

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

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Kathy O'Hanlon
Committee Clerk
Committee for Justice
Parliament Buildings
Stormont
Belfast BT4 3XX

21 October 2026

Our reference: JCP\26\261

Dear Kathy,

**Re: CRIMINAL JUSTICE (SENTENCING ETC) BILL – DEPARTMENT OF JUSTICE
ORAL EVIDENCE**

Thank you for your letter dated 13 October 2026 in which the Committee sought details around the use of the offence of causing death or grievous bodily injury while driving disqualified and some examples of when a disqualification from driving would not necessarily be served post-the offender's release from custody under the provisions in clause 43 and Schedule 6 to the Criminal Justice (Sentencing Etc) Bill.

The Department's response is as follows.

Causing death or grievous bodily injury whilst driving disqualified

Clause 40 of the Bill increases the maximum penalty for the offence of causing death or grievous bodily injury (GBI) by driving whilst disqualified from two to four years.

As explained during the oral evidence session on 8 October, unlike the offences of causing death or grievous bodily injury by dangerous driving or by careless driving whilst under the influence, for which the Bill increases the maximum sentence from 14 to 20

years, disqualification is not the causal factor when death or serious injury results and the driver is disqualified. Accordingly, the maximum penalty is lower and this offence would typically be charged alongside another more serious offence.

Our data shows only one conviction for this offence since 2020. In that case GBI occurred and the defendant was also charged with causing grievous bodily injury by dangerous driving (under Article 9 of the Road Traffic (NI) Act 1995); driving when unfit through drink or drugs; and causing death or grievous bodily injury by driving uninsured.

Clause 45 and Schedule 6

Clause 45 of and Schedule 6 to the Bill make a series of amendments and updates to provisions found in the Coroners and Justice Act 2009 (which have not been commenced). The amendments require the court, when disqualifying an offender from driving and at the same time imposing a custodial sentence, to extend the 'discretionary' disqualification period by an 'extension period' which will be equivalent to that portion of the sentence specified in the relevant legislation that an offender must spend in custody.

The portion of the sentence that an offender must spend in custody before their earliest possible release varies depending on what kind of sentence is imposed – for example, it may be half, two-thirds or the whole period set by the court. As a result, the provisions of the Bill have to deal with each sentence-type separately.

There are some circumstances where part of the 'discretionary' disqualification period will not be served post-the offender's release from custody. These include:

- where the offender's actual release date is later than their earliest release date – this can happen where a prisoner subject to a life sentence or indeterminate sentence is not considered suitable for release at the end of the tariff or minimum period set by the court; and
- where an offender reoffends in any circumstance which means they return to or are committed to custody before the end of the disqualification period. This would include where a prisoner released on licence subsequently

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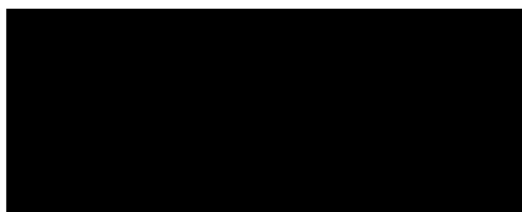
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reoffends and is returned to custody; and
where an offender is remanded or imprisoned for any other offence during
the disqualification period.

You will appreciate that the Department is responding to a large amount of
correspondence from the Committee in relation to this Bill and that officials are providing
responses as quickly as they can in challenging circumstances.

I trust this information is helpful

Yours sincerely,



Department Assembly Liaison Officer