

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 March 2026

Dear Kathy,

VICTIMS AND WITNESSES OF CRIME BILL – CAOIMHÉ'S LAW AMENDMENT

Thank you for your letter dated 25 February.

The Minister has noted the views of the Committee and shares the Committee's concerns about the devastating impact on families and loved ones that the recording and distribution of images of fatal road accidents can have. She has reiterated her position that it is important to ensure that this type of behaviour is discouraged and that we work to identify the best approaches for doing so. However, the Minister's view remains that the Department does not have the capacity to progress this work, but she remains supportive of the Justice Committee bringing forward an amendment - a pragmatic approach that helps reinforce the cross-party support Caoimhé's Law has garnered. The Minister will seek to ensure that the Department of Justice can support work to address this issue, as appropriate.

Further detail in response to the specific issues raised by the Committee is set out below.

- (i) *Details of any policy work that has so far been conducted in relation to Caoimhé's Law.*

The Department of Justice has conducted no detailed policy work to date, although a limited amount of research was conducted in advance of the Assembly debate on 8 December 2025, into the existing law, and to explore which Executive Department would be best placed to take lead responsibility for policy development, given the cross-cutting nature of the proposal.

Advice was provided on German legislation that was introduced in 2020. In that jurisdiction photographing or recording fatalities at the scene of an accident is treated as a criminal offence in order to protect the privacy of the dead person(s). The maximum penalty for the offence is a fine of up to £1,000 and/or up to two years imprisonment.

In Northern Ireland there is no specific law relating to the capturing and distributing of images of car accidents and their victims. However, the Communications Act 2003 contains offences relating to offensive, malicious and nuisance communications, which may be of relevance in incidents of this nature.

The cross-cutting nature of what is proposed with Caoimhé's Law would require input from colleagues within various Department of Justice business areas as well as other Departments, notably DfI which has primary responsibility for road safety. On the basis of this research we concluded that a partnership approach would be most appropriate, with DfI taking the lead.

- (ii) *Detailed information on the work that the Department anticipates would be necessary to deliver such provisions.*

The Department anticipates that work would need to be done to research the scale of the issue, identification of or creation of a new offence, penalty/sentencing and how the provision would be enforced and by whom.

This would involve consultation with criminal justice partners, amongst others to identify and consider impact on resources. Work would also need to be conducted to confirm how evidence would be identified, collected and used.

The cross-cutting nature of what is proposed with Caoimhé's Law will require input from colleagues within various Department of Justice business areas as well as other Departments, in particular (as noted) DfI.

Regulation of social media is also a reserved matter, which is likely to necessitate consultation and engagement with the UK Government during policy development.

Legal advice from DSO and OLC would need to be sought to check competence and scope of the Victims and Witnesses of Crime Bill.

Once the policy has been fully researched, developed and impact assessments conducted, public consultation would need to take place; with consultation responses subsequently analysed and advice prepared on options in order to inform any decision on whether an amendment to the Bill would be appropriate. Subject to the outcome of consultation and policy analysis, officials would also need to prepare instructions for OLC who would be required to draft a late-stage amendment to the Bill.

- (iii) *Clarification of why the Department considers that it does not have the resources to lead on the legislative aspects of delivering these provisions as the Infrastructure Minister's correspondence indicates that Minister Long had agreed to.*

The Minister would like to clarify that she did not advise families at the roundtable discussion convened by Road Victim Support NI that the Department of Justice would take the lead on the legislative strand, but she did say that she would be **supportive of the Committee** bringing forward an



amendment to the Victims and Witnesses of Crime Bill, not least as this would retain the cross-party support element behind the proposed Caoimhé's Law.

Given the scale of work that is anticipated, and the timeframe to complete it, along with the need to progress the Department's other existing priority business (including the Sentencing Bill and the Victims and Witnesses of Crime Bill), the Department does not have capacity within existing resources to lead on the legislative aspects of delivering these provisions without jeopardising other Departmental priorities. Members will already be familiar with the very constrained resources available with the Department; however, the Minister would be keen to see this progress within this mandate and therefore was willing to offer support to the Committee to take it forward via amendment.

I trust this satisfies the Committee's requests.

Yours sincerely,



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**Northern Ireland Assembly
Committee for Justice**

[REDACTED]
DALO

Department of Justice
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25 February 2026

Dear [REDACTED]

Victims and Witnesses of Crime Bill – Caoimhe’s Law Amendment

At its meeting on 19 February 2026, the Committee for Justice considered the Department’s correspondence of 12 February, which advised that the Justice Minister does not consider the Department to presently have the resources to consult and develop legislative provision for the inclusion of Caoimhe’s Law as an amendment to the Victims and Witnesses of Crime Bill. The Minister recommended that the Committee consider tabling an amendment within the scope of the Bill.

At the same meeting, the Committee also noted correspondence from the Minister for Infrastructure to the Committee for Infrastructure. The Infrastructure Minister advised that, at a recent roundtable discussion convened by Road Victim Support NI, a proposed approach to prohibiting individuals and media outlets capturing and distributing distressing footage at the scenes of fatal or critical road traffic collisions had been identified, and that Minister Long had agreed to take the lead on the legislative strand of addressing the issue.

The Committee agreed to respond to the Department to advise that Members are strongly in support of the proposals for Caoimhe’s Law. However, the Committee

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recognises that this is an undeveloped policy which, as pointed out in your correspondence, will require a consultation and reflection to inform the formulation of any offence(s) and related matters. It is not something which is being built onto an existing or proposed statutory framework and care would need to be taken to assess possible approaches and whether anything similar is in place in other jurisdictions.

Furthermore, while the Department has provided oral and written evidence on the expected content of the Bill, the Committee has no way to determine whether an amendment to provide for new criminal offences would be within the scope of the Bill. Taken together with the limited time remaining in this mandate, progressing Caoimhe's Law in the way suggested is not optimal.

Therefore, the Committee is of the view that the scale of policy development and consultation required to develop a robust amendment lies beyond its current capacity in this mandate. The Committee is also conscious that two significant pieces of legislation are expected that will require considerable focus in themselves. The Department is therefore significantly better resourced and has the experience and expertise to conduct this important work and to develop an amendment within the scope of the Bill.

The Committee therefore agreed to ask the Department for the following:

- details of any policy work that has so far been conducted in relation to Caoimhe's Law;
- detailed information on the work that the Department anticipates would be necessary to deliver such provisions; and
- clarification of why the Department considers that it does not have the resources to lead on the legislative aspects of delivering these provisions as the Infrastructure Minister's correspondence indicates that Minister Long had agreed to.

Finally, the Committee would encourage the Department to actively consider launching a public consultation on Caoimhe's Law given its importance, and would welcome the opportunity to provide advice and support on this as it progresses.

I should appreciate a response by 11 March 2026.

Yours sincerely

A solid black rectangular box used to redact the signature of Kathy O'Hanlon.

Kathy O'Hanlon
Clerk to the Committee for Justice