish to seek a legal view for certainty.

I would like to thank the Committee for their time yesterday and remain happy to assist in any way I can as you continue scrutiny of the Bill.

Kind Regards,



Geraldine Hanna
Commissioner Designate for Victims of Crime