From: [redacted]
Sent: 14 October 2026 22:05
To: +Comm Justice Public Email <committee.justice@niassembly.gov.uk>
Subject: Bill: further evidence on the practical effect for victims

14 October 2026

Dear Kathy,

Thank you for the Committee's continued consideration of MAP's evidence.

I would be grateful if you could share this further letter with members as they move into their detailed consideration of the Bill.

The questions raised by members during our oral evidence were very helpful and allowed us to think more carefully about the Bill.

Looking again at the Bill, the Department's papers and the evidence from other witnesses, it seems to me that there are a few matters on which the Committee could usefully press for more definite answers. I hope that the Committee will grant me patience in this matter.

These issues go to the heart of whether the changes will be experienced by victims, rather than simply appearing in legislation.

In 2024–25, 95.4% of cases involving an offence under the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 were dealt with in Magistrates' Courts: 2,386 cases. This is not a figure for every domestic or sexual abuse prosecution, but it illustrates why the operation of the Bill in summary proceedings deserves our close attention. It is in those courts that a very large number of victims will discover what these reforms mean in practice.

I have set out below the questions which we think would most help members distinguish what the Bill provides, what has yet to be funded or put in place, and how anyone will establish afterwards whether it has made a difference.

1. Clauses 1 and 2:

How will the Committee know that the duties are being followed?

MAP welcomes the duties to have regard to sentencing principles and to follow relevant sentencing guidance unless the interests of justice require otherwise. Clause 2 also requires the court to identify relevant guidance and explain, in open court and in general terms, how it has been applied or why it has not been followed.

Those duties extend to adult cases sentenced in Magistrates' Courts.

What we cannot readily see is how compliance will be checked where the sentencing remarks are not routinely recorded and available.

A duty to give reasons orally is useful, but it does not necessarily leave the victim with a record of what was said, nor enable anyone to review whether the correct guidance was identified.

A man who has spent years trying to have coercive control taken seriously may be unable to explain to us why particular aggravating factors did or did not affect the sentence. He may not even have been present when sentence was passed.

The Department has acknowledged that routine recording and transcription in Magistrates' Courts is a longer-term ambition.

We appreciate that wider court recording raises cost and practical questions.

It seems worth asking whether a short-written sentencing record, at least in domestic and sexual abuse cases, could be introduced without waiting for wholesale reform of court recording.

Our question would be

• What record will allow the court service, the judiciary and independent scrutiny bodies to verify that clauses 1 and 2 are being complied with in summary cases?

• How will a victim obtain an accurate account of the guidance applied, the principal aggravating and mitigating factors and the reasons for the sentence?

• Will the Department establish a baseline and publish an evaluation of these duties, including what is happening in Magistrates' Courts?

2. Clauses 3 to 14:

What will be available when these powers are commenced?

We can see the value in allowing suspended sentences to include supervision and community requirements. MAP, as stated, does not regard imprisonment as the answer in every case.

Properly delivered interventions, supported by robust supervision, can reduce further harm. But they need to exist outside the wording of the order.

The Explanatory and Financial Memorandum accepts that these provisions will have significant financial implications for the Probation Board for Northern Ireland.

The Assembly's own research paper records the Department's indicative recurring costs of £3.13 million at 50% uptake and £6.25 million at full uptake, excluding additional set-up and breach-related costs.

It also raises the prospect of a marked increase in probation caseloads.

We would be concerned if the new power were enacted with the detail of staffing, programmes and funding left largely to subsequent bids.

There is a useful distinction in the Bill itself.

Part 1 is due to commence two months after Royal Assent.

Part 2 will commence on a day or days appointed by the Department.

That gives an opportunity to agree what must be demonstrably in place before the new suspended sentence arrangements begin operating.

Our questions would be:

• Will members be given a costed implementation plan showing staff capacity, programme places, specialist domestic abuse provision, waiting times, breach enforcement and the funding source for each?

• What conditions will the Department use to decide that an area is ready for commencement, and how will it avoid victims receiving different levels of protection because services vary by court area?

• If the funding is not secured, which provisions will be deferred, and how will the Assembly be told?

3. What does supervision mean for a victim's safety, and how will we know if it works?

There is a risk of confusing a supervised order with an effective intervention.

For domestic abuse, a requirement to attend sessions or keep appointments tells us little on its own about coercive control, risk escalation or the safety of the person abused.

We would be interested in the Department's evidence about the interventions available, how their suitability is assessed, and how a continuing pattern of risk is communicated between the relevant agencies.

Clause 10 normally requires a pre-sentence report before a suspended sentence order with community requirements is imposed but permits the court to dispense with it where unnecessary, with reasons given in open court.

In domestic abuse cases we wonder how the court will reliably obtain information about a course of conduct, threats, previous incidents, children, protective orders and ongoing access to the victim, when a report is not sought.

Clause 6 is detailed about explaining the order to the offender and distributing copies to those responsible for it.

It does not provide an equivalent express entitlement for the victim to receive the information relevant to their safety.

We recognise that existing victim information arrangements should be used wherever possible, and that not all details of an order should be disclosed.

There is it would seem a practical question about how a victim learns what conditions affect them, what might amount to a breach, and whom they should contact in that event.

Our questions would be:

• What domestic abuse-specific risk information will be available to the sentencing court, and how will this be assured where no pre-sentence report is obtained?

• What information will victims receive about relevant conditions, breach reporting and any change to those conditions?

• Will there be independent evaluation at defined intervals, measuring delivery, further abuse and victim safety, not merely the number of orders made or programmes completed? If shortcomings are found, who must respond and by when?

4. Clause 20(3):

What is the Department's intended policy for summary cases?

We are grateful for the clarification conveyed following MAP's supplementary evidence. We understand from the Department's evidence that the three conditions in clause 20(3) operate together.

We understand this to mean -

In the absence of regulations specifying offences, a summary conviction cannot enter the proposed unduly lenient sentence scheme through that subsection.

The point which remains unanswered is why the power has been retained and how it might be used.

Clause 20(1) permits cases falling within subsection (2) or subsection (3).

The Department's Delegated Powers Memorandum of 26 March 2026 describes clause 20(3) as enabling future extension to specified offences tried summarily.

We would warmly welcome an explanation of the policy behind leaving that possibility open, while not proposing to use it at commencement.

As you are aware we are not seeking a general right to appeal every sentence with which a victim is disappointed.

Undue leniency must remain an exceptional and carefully controlled jurisdiction.

But it is worth exploring whether particular serious offences, tried summarily, could be included, and what evidence the Department would require before making that decision.

Our questions would be:

• Is the Department's position that no summary offences will be specified at commencement, or that it has no intention of using the power?

• What criteria would be applied when deciding whether to specify summary offences, and have relevant domestic and sexual offences been assessed against those criteria?

• How could a victim be able to understand what would seem on the face of it to be an unexpected summary sentence if they have neither a reliable record of the reasoning used nor access to this exceptional review mechanism?

5. Clause 36:

Recognising vulnerability without requiring a stereotype of the victim

MAP supports the breadth of the definition which includes a person whose ability to protect themselves from violence, abuse, neglect or exploitation is significantly impaired "for any other reason". It seems to us that this is capable of including the

effects of coercive control and psychological abuse without a victim having to produce a diagnosis of mental illness.

We would be cautious about arguing that every domestic abuse victim automatically satisfies an additional vulnerability aggravator.

The abuse itself must be properly recognised; the further aggravator has its own statutory test.

A man may be outwardly confident, employed and physically strong but live with threats, isolation, financial control and fear which significantly impair his ability to protect himself.

Courts need to readily understand that possibility without assuming that all victims are affected in the same way - the steroetypes of what a 'perfect victim' might look or act like.

Rather than simply adding the phrase “psychological harm”, could the Committee ask the Department to explain how the existing wording will be applied and proved, what guidance prosecutors and courts will receive, and how the statutory aggravator interacts with domestic abuse aggravators so that relevant harm is neither missed nor counted twice?

6. The Committee’s final test:

How will victims see the difference this makes to them?

These questions extend to the recognition of the experiences of children exposed to domestic homicide, which MAP raised in oral evidence.

We would welcome further consideration of whether Schedule 3 gives sufficient visibility to the direct harm suffered by children who witness or are exposed to the killing of a parent, without suggesting that courts are currently unable to consider those circumstances.

The concern running through this letter is one of accountability.

We can explain to a male victim that the law does not value his abuse less because he is male. It is much harder to show him, prove to him, using accessible records and properly analysed evidence, that sentencing decisions are being made consistently applying those principles.

We do not expect identical sentences in cases with different facts.

WHat we do expect a system capable of explaining and examining the differences.

I appreciate that some of this work will be for the Department, the judiciary, the PPS, PBNI and the courts service rather than for primary legislation alone.

It would be very helpful, however, if the Committee could distinguish what needs an amendment, what could be secured through a firm undertaking and what requires a published implementation plan.

Otherwise quite substantial questions about the working of the Bill may be postponed without anyone being clearly responsible for answering them.

Before concluding its scrutiny, might the Committee consider asking the Department for one consolidated response identifying, in each of the matters above:

(i) the safeguard or mechanism already in place;

(ii) any further action required;

(iii) the responsible body and source of funding; and

(iv) when evidence of compliance or effectiveness will be reported to the Assembly?

We believe that would help both members and those supporting victims to understand which promised improvements will be available at commencement and which remain dependent on later decisions.

MAP wants this legislation to improve sentencing in Northern Ireland.

We recognise the excellent work already done and welcome its benefits to us all.

Our concern remains that victims, particularly those whose cases are dealt with summarily, should not be left with important rights and principles on paper but with no practical means of understanding whether those principles have been applied in their case or whether the new sentencing arrangements have made them safer.

Thank you for the opportunity to provide further evidence. We would be grateful if these points could be brought to members' attention during their deliberations.

I do promise that this is the last of our written evidence and supplementary commentary.

Kind regards,

[redacted]

CEO

Men's Advisory Project

Documents referred to:

Criminal Justice (Sentencing etc) Bill as introduced (clauses 1–14, 20, 36 and 50; Schedule 3);

Explanatory and Financial Memorandum (paragraphs 90–92);

Department of Justice Delegated Powers Memorandum (26 March 2026, paragraphs 22–23);

Assembly Research and Information Service NIAR 117-2026;

Department of Justice, Prosecutions at courts and case processing time for domestic abuse related cases dealt with in 2024–25.