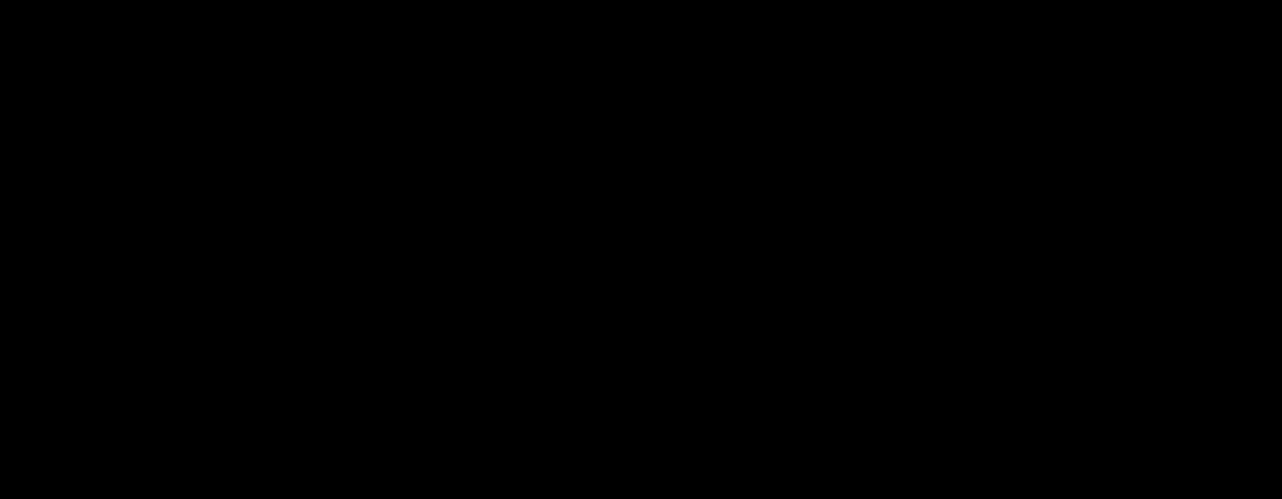




Dear Kathy,

Thank you for your letter following our evidence to the Committee yesterday.

I had agreed during the session to come back to the Committee on Part 4 because there was some discussion about whether the unduly lenient sentence provisions could apply where an offence is dealt with in the Magistrates' Court. I did not want to give a definite answer in the room without going back to clause 20 and reading the provisions together. I spent quite a bit of time on it last night to ensure that my thinking continued to make sense and to provide the Committee with something of use to take to the Department during their evidence.

Having done that, my understanding remains that Part 4 can apply following a summary trial, but it does not automatically apply to every case dealt with in that way.

Clause 20(1) says that Part 4 applies to cases falling within either subsection (2) or subsection (3).

Subsection (2) deals with a person who has been convicted on indictment and sentenced. That is relatively straightforward and brings those cases within the unduly lenient sentence provisions.

Subsection (3) then deals separately with summary proceedings. It provides for Part 4 to apply where a person is convicted on summary trial, a sentence is imposed and, importantly, the offence is of a description specified in regulations made by the Department under clause 20(3)(b).

I do not read clause 20 as excluding summary cases or Magistrates' Court sentencing altogether due to subsection (3). If that were the intention, there would appear to be little purpose in subsection (3) existence. However, neither do I read it as bringing all sentences following summary conviction within the new scheme.

In ordinary language, the difference appears to be that the Bill itself brings convictions on indictment within Part 4. For a conviction on summary trial, there is an additional step: the Department must have included that type of offence in regulations before the sentence can come within the scheme.

That also appears to be how the Department has described its intention. In its Delegated Powers Memorandum, the Department explains that clause 20(3) gives it the power to specify an offence which, on summary trial, will be capable of an unduly lenient sentence referral. It goes on to say that the power would allow the scheme to be extended to certain specified offences on summary trial in the future.

That helped me to understand the wording of subsection (3), but it also left me wondering how the provision is intended to operate in practice.

The Bill itself does not tell us which summary offences the Department intends to specify, whether any regulations will be in place when Part 4 comes into operation, or how the Department will decide which offences should be included.

I think and would hope that the Committee may wish to seek some clarity on this, particularly because the distinction will not necessarily make sense to a victim trying to understand whether a sentence can or cannot be reviewed.

The men we support are unlikely to think about their experience in terms of mode of trial. They know what was done to them, the impact it has had upon them and their children, and the sentence that was ultimately imposed. If they are told that Northern Ireland has an unduly lenient sentence scheme, it would be quite difficult to explain why one victim may ask for a sentence to be considered for referral while another cannot, not because of the seriousness or circumstances of the offending, but because their case was dealt with summarily and the relevant offence has not been specified in regulations or specified in the regulations yet.

I can see particular difficulties arising in domestic abuse cases. Domestic abuse frequently involves a pattern of behaviour rather than a single isolated incident. The criminal charge ultimately brought does not always convey the breadth of the abuse experienced by the victim, and serious harm can sit behind offences which are dealt with summarily. Not all of that harm is readily understood or weighed and as such can remain open to ULS. As I said yesterday too around 95% of domestic and sexual abuse offences are tried summarily and this was why this was such an important clause in the ULS. Similar questions may of course also arise in relation to offences involving sexual abuse or children.

I am not suggesting that every sentence imposed following summary conviction should necessarily be capable of referral as unduly lenient. I would, however, like to understand where the line is intended to be drawn and the reasoning that will determine it.

I think it would be helpful to know which offences the Department currently envisages specifying under clause 20(3)(b), whether it expects those regulations to be in place when Part 4 is commenced, and what criteria will be used when deciding whether an offence should be included.

There is a related question about how the scheme will be explained to victims.

If someone is advised that there is a mechanism for referring an unduly lenient sentence, the limitations applying to summary cases will need to be made clear. Discovering only after seeking a review that the offence in their case has not been prescribed would be unlikely to improve confidence in sentencing or in the criminal justice process more generally.

I can also see that the regulations under clause 20(3)(b) are to be made by negative resolution. The eventual scope of the scheme, in relation to summary cases, will then depend mostly on decisions taken subsequently by the Department through secondary legislation. I also wanted to make this clear to the Committee.

To answer the Committee's question as directly as I can, my reading of clause 20 is that Part 4 can apply where a person is convicted following summary trial and a sentence is imposed, but only where the offence is also of a description specified by the Department in regulations under clause 20(3)(b). It does not appear to provide a general right of referral in respect of all sentences following summary conviction. It certainly indicates that there has always been an intention to include some summary cases.

I hope this clarifies the point I was trying to work through with members during yesterday's evidence session. I am grateful for the opportunity to go back to the wording and provide a fuller response.

Best wishes,



CEO

Men's Advisory Project NI



**Northern Ireland Assembly
Committee for Justice**

Men's Advisory Project NI

By email:

07 October 2026

Dear

Criminal Justice (Sentencing etc) Bill –oral evidence

On behalf of the Committee for Justice, I wish to thank you for attending the meeting on 6 October 2026 to give oral evidence on the Criminal Justice (Sentencing etc) Bill.

During the meeting, you agreed to provide the Committee with further information on Part 4 of the Bill regarding Unduly Lenient Sentences and whether it is your view that the provisions in this Part of the Bill apply in cases where the Magistrates Court passes a sentence in respect of an offence.

I would appreciate a response by 16 October 2026.

Yours sincerely

Kathy O'Hanlon
Clerk to the Committee for Justice