

FROM THE OFFICE OF THE JUSTICE MINISTER

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Kathy O'Hanlon
Clerk to the Committee for Justice
Room 242
Parliament Buildings
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6 August 2026

Dear Kathy,

VICTIMS AND WITNESSES OF CRIME BILL ORAL BRIEFING

Following their appearance at the Committee for Justice meeting on 25 June and in response to your letter dated 30 June 2026, Departmental officials have provided clarification of two matters.

Firstly, in relation to developing a consistent policy and powers to suspend key appointments, the Minister has corresponded with the First and deputy First Ministers to confirm that the Chief Inspector of Criminal Justice in NI is likely to be impacted and the Minister is content in principle that powers to suspend the Chief Inspector of Criminal Justice in NI be provided for by amendment to existing legislation or via provision in a TEO-led standalone Bill.

Powers to suspend the Police Ombudsman will also be provided for in the TEO-led standalone Bill.

The Minister also advised that the Prison Ombudsman office holder is not a corporation sole as Section 33 of, and Schedule 3 to, the Justice Act (NI) 2016 Act has not commenced. The proposed direction of travel is to progress this legislative work early in the next mandate. Consideration of potential supporting powers to be introduced as part

of the legislation will be taken forward as part of due diligence in progressing the Department's legislative programme.

Officials have agreed to liaise with TEO and OLC and, if necessary, will consider proposing an amendment to Schedule 1 of the Victims and Witnesses of Crime Bill at Consideration Stage to ensure any new provisions extend to the Commissioner for Victims and Witnesses of Crime.

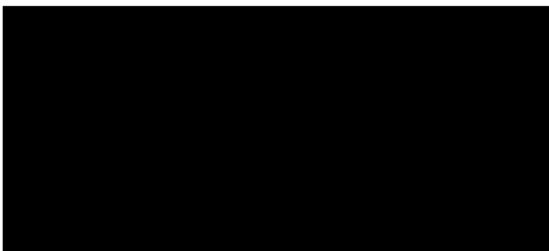
Secondly, clarification on who determines how hostility is defined in relation to special measures in cases involving aggravation by hostility. Hostility is a recognised threshold used by PSNI and PPS for over 20 years under the Criminal Justice (No. 2) (Northern Ireland) Order 2004

For an offence to be classed as aggravated by hostility (and be prosecuted as such, allowing for the special measures as set out in the Victims and Witnesses Bill) there must be sufficient *direct* evidence that the offender was in fact motivated by, or demonstrated hostility, rather than the victim simply *perceiving* that the offence was motivated by hostility.

Ultimately, a decision on whether there is sufficient evidence for an individual to be prosecuted for an offence aggravated by hostility will be made by the PPS.

As requested, a Delegated Powers Memorandum for the Victims and Witnesses of Crime Bill was shared on 2 July.

Yours sincerely



DALO



**Northern Ireland Assembly
Committee for Justice**

██████████
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30 June 2026

Dear ██████████

Victims and Witnesses of Crime Bill oral briefing

At its meeting on 25 June 2026, the Committee for Justice received oral evidence from Departmental officials on the Victims and Witnesses of Crime Bill.

During the briefing session, the officials agreed to provide the Committee with:

- Clarification of whether the work being conducted by The Executive Office to develop a consistent policy for Northern Ireland Commissioners, for which amendments may be required to this Bill at Consideration Stage, might impact other Commissioners currently within the Department of Justice's remit; and,
- Clarification on who determines how hostility is defined in relation to special measures in cases involving aggravation by hostility.

I should appreciate a response by 28 August 2026.

The Committee also agreed to request a Delegated Powers Memorandum for the Bill from the Department. I would be grateful if this could advise when this could be provided.

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Yours sincerely



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