

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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

9 February 2026

Dear Kathy,

JUSTICE BILL – CLAUSE 28 TAXATION REFORM

I would like to take the opportunity to update the Committee on latest developments with regards to the taxation elements of the Justice Bill.

As you know, it was initially intended that taxation reform would be enacted in a phased approach based on proceeding type, with remuneration arrangements developed in relation to High Court bail applications, Judicial Review and Criminal Court of Appeal proceedings over the remaining assembly mandate, with other proceeding types to be addressed in the next mandate. This would have included setting standard fees for example, such as already happens for the majority of criminal remuneration, and responsibility for the assessment of costs in those proceeding types would have moved from the Taxing Master to the Legal Services Agency. The vehicle for this reform was secondary legislation made under the Access to Justice (NI) Order 2003. Only at this stage would Clause 28 of the Justice Bill have become relevant, serving to preclude the making of an order for taxation when the Department has an alternative remuneration framework set out in legislation.

The Minister advised the Committee Chair and Vice Chair in October 2025, and officials briefed the full committee on 20 November 2025, that a revised approach was being taken

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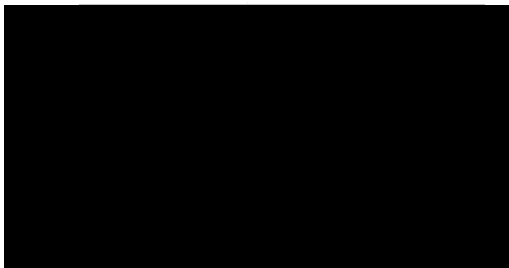
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which seeks to expedite reform by setting legal aid rates and arrangements for all proceeding types, whilst retaining the Taxing Master in an assessment role. To facilitate this, an amendment to the Justice Bill was being proposed which would ensure that legal aid rates and arrangements for legal aid expenditure subject to taxation would be applied by the Taxing Master.

Officials have now received the first draft of the proposed amendment and are working with Office of Legislative Counsel to finalise that amendment so that it can be shared with the committee as soon as possible. We have also sought advice on the impact of the amendment to Clause 28 and can now confirm to the committee that as Clause 28 does not relate to the current policy position of setting legal aid rates and arrangements for the Taxing Master to apply, it will be removed from the Bill by way of amendment.

A more detailed written briefing will be provided as soon as possible, in the meantime I trust that the Committee will find this information of assistance.

Yours sincerely



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