

Belfast

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CL/JM

13 January 2021

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Cheryl Lamont CBE, Chief Executive

Dear Christine

Re: Criminal Justice (Committal Reform) Bill

Thank you for your letter of 26 November 2020 inviting comment/views from PBNI in respect of the Criminal Justice (Committal Reform) Bill, which is currently at Committee stage.

PBNI welcomes the focus the Bill gives to reducing unnecessary delay in the Court process. However, there is an issue that I wanted to draw attention to, which is the section which reads: ‘recognising the benefits to victims, witnesses and defendants of ‘fasttracking’ cases in which the accused wishes to plead guilty, the draft Bill also includes powers, where an individual is charged with committing a relevant offence and expresses an indication to plead guilty, to allow the magistrates’ court to order the necessary reports in preparation for Crown Court’.

Whilst I understand why such a measure would be in place, it causes potentially quite significant difficulties where the Magistrates’ Court will be permitted to order a Pre-Sentence Report before it appears in a Crown Court listing, on the basis of ‘an indication to plead guilty’. This is because frequently Pre-Sentence Report authors find, particularly in Crown Court cases, that initial charges are either reduced in seriousness or reduced in number by the time of conviction. As a consequence, should the Pre-Sentence Report be requested on the basis of initial charges (which eventually are reduced), legal difficulties would emerge should a reduced charge be put to him or her in the Crown Court. I would stress that Probation must prepare reports on basis of the convicted offences, indeed it would lead to difficulties for all sides should a report be prepared on what emerge to be incorrect offences.

PBNI is now represented on the Department’s Business Change Project Board which focuses on Committal Reform, and have shared this view at that forum. However, I thought it was important to also make the Committee aware of this issue through this response.

Yours sincerely

Cheryl Lamont CBE
Chief Executive