FROM THE OFFICE OF THE JUSTICE MINISTER

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Kathy O'Hanlon
Committee Clerk
Committee for Justice
Room 242 Parliament Buildings
Stormont
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9 November 2026
Our reference: JCP\26\282

Dear Kathy,

CRIMINAL JUSTICE (SENTENCING ETC) BILL – COMMITTEE DELIBERATIONS ON MATTERS NOT INCLUDED IN THE BILL

Thank you for your correspondence dated 3 November 2026 following the Committee's deliberations on matters not included in the sentencing bill at its meeting on the same date.

The Department's response is as follows.

Helen's Law

The Committee seeks the Department's views on an amendment to legislate for the aspects of the Prisoners (Disclosure of Information About Victims) Act 2020 ('the 2020 Act'), which are not included in Part 5 of the Bill.

The 2020 Act makes provision to ensure that the Parole Board in England and Wales takes into consideration the failure of a killer to disclose information about the whereabouts of their victim's remains. This aspect of the 2020 Act is known as Helen's Law, named after a campaign led by Helen McCourt's mother when Helen's killer had reached the end of his life sentence tariff without ever divulging details of the location of her remains.

In addition, the 2020 Act makes separate provision requiring the Parole Board to take into account the failure to disclose the identity of a child or children in images of sexual abuse when considering the release of a convicted paedophile.

These provisions were introduced by the Government in light of the case against Vanessa George, who was convicted of multiple counts of sexual abuse and taking and distributing indecent images of children. She refused to name the victims. The provisions have no bearing on Helen McCourt's mother's campaign. The 2020 Act therefore deals with two very different issues, although it is primarily known for Helen's Law.

The Committee will recall that the Department's work on Charlotte's Law began around the same time as Helen's Law came into operation. However, following careful consideration of the problem in the context of the issues surrounding 'no-body' killings as they presented in Northern Ireland, the provisions which are now in the sentencing bill do not simply replicate Helen's Law, but build on it to represent a bespoke suite of meaningful measures for these exceptionally rare cases.

They do not in any way consider or relate to paedophile images.

Would the Minister be content to bring forward such an amendment at Consideration Stage?

The Department has not been made aware of any cases in Northern Ireland of failure to identify the victim in a sexual abuse or indecent images case, and as such has not considered whether any legislative change is needed to address any related issues nor has any policy development work in this regard been undertaken.

When seeking Executive approval to draft the Sentencing Bill, the Minister undertook that no new additions to the Bill would be brought unless there was an identified pressing urgent need.

As the Minister has not been made aware of a pressing need for such an amendment, and as this would represent new policy which the Department has not considered the Minister does not propose to bring forward such an amendment.

Jasmin's Law

The Committee's comments in respect of Jasmin's Law are noted. The Department continues to work within its resources to progress the current Sentencing Review as quickly as possible.

At present, research is continuing into the topics within the scope of the Review, including the collation of statistical information, to assist with analysis and the development of policy proposals. As previously advised, any policy proposals developed by the Review will be subject to public consultation, with a view to informing legislative proposals for the next mandate. Subject to resources, it is anticipated that public consultation on any such policy proposals will take place in 2027.

Free Access to Sentencing Remarks

The Committee noted that the Victims and Witnesses of Crime Strategy 2026-32 contains an action to progress preparatory work to develop a pilot scheme to provide victims in agreed categories of serious offence cases with transcripts of hearings, but remains concerned at the time that it may take for this to be progressed.

The Department can confirm its intention to establish a pilot that will make provision for free access to sentencing remarks in certain cases once the Victims and Witnesses of Crime Bill has completed its passage through the Assembly and the new statutory Commissioner's office has been established (meaning we would be in a position to progress focused work on this early in the next mandate). Given the compressed timeframe for delivery of the Victims and Witnesses Bill and a statutory Commissioner's office we have concluded that these need to be the current priorities within our existing capacity.

The Department believes that a pilot is necessary in order to ensure that any arrangements are effective, sustainable and do not result in additional delay to the

criminal justice system. As such, we plan to use the proposed pilot to test the initiative across an agreed set of serious offences – this will help us to assess any impact as well as resourcing implications and will inform decisions about any wider implementation.

It will also be necessary to secure funding to support a pilot (as well as scoping future costs associated with any wider expansion). If funding is not secured and provision of transcripts becomes a statutory requirement, the Department could only meet this requirement by reprioritising existing resources, which is likely to impact on service delivery elsewhere across the criminal justice system.

Would the Minister be content to bring forward such an amendment at Consideration Stage?

The Department notes that the Committee is exploring an amendment to make provision for free access to sentencing remarks for victims, and has asked the Bill Clerk to undertake some preparatory work in this regard.

In consideration of the Department's intentions and the considerations outlined above, the Department does not believe that legislation is necessary to enable the provision of free sentencing remarks and for these reasons the Minister does not intend to bring forward an amendment, but does intend to advance the pilot expeditiously.

Victim Information Scheme

The Department notes that the Committee remains concerned about the current opt-in basis of the Victim Information Scheme and discussed the merits of changing to an opt-out scheme.

As previously noted, significant work has been progressed, following an independent review of Victim Information Schemes, to encourage victims to register, make it easier for them to do so, and to improve the quality of service offered to registered victims. This includes writing 6 months after the conviction (if the prisoner is still in custody and the victim is still eligible) to victims who opted not to register to check if their wishes remain the same; writing annually to those who have registered to ensure they still wish to be registered; the addition of QR codes in invitations to register to make the process simpler;

the introduction of feedback mechanisms in all communications with victims, to support continuous improvement; and writing to non-registered victims at the 3-year pre-tariff stage to again check if they wish to register as the prisoner approaches the end of their sentence. PRVIS staff are also undertaking training in trauma-informed practice and have been engaging with Victim Support Northern Ireland to develop victim-centred approaches to communications.

Would the Minister be content to bring forward such an amendment at Consideration Stage?

The Department notes that the Committee has asked the Bill Clerk to undertake some preparatory work to develop an amendment to make the necessary provision for an opt-out scheme.

The Department remains of the view that it would be appropriate to allow the improvements outlined above to take effect in the first instance. It has been the Department's experience that not all victims wish to receive information, and accordingly the Minister does not intend to bring an amendment forward in this regard. The Minister would, however, be willing to undertake a further review, in consultation with victims, on further enhancements to the scheme, including whether it should become formally opt-out.

Victim Personal Statements

The Department notes that the Committee discussed the opportunity for victims to read aloud a Victim Personal Statement (VPS) in court if they chose to do so and that, while noting that a task and finish group is looking at VPSs, the Committee is concerned at how long it may take to progress this issue.

In principle, we support the presumption in favour of victims being able to present their statement personally in court and officials are taking steps to ensure that victims are aware of their right to ask the court to do so. Indeed, in a number of cases, this has already occurred and does not require legislative underpinning to be implemented.

From a case management perspective, however, it is the judge's responsibility to take decisions and ensure that cases are managed effectively, based on the evidence presented to the court and the applicable law. As a VPS constitutes evidence before the court, the judge must use discretion in determining whether all or part of it can be admitted and considered and whether all or part of it needs to be withheld from open court.

We, therefore, consider it important that the judge should retain the discretion not to permit all or part of a VPS to be read out should they identify a legitimate concern, where it may impact the proceedings negatively, or where it is not in the interest. For example: where a VPS has not been submitted with enough time before the sentencing date, the VPS has not been sufficiently edited/redacted (which is the responsibility of the PPS and not the judge), or the defence objects to the content of a VPS and the judge concludes those objections to be well-founded in law.

As reading out of a VPS may have unintended consequences, such as an adjournment, as a judge may not proceed to sentencing directly after the VPS is read, it is important that victims are aware of such potential consequences.

Would the Minister be content to bring forward such an amendment at Consideration Stage?

The Department notes that the Bill Clerk has been asked to develop an amendment to give victims the right to read their VPS in court.
As there is no necessity for legislation to enable the reading of a VPS in court, the Minister does not intend to bring forward an amendment giving victims the right to read their VPS in court; however, she is willing to work with the Committee should they bring forward an amendment.

I trust the Committee finds this information helpful.

Yours sincerely,

[redacted]

DALO, Department of Justice

Northern Ireland Assembly
Committee for Justice

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3 November 2026

Dear [redacted]

Criminal Justice (Sentencing etc) Bill – Committee Deliberations on Matters Not Included in the Bill

At its meeting on 3 November 2026, the Committee for Justice continued deliberations on the Criminal Justice (Sentencing etc) Bill, which focused on matters raised in evidence which are not currently included in the Bill.

The Committee agreed to write to the Department on several matters discussed during the deliberations, as outlined below.

Helen's Law

The Committee discussed the aspects of the Prisoners (Disclosure of Information About Victims) Act 2020 (known as 'Helen's Law'[1]) which relate to the requirement for the Parole Board to take into account the failure to disclose the identity of a child or children in images of sexual abuse when considering the release of a convicted paedophile.

[1] Helen's Law receives Royal Assent - GOV.UK

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Members wish to see equivalent measures being brought forward in the Sentencing Bill. The Committee agreed to seek the Department's views on this and to ask if the Minister would be content to bring forward such an amendment at Consideration Stage.

Jasmin's Law

The Committee discussed the issue of the supply of drugs to children or vulnerable people and the request in "Jasmin's Law" for an aggravator to be created for this offence. Members noted the Department's previous response (JCP\26\150) advising this will be considered as part of the current review of sentencing policy. The Committee has asked that the Department proceeds as quickly as reasonably possible in respect of this matter.

Free Access to Sentencing Remarks

The Committee discussed the issue of victims having access to sentencing remarks in a free and accessible format, as raised by the Commissioner Designate for Victims and Witnesses of Crime. Members noted that the Victims and Witnesses of Crime Strategy 2026-32 contains an action to progress preparatory work to develop a pilot scheme to provide victims in agreed categories of serious offence cases with transcripts of hearings, but remain concerned at the time that it may take for this to be progressed.

The Committee therefore agreed to explore an amendment to make provision for free access to sentencing remarks for victims, and has asked the Bill Clerk to undertake some preparatory work in this regard. The Committee also agreed to seek the Department's views and whether the Minister would instead be content to bring such an amendment forward at Consideration Stage.

Victim Information Scheme

The Committee discussed concerns regarding the current opt-in basis of the Victim Information Scheme and the merits of changing to an opt-out scheme.

The Committee has asked the Bill Clerk to undertake some preparatory work to develop an amendment to make the necessary provision for an opt-out scheme in the Sentencing Bill. The Committee also agreed to seek the Department's views and whether the Minister would be content to bring forward such an amendment at Consideration Stage.

Victim Personal Statements

The Committee discussed the prospect of amending the Bill to ensure every victim has the opportunity to read aloud a Victim Personal Statement (VPS) in court if they chose to do so. Members noted that a victim's ability to do so is currently subject to judicial discretion. While noting that a task and finish group is looking at VPSs, Members are again concerned at how long it may take to progress this issue.

The Bill Clerk has therefore been asked to develop an amendment to give victims the right to read their VPS in court. The Committee also agreed to seek the Department's views, and to ask whether the Minister would be content to bring forward such an amendment at Consideration Stage.

In order to enable the Committee to reach its final position on these matters within the limited time remaining, I would appreciate a response, including an indication of whether the Minister intends to proceed with any of the amendments requested by the Committee, by 9 November 2026.

Yours sincerely

[redacted]

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