FROM THE OFFICE OF THE JUSTICE MINISTER

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

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

JCP\26\259

Kathy O'Hanlon
Clerk to the Committee for Justice
Room 345
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

22 October 2026

Dear Kathy,

NATIONAL PREVENTATIVE MECHANISM – IMPACT OF SENTENCING BILL ON PRISON POPULATION

Thank you for your email dated 12 October 2026 seeking the Department's response to questions posed in correspondence received from the UK National Preventative Mechanism.

UK NPM state that a number of the sentencing bill's proposals are likely to result in more people in custody and/or longer sentences, raising questions about cumulative impact on an already pressured system. They go on to invite the Committee to ask what consideration has been given, including through any impact assessment, to the likely impact of the Bill on:

- Prisoner numbers;
- Prisoner conditions, particularly regarding the physical integrity of buildings and prisoner dignity; and
- Prison and prison healthcare staff capacity, access to training and supervision.

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

Please see the Department's response below.

While UK NPM has not identified the elements of the Bill it considers may impact on the prison population, the Department has made the following assessment of each element of the bill. The Committee may recall making a similar enquiry following the Department's 5 March 2026 post introduction presentation.

Principles and purposes

No impact anticipated

Sentencing guidance

No impact anticipated

Suspended sentences

Part 2 of the Bill enables the court to attach community requirements to suspended sentences. It is anticipated that the addition of a community requirement will allow the suspended sentence to be considered as a more effective or appropriate solution than immediate custody in a greater number of cases than at present. It is impossible to project the numbers of cases where this approach will be adopted by the courts, but some reductions in immediate custodial sentences would be expected.

In the longer term it is hoped that these provisions will have the effect of reducing reoffending in more significant numbers, so leading to a potential reduction in need for custodial provision in future.

Life sentences

Part 3 and Schedule 3 of the Bill set the starting points for the calculation of life sentence tariffs in murder cases for the first time in NI. Over the period 2020 to 2025 there were an average of between 8 and 9 mandatory life sentences imposed.

Two starting points are specified in the Bill – 20 years for exceptionally serious cases, and 15 years for all other cases. The overall impact on tariffs imposed in murder cases is impossible to predict due to the unique nature of these cases, but it is intended to ensure that mandatory life sentence tariffs are robust and proportionate. In light of the

exceptionally small numbers of murder convictions any uplift in tariffs imposed will have negligible impact on the prison population.

Unduly lenient sentencing ('ULS')

Part 4 of the Bill extends the current power of the DPPNI to refer a sentence to the Court of Appeal on the grounds that he considers it to be unduly lenient. The effect will be that all sentences imposed in the Crown Court may be so referred, meaning a potential for the increase in the length of a small number of cases each year.

At present there are, on average, around 5 referrals per year, of which just over half are granted by the Court of Appeal. The change will increase the potential numbers of referrals by approximately 50%.

Using this projection it is unlikely that more than 2 additional sentences each year may be increased on appeal.

'Charlotte's Law'

Part 5 of the Bill introduces 'Charlotte's Law', with provisions requiring the court to increase the offender's custodial sentence by a factor of at least 30% where the location of the victim's remains have not been disclosed by the time of sentence. It also allows for a reduction if a disclosure is made post-sentence.

To date there is only one person serving a sentence for a 'no body' killing. This is Johnny Miller who was convicted of and sentenced for Charlotte Murray's murder in 2020. The numbers are likely to remain extremely low.

In terms of impact on prison spaces, it is difficult to predict whether Charlotte's Law will result in significantly different custodial sentences being imposed. In Charlotte's case the sentence was aggravated under existing sentencing guidance to take account of the non-disclosure, and while the exact amount of aggravation was not stated by the Court, it could be extrapolated as reflecting around a 30% increase.

The benefit of the provisions will be the certainty of such an increase; and the prospect of a reduction if a disclosure is made. In effect, therefore, these provisions could result in a slight saving in terms of prison time.

Statutory aggravators

Part 6 of the Bill introduces statutory aggravators in relation to offences aggravated by hostility; by reason of victim vulnerability; and where the victim is a public worker.

The Department does not consider that the implementation of these statutory aggravators will result in increases in numbers or the length of custodial sentences. Rather they provide a statutory requirement to treat offences more seriously for the purpose of sentencing, and make clear how the aggravator has been recognised, in place of current sentencing guidance.

The benefit of placing these aggravators in statute is the resultant transparency, acknowledgment, public messaging and recording capabilities that are created.

Offence of assaulting a public worker

Part 6 also provides for the creation of the new hybrid offence of assaulting a public worker in the course of their work, with a maximum 12-month sentence available in the magistrates' courts – an increase from the current 6-month maximum available in that court tier for assault offences. The 2-year maximum for the Crown Court matches that available for existing equivalent offences.

It is not possible to predict how many lengthier custodial sentences will be imposed in the magistrates' courts under this new offence, but it is clear that the new offence will not result in additional convictions (as it will be used as an alternative to existing offences). Any increased custodial sentences for these offences will be limited to relatively short additional periods.

Increased maximum penalty for causing death by driving offences

Part 7 of the Bill provides for an increase in the maximum sentence for a range of offences of causing death driving.

Department of Justice
An Roinn Dlí agus Cirt
Männystrie O tha Laa
www.justice-ni.gov.uk

The impact of this increase is intended to result in lengthier custodial sentences for these particular offences, however, numbers of convictions for these offences are very small. In the period 2020 to 2024, there were an average of just over 3 convictions per year for the offence of causing death by dangerous driving. The impact of longer sentences on prison spaces is therefore expected to be negligible.

In light of the above, the Department does not consider that the provisions of the Bill will have a significant impact on prisoner numbers, prisoner conditions, or prison healthcare staff capacity, access to training and supervision.

I trust that the Committee will find this information of assistance.

Yours sincerely,

[redacted]

DALO

Northern Ireland Assembly
Committee for Justice

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

9 October 2026

[redacted]

NATIONAL PREVENTATIVE MECHANISM – IMPACT OF SENTENCING BILL ON PRISON POPULATION

At its meeting on 8 October 2026, the Committee for Justice correspondence from the UK National Preventative Mechanism expressing views that provisions in the Sentencing Bill are likely to result in more people in custody and/or longer sentences, and will have a significant impact on already pressurised prison populations and conditions.

The Committee agreed to forward the paper to the Department of Justice for a response to specific issues noted in the paper, i.e. what consideration has been given, including through any impact assessment, to the likely impact of the Bill on:

- Prisoner numbers;
- Prisoner conditions, particularly regarding the physical integrity of buildings and prisoner dignity; and
- Prison and prison healthcare staff capacity, access to training and supervision.

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

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

I would be grateful if the Committee could receive a response at the earliest opportunity.

Yours sincerely

[redacted]

Kathy O'Hanlon
Clerk to the Committee for Justice

Encs

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

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