

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of

Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

7 October 2026

Dear Kathy,

CRIMINAL JUSTICE (SENTENCING ETC BILL) - ORAL EVIDENCE FOLLOW UP

Thank you for your email dated 29 September 2026 regarding oral evidence provided by the families of Charlotte Murray and Lisa Dorrian on Part 5 of the Bill on 24 September.

The Committee has asked:

- Why Clause 24(2) is deemed necessary and under what circumstances the Department expects that a court might deem a disclosure 'contrary to interests of justice'.
- Why, in relation to Clause 29(2), a reduction in tariff would not apply for the purposes of incentivising disclosure if that disclosure came within 1 month of the custodial period being due to end.

The Department's response is set out below.

Part 5 of the Bill makes provision to encourage killers who refuse to reveal the location of the victims' remains, or what they did with them, to give this information over. This provision has been uniquely designed to deal with exceptional and thankfully rare cases. The provisions aim to bring comfort to the families of those victims who are so cruelly

denied the knowledge of what happened to their loved ones and the opportunity for some form of closure whereby they can perhaps lay their memories to rest.

In Northern Ireland only one such case has resulted in a conviction – the case of John Miller who murdered Charlotte Murray.

Inclusion of the ‘interests of justice’ test

In designing the provisions, the Department acknowledged that it could not possibly anticipate every circumstance or every facet of any future case which may come before the courts. It was considered appropriate to include the interests of justice test to retain the important judicial discretion to deal with the unique circumstances of each case on its own merits. It is considered that not to include such a provision risks challenge of the provisions should an unforeseen situation present itself.

The inclusion of an interests of justice test is a recognised safeguard used in many legislative frameworks, and is of particular value in untested and novel provisions. It is the job of the judiciary to apply the law and they understand the thresholds for departing from provisions when it is the interests of justice to do so. This is not something the courts will take lightly and in most cases it is expected that the interests of justice will require that the court follows the requirements of Part 5 of the Bill.

It should be noted that if there is a reason to depart from these provisions the courts will nonetheless retain the power to consider concealment of the victim’s remains as an aggravating factor, albeit without the mandatory minimum increase created by Part 5 of the Bill applying.

Disapplication of sentence reduction for disclosures made in the last month

Clause 29(2) was included in the Bill for practical reasons as it is expected that some time will be needed for the Department to satisfy itself that any disclosure can be accepted, and for the administration needed to apply the relevant sentence reduction. The Department wants to guard against a situation where the prisoner’s custodial period should end before it has been able to work through these necessary steps.

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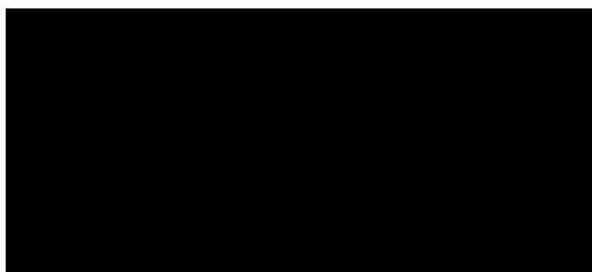
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As the end of the custodial period approaches, and the amount of potential sentence reduction continues to diminish towards zero, the incentive of a shortened custodial period will also be diminishing proportionately. However, where the Parole Commissioners have a role, the next phase of 'Charlotte's Law' continues to have effect at this time, as the Commissioners will be required to consider the lack of disclosure in their deliberations on whether to grant the prisoner's release on licence. In light of the above, we consider that Article 29(2) will not affect a prisoner's decision at such a late point in their sentence.

Yours sincerely,



DALO



**Northern Ireland Assembly
Committee for Justice**

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DALO
Department of Justice
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

29 September 2026

Dear ██████████

Criminal Justice (Sentencing etc) Bill – Families of Lisa Dorrian and Charlotte Murray oral evidence

At its meeting on 24 September 2026, the Committee for Justice heard oral evidence from the families of Charlotte Murray and Lisa Dorrian on Part 5 of the Bill.

Following the evidence, the Committee agreed to ask the Department:

- Why Clause 24(2) is deemed necessary and under what circumstances the Department expects that a court might deem a disclosure ‘contrary to interests of justice’.
- Why, in relation to Clause 29(2), a reduction in tariff would not apply for the purposes of incentivising disclosure if that disclosure came within 1 month of the custodial period being due to end.

I would expect that Members may wish to discuss these matters with Departmental officials during the oral evidence session scheduled for 8 October. A response by 7 October, if possible, would therefore be helpful.

Yours sincerely



Kathy O'Hanlon
Clerk to the Committee for Justice

Room 345, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 905 21033

E-mail: committee.justice@niassembly.gov.uk