Public Prosecution Service

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Ms Kathy O'Hanlon
Clerk to the Committee for Justice

Email: committee.justice@niassembly.gov.uk

2 November 2026

Subject: Criminal Justice (Sentencing etc) Bill – Committee Deliberations
Clause 21

Dear Kathy,

I am writing in response to your letter of 21 October regarding the proposal to place a statutory duty on prosecutors to inform victims of their ability to request a review under the unduly lenient sentencing scheme. The Director has considered the issue and has asked that I respond on his behalf. The Director has also had sight of the response submitted by the Department of Justice.

It is important, at the outset, that there is clarity as to the nature of any request that can be made by a victim in these circumstances. It is not analogous to a request for a review of a decision not to prosecute which will be conducted by the PPS automatically upon request, so long as it is made within the relevant time-limit. Rather, it is a request for the Director to consider exercising his power to ask the Court of Appeal to review the sentence. Any communications with victims in relation to this subject need to make it clear that the threshold for a referral to the Court of Appeal is very high and that it has to be based upon the relevant legislation and sentencing guidelines. Only a small number of referrals are taken each year and it is important that victims' expectations as regards the potential for the referral of a sentence are not unduly raised.

Furthermore, there is a duty upon the prosecution team in any case to consider whether any sentence imposed may be unduly lenient and, independent of any request or concern raised by a victim, refer the matter internally for consideration of a potential reference. When consideration is being given to a potential reference the views of the victim – whilst they cannot bear upon the legal propriety of the sentence imposed – will be sought if they are not already available.

It should also be noted that the PPS does have a section on its website in relation to Unduly Lenient Sentences. This confirms that victims, their families, and members of the public who are concerned about a sentence can contact the Director directly or through a public or legal representative about a sentence and their concerns.

When considering whether a statutory duty to inform victims directly of this mechanism in every Crown Court case would be appropriate, it is important to have regard to the context set out above. Any such communication would require careful drafting to ensure that victims understand both the limited nature of the request being made and the high threshold which must be met before a case can properly be referred to the Court of Appeal. Consideration would also need to be given to how any statutory duty could be implemented in practice.

It should also be recognised that a statutory provision requiring victims to be proactively notified in every Crown Court case, regardless of whether any issue arises in relation to the sentence imposed, is likely to result in (i) heightened levels of expectation and (ii) a significant increase in requests for the Director to consider references to the Court of Appeal. This must also be viewed in the context of the proposed reforms within the Sentencing Bill which would substantially extend the scope of the unduly lenient sentence scheme. While it is anticipated that the majority of requests would not ultimately result in a referral to the Court of Appeal, each request would nevertheless require careful assessment within the applicable statutory and sentencing framework. Even where a case is not referred to the Court of Appeal, expense can be incurred in obtaining transcripts, seeking the advice of Counsel and the resource required to provide detailed reasons for the case not being referred with reference to the relevant evidence and applicable case law.

The introduction of a statutory notification requirement would therefore have operational and resource implications for the PPS. An assessment would be required of the additional volume of work likely to be generated and of the extent to which that work could be absorbed within existing resources. Consideration would also need to be given to whether any additional staffing or funding arrangements would be required to support implementation of the proposed duty, particularly at a time when prosecutorial resources remain under significant pressure.

Overall, the Director does not consider that the introduction of a statutory duty is necessary or proportionate for the reasons set out above.

If you require any additional information, please let me know.

Yours sincerely,

[redacted]

Head of Policy and Information

Copy: Director
Deputy Director
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Northern Ireland Assembly
Committee for Justice

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By email: [redacted]

21 October 2026

Dear [redacted]

Criminal Justice (Sentencing etc) Bill – Committee Deliberations Clause 21

At its meeting on 20 October 2026, the Committee for Justice undertook deliberations on the Criminal Justice (Sentencing etc) Bill[1].

During the deliberations, Members discussed a proposal to amend Clause 21 (Review of sentencing) to include a statutory duty to inform victims of their right to request a review under the unduly lenient sentencing provisions.

The Committee agreed to ask the Director of Public Prosecutions for his views on an amendment to impose such a duty, and what the implications might be. The Committee has also written separately to the Department of Justice to request its views on this matter.

In order to enable the Committee to reach its final position on these matters within the limited time remaining, I would appreciate a response by 29 October 2026.

[1] Bill and Explanatory and Financial Memorandum

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Yours sincerely

[redacted]

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