

# **Criminal Justice (Sentencing etc) Bill**

[AS INTRODUCED]

## LEGISLATIVE COMPETENCE

At Introduction the Minister of Justice had made the following statement under section 9 of the Northern Ireland Act 1998:

*“In my view the Criminal Justice (Sentencing etc) Bill would be within the legislative competence of the Northern Ireland Assembly.”*



# Criminal Justice (Sentencing etc) Bill

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A

## **BILL**

TO

Make provision about the exercise of the court's discretion when sentencing; to make provision about the availability and effect of suspended sentence orders; to create general principles relating to the determination of tariffs where a court is required to pass a life sentence on an adult; to provide for the review of certain sentences by superior courts; to make provision about the effect of an offender convicted of murder or manslaughter failing to disclose information about the victim's remains; to create an offence of assaulting a public worker; to create sentencing aggravations concerning offences against public workers, particular groups and vulnerable victims; to amend the law relating to penalties for certain road traffic offences; and to make provision for connected purposes.

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

### PART 1

#### EXERCISE OF COURT'S DISCRETION WHEN SENTENCING

##### **Purposes and principles of sentencing: adults**

- 1.—(1) This section applies where—
- 5       (a) a person is convicted of an offence,  
      (b) the person is aged 18 or over when convicted, and  
      (c) a court is dealing with the person for the offence.
- (2) The court must have regard to the following purposes of sentencing—
- 10       (a) the punishment of offenders,  
      (b) the protection of the public (including victims of crime),  
      (c) the reduction of crime by deterrence,  
      (d) the rehabilitation of offenders, and

- (e) the making of reparation by offenders to persons affected by their offences.
- (3) The court must have regard to the following principles of sentencing—
- (a) the principle that sentencing should be proportionate;
  - (b) the principle that sentencing should be fair;
  - 5 (c) the principle that sentencing should be transparent.
- (4) In subsection (3)(a), proportionate means proportionate to the seriousness of the offence, or the combination of the offence and one or more offences associated with it, taking into account—
- 10 (a) the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors, and
  - (b) the character and circumstances of the offender.
- (5) This section does not apply—
- (a) to an offence punishable with a sentence fixed by law;
  - (b) to an offence the sentence for which falls to be imposed under—
    - 15 (i) Article 70(2) of the Firearms (Northern Ireland) Order 2004,
    - (ii) paragraph 2(4), (5) or (5A) of Schedule 2 to the Violent Crime Reduction Act 2006,
    - (iii) Article 13, 13A, 14 or 15A of the Criminal Justice (Northern Ireland) Order 2008, or
    - 20 (iv) section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;
  - (c) in relation to the making of any of the following under Part 3 of the Mental Health (Northern Ireland) Order 1986—
    - 25 (i) a hospital order (with or without a restriction order), or
    - (ii) an interim hospital order.
- (6) In subsection (5)(b), references to a sentence falling to be imposed under any of the provisions mentioned in that paragraph are to be read in accordance with Article 4(2) of the Criminal Justice (Northern Ireland) Order 2008.
- (7) The duty in subsection (3) is subject to any statutory provision or rule of
- 30 law that requires or permits a court to take any matter into account or to exercise its discretion in a particular way when sentencing an offender.

### **Duty to follow and give reasons in relation to sentencing guidance**

- 2.—(1) A court must, in sentencing an offender, follow any sentencing guidance which is relevant to the offender's case, unless the court is satisfied that it would
- 35 be contrary to the interests of justice to do so.
- (2) The duty in subsection (1) is subject to any statutory provision or rule of law that requires a court, when sentencing an offender—
- (a) to impose, or not to impose, a particular sentence or a sentence of particular description, or
  - 40 (b) to take any matter into account or to exercise its discretion in a particular way.

(3) The court must, in stating the court’s reasons for deciding on the sentence, identify any sentencing guidance which is relevant to the offender’s case and—

(a) must explain in open court and in general terms how the court discharged the duty to follow that guidance imposed on it by subsection (1);

5 (b) where the court was satisfied that it would have been contrary to the interests of justice to follow that guidance, must state why.

(4) In this section references to “sentencing guidance” include—

(a) any guidance issued by the Lady Chief Justice’s Sentencing Group;

10 (b) any judgment of the Crown Court or the Court of Appeal identified by the Group for use as a sentencing guideline judgment;

(c) any judgment of the Court of Appeal identified by the Court for use as a sentencing guideline judgment;

15 (d) any judgment of the Court of Appeal which (although not identified by the Court or the Group as a sentencing guideline judgment) contains guidance which is relevant to the court’s sentencing function.

(5) Nothing in this section is to be taken as restricting any power (whether under the Mental Health (Northern Ireland) Order 1986, the Mental Capacity Act (Northern Ireland) 2016 or otherwise) which enables a court to deal with an offender suffering from a mental disorder in the manner it considers to be most appropriate in all the circumstances.

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## PART 2

### SUSPENDED SENTENCES

#### *Availability and effect of suspended sentence orders*

#### **Suspended sentence order: availability**

25 **3.—**(1) This section applies where, in dealing with an offender for an offence, a court passes a sentence of—

(a) imprisonment, or

(b) detention in a young offenders centre.

30 (2) Where the offence is not a serious offence, the court may make a suspended sentence order in relation to the sentence if the term of the sentence is not more than 2 years.

(3) Where the offence is a serious offence, the court may make a suspended sentence order in relation to the sentence if the term of the sentence is not more than 7 years.

35 (4) In subsections (2) and (3), “serious offence” means an offence for which a person aged 21 years or over may, on conviction on indictment, be sentenced to imprisonment for a term of five years or more.

**Suspended sentence order**

4.—(1) A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offenders centre in respect of an offence is not to take effect unless—

- 5 (a) an activation event occurs, and  
(b) a court having power to do so subsequently orders under paragraph 8 of Schedule 2 that the sentence is to take effect.

(2) A suspended sentence order may also specify one or more community requirements with which the offender must comply during the supervision period.

- 10 (3) Where a suspended sentence order imposes a community requirement, the order must also specify that the offender is required to be under the supervision of the responsible officer during the supervision period.

(4) An activation event occurs if the offender—

- 15 (a) commits another imprisonable offence in Northern Ireland during the operational period, or  
(b) during the supervision period, breaches any requirement specified in the order.

(5) For provision about—

- 20 (a) the operational period and supervision period, see section 5;  
(b) community requirements, see sections 8 to 10;  
(c) the responsible officer, see sections 11 to 13.

(6) In this Part—

25 “imprisonable offence” means an offence punishable with imprisonment in the case of a person aged 21 years or over;

“suspended sentence” means a sentence of imprisonment or detention in a young offenders centre to which a suspended sentence order relates;

“suspended sentence order” has the meaning given by subsection (1).

(7) In this Part—

- 30 (a) references to a community requirement of, or imposed by, a suspended sentence order are to a requirement specified under subsection (2),  
(b) references to a requirement of, or imposed by, a suspended sentence order are to a requirement specified under subsection (2) or (3).

**Operational period and supervision period**

5.—(1) A suspended sentence order must specify the operational period.

- 35 (2) The operational period must be a period, beginning with the day on which the order is made, of—

- (a) at least 1 year, and  
(b) not more than—  
40 (i) 3 years if the order is made under section 3(2), or  
(ii) 5 years if the order is made under section 3(3).

(3) If a suspended sentence order imposes a community requirement, the order must specify the supervision period.

(4) The supervision period specified must be a period, beginning with the day on which the order is made, of—

- 5       (a) at least 6 months, and  
       (b) not more than—  
          (i) 3 years, or  
          (ii) if less, the operational period.

10       (5) But if the suspended sentence order imposes an unpaid work requirement, the supervision period—

- (a) continues until the offender has worked under the order for the number of hours specified in the order under paragraph 2 of Schedule 1, but  
       (b) does not continue beyond the end of the operational period.

#### **Provision of copies of orders and explanation of effect**

15       6.—(1) This section applies on the making by a court of a suspended sentence order.

       (2) The court must explain to the offender in ordinary language the offender's liability under paragraph 8 of Schedule 2 if an activation event occurs.

20       (3) Subsections (4) and (5) apply where the suspended sentence order imposes one or more community requirements.

       (4) The court must explain to the offender in ordinary language—  
          (a) why it is imposing any such community requirements,  
          (b) the effect of any such requirements, and  
25       (c) that the court has under Schedule 2 power to review the order on the application either of the offender or of the responsible officer.

       (5) The court must provide copies of the order to a probation officer assigned to the court.

       (6) That probation officer must give a copy of the order to—  
          (a) the offender,  
30       (b) the responsible officer, and  
          (c) the person in charge of any institution in which the offender is required by the order to reside, present himself or herself, or attend.

#### **Treatment of suspended sentence**

35       7.—(1) A suspended sentence which has not taken effect under paragraph 8 of Schedule 2 is to be treated as—

- (a) a sentence of imprisonment, or  
       (b) as the case may be, a sentence of detention in a young offenders centre,

for the purposes of all statutory provisions except any statutory provision which provides for disqualification for or loss of office of persons sentenced to imprisonment.

5 (2) Where a suspended sentence has taken effect under paragraph 8 of Schedule 2, the offender is to be treated for the purposes of those excepted statutory provisions as having been convicted on—

- (a) the date on which the period allowed for making an appeal against an order under that paragraph would normally expire, or
- 10 (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails for non-prosecution.

(3) Subsection (1) is subject to any provision to the contrary contained in—

- (a) the Treatment of Offenders Act (Northern Ireland) 1968, or
- (b) any statutory provision passed or made after the commencement of that Act.

15

### *Community requirements*

#### **Community requirements**

**8.**—(1) A community requirement is a requirement that may be authorised under—

- 20 (a) Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (requirements as to residence, activities etc),
- (b) Chapter 5 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (curfew or electronic monitoring requirements), or
- (c) Schedule 1 (unpaid work requirement).

25 (2) For the purposes of this Part, Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 applies in relation to a suspended sentence order as it applies in relation to a probation order made under Article 10 of that Order.

(3) In its application to a suspended sentence order, that Schedule has effect as if—

- 30 (a) the references to a probation order were references to a suspended sentence order,
- (b) the references to the probation period were references to the supervision period, and
- (c) the references to the probation officer responsible for his supervision were references to the responsible officer.

35

#### **Exercise of power to impose community requirements**

**9.**—(1) This section applies where a court intends to make a suspended sentence order which imposes one or more community requirements.

(2) The power to impose a particular community requirement is subject to the provision authorising the requirement (see section 8(1)).

(3) If the suspended sentence order imposes two or more different community requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

(4) The court must also ensure, so far as practicable, that any community requirement imposed by a suspended sentence order is such as to avoid—

- (a) any conflict with the offender’s religious beliefs,
- (b) any conflict with any other court order to which the offender may be subject, and
- (c) any interference with the times, if any, at which the offender normally—
  - (i) works, or
  - (ii) attends any educational establishment.

### **Requirement to obtain pre-sentence report**

**10.**—(1) Before deciding whether to make a suspended sentence order which imposes one or more community requirements, the court must obtain and consider a pre-sentence report.

(2) But subsection (1) does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a pre-sentence report.

(3) Where a court is of the opinion that it is unnecessary to obtain a pre-sentence report, it must state in open court—

- (a) that it is of that opinion, and
- (b) the circumstances of the case that have led it to form that opinion.

(4) Where a court does not obtain a pre-sentence report before deciding whether to make a suspended sentence order which imposes one or more community requirements, the order is not invalidated by the fact that the court did not do so.

(5) Any court on an appeal against a sentence in relation to which a suspended sentence order has been made must—

- (a) subject to subsection (6), obtain a pre-sentence report if none was obtained by the court below, and
- (b) consider any such report obtained by it or by that court.

(6) The court need not obtain a pre-sentence report if the court is of the opinion—

- (a) that the court below was justified in not obtaining a pre-sentence report, or
- (b) that, although the court below was not justified in forming that opinion, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

(7) In this section, “pre-sentence report” means a report in writing which—

- (a) with a view to assisting the court in determining the most suitable method of dealing with an offender, is made or submitted by a probation officer or a social worker of an authorised HSC trust, and
- (b) contains information as to such matters, presented in such manner, as may be prescribed by regulations made by the Department.

(8) Regulations under subsection (7) are subject to negative resolution.

*Responsible officer*

**Responsible officer**

5 11.—(1) This section applies, for the purposes of this Part, in relation to a suspended sentence order made in respect of an offender which imposes one or more community requirements.

(2) The responsible officer, in relation to the offender, means the person who for the time being is responsible for—

- (a) supervising the offender under the order, and
- 10 (b) carrying out the functions conferred by this Part on the responsible officer in accordance with arrangements made by the Probation Board for Northern Ireland.

(3) In subsection (2)(b), “the functions conferred by this Part” includes functions conferred in accordance with the provisions mentioned in section 8(1)(a) or (b).

15 (4) The responsible officer must be—

- (a) a probation officer selected by the Probation Board, or
- (b) a person appointed by the Probation Board.

**Obligations of responsible officer**

20 12.—(1) This section applies during the supervision period of a suspended sentence order which imposes any community requirement.

(2) The responsible officer must—

- (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
- (b) promote the offender’s compliance with those requirements.

25 (3) This is subject to paragraphs 4(5) and 5(5) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (in-patient treatment for a mental condition or drug or alcohol dependency).

30 (4) The responsible officer must also ensure, as far as practicable, that any instruction given or requirement imposed by the responsible officer is such as to avoid—

- (a) any conflict with the offender’s religious beliefs,
- (b) any conflict with the requirements of any other court order to which the offender may be subject, and
- (c) any interference with the times, if any, at which the offender normally—
  - 35 (i) works, or
  - (ii) attends any educational establishment.

### **Duty of offender to keep in touch with responsible officer**

13.—(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

5 (2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender.

(3) The offender must notify the responsible officer of any change of address.

(4) The obligations in this section are enforceable as if they were community requirements imposed by the suspended sentence order.

*Activation of sentence and amendment of order etc.*

### **Breach or amendment of suspended sentence order, and effect of further conviction**

14. Schedule 2 makes provision about—

(a) the effect of any further conviction where an offender is subject to a suspended sentence order;

15 (b) breach or amendment of the requirements of a suspended sentence order.

*Supplementary*

### **Regulation of suspended sentence orders**

15.—(1) The Department may by regulations make further provision regulating—

(a) the supervision of offenders subject to suspended sentence orders;

20 (b) the arrangements to be made under Article 4(1)(b) of the Probation Board (Northern Ireland) Order 1982 for offenders subject to suspended sentence orders to perform work and the performance of such work;

(c) without prejudice to the generality of paragraphs (a) and (b), the functions of the responsible officers of such offenders.

25 (2) Regulations under subsection (1)(b) may in particular make provision—

(a) limiting the number of hours of work to be done by an offender on any one day,

(b) as to the reckoning of hours worked and the keeping of work records, and

30 (c) for the payment of travelling and other expenses in connection with the performance of work.

(3) Regulations under this section are subject to negative resolution.

### **Restriction on making both community order and suspended sentence order**

16.—(1) A court which makes a suspended sentence order in relation to an offender for an offence must not make a community order in the offender's case in respect of another offence—

35 (a) of which the offender is convicted by or before that court at the same time, or

(b) for which the offender is dealt with by that court at the same time.

(2) In subsection (1), “community order” has the meaning given by Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996.

### Interpretation

5     **17.—(1)** In this Part—

“activation event” has the meaning given by section 4(4);

“community requirement” has the meaning given by section 8(1) and references to a community requirement are to be construed in accordance with section 4(7);

10     “custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;

“HSC trust” means a Health and Social Care trust established under Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991 and “authorised HSC trust” must be construed in accordance with  
15     subsection (2);

“imprisonable offence” has the meaning given by section 4(6);

“operational period” means the period specified under—

(a) section 5(1), or

20     (b) paragraph 8(1)(d)(iv) or (e)(ii) of Schedule 2 (extension of operational period on breach of order or subsequent conviction);

“responsible officer” has the meaning given by section 11(2);

“sentence of imprisonment” does not include a committal or attachment for contempt of court;

“supervision period” means the period specified under—

25     (a) section 5(3),

(b) paragraph 8(1)(d)(iii) of Schedule 2 (extension of supervision period on breach of order or subsequent conviction), or

(c) paragraph 17(1)(c) of that Schedule (amendment of community requirements);

30     “suspended sentence” has the meaning given by section 4(6);

“suspended sentence order” has the meaning given by section 4(1);

“unpaid work requirement”, in relation to a suspended sentence order, means a requirement authorised by paragraph 1(1) of Schedule 1;

35     “young offenders centre” has the meaning given by section 2(a) of the Treatment of Offenders Act (Northern Ireland) 1968.

(2) A reference in this Part to an “authorised HSC trust” is a reference to a HSC trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.

(3) For the purposes of any reference in this Part to a term of imprisonment or to a term of detention in a young offenders centre, consecutive terms or terms which are wholly or partly concurrent must be treated as a single term if—

- (a) the sentences were passed on the same occasion, or
- 5 (b) where they were passed on different occasions, the offender has not been released under Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 at any time during the period beginning with the first and ending with the last of those occasions.

### PART 3

#### 10 LIFE SENTENCES

#### **Duty to give reasons when determining a tariff**

18. In Article 5 of the Life Sentences (Northern Ireland) Order 2001, after paragraph (3) insert—

15 “(3A) Where the court makes an order under paragraph (1) or (3), the court must—

- (a) state in open court, in ordinary language, the court’s reasons for deciding on the order, and
- (b) explain to the offender, in ordinary language, the effect of the order.”.

#### 20 **Mandatory life sentences for adult offenders: further provision**

19.—(1) After Article 5A of the Life Sentences (Northern Ireland) Order 2001 insert—

#### **“Mandatory life sentences for adult offenders: further provision**

25 **5B.**—(1) This Article applies where—

- (a) a court passes a life sentence for an offence the sentence for which is fixed by law, and
- (b) the offender in respect of whom the sentence is passed was aged 18 or over when the offence was committed.

30 (2) In considering the seriousness of the offence, or the combination of the offence and one or more offences associated with it, under Article 5(2) or (3) the court must have regard to the general principles set out in Schedule A1.

(3) In complying with the duty under Article 5(3A)(a) to give reasons, the court must in particular—

- 35 (a) state which of the starting points in Schedule A1 it has chosen and its reasons for doing so, and
- (b) state its reasons for any departure from that starting point.”.

(2) Schedule 3 inserts new Schedule A1 to the Life Sentences (Northern Ireland) Order 2001, relating to the determination of tariffs in the case of mandatory life sentences for adult offenders.

## PART 4

5

### UNDULY LENIENT SENTENCES

#### **Cases to which this Part applies**

- 20.**—(1) This Part applies to any case falling within subsection (2) or (3).
- (2) A case falls within this subsection where—
- (a) a person is convicted on indictment of an offence, and
  - 10 (b) the Crown Court passes a sentence on the person in respect of the offence.
- (3) A case falls within this subsection where—
- (a) on summary trial of an offence, a person is convicted of the offence,
  - (b) the offence is of a description specified in regulations made by the Department, and
  - 15 (c) a court imposes a sentence on the person in respect of the offence.
- (4) Regulations under subsection (3)(b) are subject to negative resolution.
- (5) In this Part, “sentence” has the meaning given by section 47 but—
- (a) also includes any recommendation as to the making of a deportation order made when dealing with the offender, and
  - 20 (b) does not include—
    - (i) an interim hospital order under Part 3 of the Mental Health (Northern Ireland) Order 1986, or
    - (ii) an order under Article 31 of the Access to Justice (Northern Ireland) Order 2003.

25

#### **Review of sentencing**

- 21.**—(1) If it appears to the Director of Public Prosecutions for Northern Ireland that—
- (a) the sentencing of a person in a case has been unduly lenient, and
  - (b) the case is one to which this Part applies,
- 30 the Director may refer the case to the Court of Appeal to review the sentencing of that person.
- (2) Without limiting subsection (1), the condition in paragraph (a) of that subsection may be satisfied if it appears to the Director that the judge in the case—
- 35 (a) erred in law as to the powers of sentencing available to the judge, or
  - (b) failed to impose a sentence falling to be imposed under—
    - (i) Article 70(2) of the Firearms (Northern Ireland) Order 2004,
    - (ii) paragraph 2(4), (5) or (5A) of Schedule 2 to the Violent Crime Reduction Act 2006,

(iii) Article 13, 13A, 14 or 15A of the Criminal Justice (Northern Ireland) Order 2008, or

(iv) section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

5 (3) In subsection (2)(b), references to a sentence falling to be imposed under any of the provisions mentioned in that paragraph are to be read in accordance with Article 4(2) of the Criminal Justice (Northern Ireland) Order 2008.

(4) Before referring a case, the Director must obtain the leave of the Court of Appeal.

10 (5) On a reference under subsection (1) the Court of Appeal may—

(a) quash any sentence passed on the person in the proceeding, and

(b) in place of it pass such sentence as the Court thinks appropriate for the case and as the court below had power to pass when dealing with the person.

15 (6) For the purposes of subsection (5)(a) any two or more sentences are to be treated as passed in the same proceeding if they would be so treated for the purposes of section 10(2) of the Criminal Appeal (Northern Ireland) Act 1980.

20 (7) Where a reference under subsection (1) relates to an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001, in deciding what order under that Article is appropriate for the case, the Court of Appeal must not make any allowance for the fact that the person to whom the order relates is being sentenced for a second time.

25 (8) A judge must not sit as a member of the Court of Appeal on the hearing of, or determine any application in proceedings incidental or preliminary to, a reference under subsection (1) where the sentence to which the reference relates was passed by the judge.

### **Reference to the Supreme Court**

22.—(1) This section applies where the Court of Appeal has concluded its review of a case referred to it under section 21(1).

30 (2) The Director of Public Prosecutions for Northern Ireland or the person to whose sentencing the reference relates may refer a point of law involved in any sentence passed on that person in the proceeding to the Supreme Court for its opinion.

(3) Where a point of law is referred to the Supreme Court, it must—

35 (a) consider the point and give its opinion on it, and

(b) either deal with the case or remit it to the Court of Appeal to be dealt with.

(4) A reference under subsection (2) may be made only with the leave of the Court of Appeal or the Supreme Court.

40 (5) Leave must not be granted unless—

(a) it is certified by the Court of Appeal that the point of law is of general public importance, and

(b) it appears to the Court of Appeal or the Supreme Court (as the case may be) that the point is one which ought to be considered by the Supreme Court.

5 (6) For the purpose of dealing with a case under this section the Supreme Court may exercise any powers of the Court of Appeal.

### Supplementary provision

23. Schedule 4 contains supplementary provision relating to reviews of sentencing and references to the Supreme Court under this Part.

## PART 5

10 FAILURE TO DISCLOSE INFORMATION ABOUT VICTIM'S REMAINS

### *Increase to sentence following failure to disclose*

#### Determining the length of the custodial period

24.—(1) This section applies where—

15 (a) a person (“A”) has been convicted of the offence of murder or manslaughter,

(b) the court dealing with A in respect of the offence does not know where the victim's remains were disposed of,

20 (c) the court believes that A has information about where, or how, the victim's remains were disposed of which A has not disclosed (“A's non-disclosure”), and

(d) the court is—

(i) imposing a specified custodial sentence on A in respect of the offence, and

(ii) determining the relevant custodial period (see section 27).

25 (2) But this section does not apply if it appears to the court that it would be contrary to the interests of justice for it to apply.

(3) The court must determine the relevant custodial period by taking the following steps.

#### *Step 1*

30 Determine the sentence that the court would impose if it were imposing the specified custodial sentence on A in respect of the offence and not taking A's non-disclosure into account (“the notional custodial sentence”).

#### *Step 2*

35 Identify the relevant custodial period that the court would specify or determine if it were imposing the notional custodial sentence (“the notional custodial period”).

#### *Step 3*

Determine an additional custodial period in accordance with subsections (4) and (5) (“the additional custodial period”).

*Step 4*

Add the notional custodial period and the additional custodial period.

(4) The additional custodial period is (subject to subsection (5)) such additional period in custody as the court considers appropriate to take account of the effect of A's non-disclosure, having regard to—

- (a) the time that has elapsed since the offence, and
- (b) any other matter which the court considers to be relevant.

(5) The additional custodial period must not be less than 30 per cent of—

(a) the notional custodial period, in the case of—

- (i) a life sentence in relation to which the court is making an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (minimum tariff), or
- (ii) a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial sentence);

(b) in the case of any other specified custodial sentence, the term of the notional custodial sentence.

(6) The court must, when passing a sentence determined in accordance with this section, specify the additional custodial period.

**Calculation of term of certain sentences where section 24 applies**

**25.**—(1) This section applies where—

- (a) a court has determined a relevant custodial period in accordance with section 24, and
- (b) the sentence that the court is imposing is listed in subsection (2).

(2) The sentences referred to in subsection (1)(b) are—

- (a) a sentence of imprisonment to which Article 8 of the Criminal Justice (Northern Ireland) Order 2008 applies;
- (b) a sentence of detention in a young offenders centre to which that Article applies;
- (c) a sentence of detention under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- (d) a youth custody and supervision order under Article 38A of that Order.

(3) The term of the sentence must be the aggregate of—

- (a) the term of the notional custodial sentence, and
- (b) the additional custodial period.

**Effect of sections 24 and 25 on other sentencing provisions**

**26.**—(1) Any statutory provision that applies to a court in passing a specified custodial sentence has effect subject to sections 24 and 25.

(2) In particular, the provisions listed in subsection (3) do not apply to the extent specified where a court is determining—

- (a) a relevant custodial period in accordance with section 24;

- (b) the term of a specified custodial sentence in accordance with section 25.
- (3) The provisions referred to in subsection (2) are—
- (a) section 5(1) or (5) of the Treatment of Offenders Act (Northern Ireland) 1968 insofar as those provisions impose limits on the term of sentences of detention in a young offenders centre;
- (b) Article 38B(2) or (5)(b) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (term of, and period of custody specified in, youth custody and supervision orders);
- (c) Article 8(3) to (5) of the Criminal Justice (Northern Ireland) Order 2008 (term of custodial period and licence period).
- (4) Schedule 5 contains modifications that apply where a court determines certain relevant custodial periods under section 24.

### Meaning of “specified custodial sentence” and “relevant custodial period”

27. The table defines “specified custodial sentence” and “relevant custodial period” for the purposes of this Part.

	“specified custodial sentence”	“relevant custodial period”
20	a life sentence in relation to which the court is making an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (minimum tariff)	the part of the sentence to be specified in that order
25	an indeterminate custodial sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (“the 2008 Order”)	the period to be specified by the court under Article 13(3) of the 2008 Order
30	a serious terrorism sentence under Article 13A of the 2008 Order	the term to be determined by the court as the appropriate custodial term under Article 13A of the 2008 Order
35	an extended custodial sentence under Article 14 of the 2008 Order	the term to be determined by the court as the appropriate custodial term under Article 14 of the 2008 Order
	a sentence with a fixed licence period under Article 15A of the 2008 Order	the term to be determined by the court as the appropriate custodial term under Article 15A of the 2008 Order
40	a sentence of imprisonment other than a sentence falling within the preceding rows	where Article 20 of the Criminal Justice (Northern Ireland) Order 1996 applies in respect of the sentence, the term of the sentence (and this includes, where the court is making a custody probation order under Article 24 of that Order, the term of the sentence to be determined under paragraph (2) of that Article)

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		where Article 8 of the 2008 Order applies in respect of the sentence, the custodial period to be specified by the court under paragraph (2) of that Article
5	a sentence of detention under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998	the part of the sentence to be specified as the relevant part under paragraph (2A) of that Article
10	a youth custody and supervision order under Article 38A of the Criminal Justice (Children) (Northern Ireland) Order 1998	the period of detention to be specified in the order
15	a sentence of detention in a young offenders centre	where Article 20 of the Criminal Justice (Northern Ireland) Order 1996 applies in respect of the sentence, the term of the sentence (and this includes, where the court has made a custody probation order under Article 24 of that Order, the term of the sentence to be determined under paragraph (2) of that Article)
20		where Article 8 of the 2008 Order applies in respect of the sentence, the custodial period to be specified by the court under paragraph (2) of that Article

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25 *Reduction to sentence following disclosure*

**Relevant disclosure**

28.—(1) In this section and in sections 29 and 30, a relevant disclosure is a disclosure that—

- 30 (a) is made by an offender in respect of whom a specified custodial sentence has been passed in accordance with section 24,
- (b) is made before the end of the relevant custodial period of that sentence,
- (c) is made on oath to a person nominated by the Department, and
- 35 (d) contains information about where, or how, the victim's remains were disposed of (whether or not the information leads to the recovery of the victim's remains).

(2) Where an offender makes a relevant disclosure, the Department must take all reasonable steps to verify the accuracy of the information contained in the disclosure insofar as it relates to where, or how, the victim's remains were disposed of.

- 40 (3) The Department must reject a relevant disclosure if it determines that—
- (a) the information is false in a material way, or
- (b) the offender has further information about where, or how, the victim's remains were disposed of which the offender has not disclosed.

(4) In any other case, the Department must accept the relevant disclosure (as to which, see section 29).

(5) The Department may by regulations make provision relating to relevant disclosures.

5 (6) Regulations under subsection (5) may, in particular, include—

(a) provision about the form of relevant disclosures;

(b) provision permitting or requiring relevant disclosures to be made in a prescribed manner;

10 (c) provision for a relevant disclosure to be rejected if it is made otherwise than in accordance with the regulations;

(d) provision about the manner in which the Department deals with relevant disclosures;

(e) provision concerning the obtaining of evidence relating to relevant disclosures (including the taking of evidence on oath);

15 (f) provision about the circumstances in which the Department may or must determine a matter set out in subsection (3)(a) or (b);

(g) provision conferring functions on the Department in respect of relevant disclosures (which may include functions that follow the acceptance of a disclosure).

20 (7) Regulations under subsection (5) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

### Reduction to sentence

29.—(1) This section applies where—

(a) an offender makes a relevant disclosure, and

25 (b) the Department accepts the disclosure.

(2) But this section does not apply if the relevant disclosure is made during the period of 1 month ending with the day on which the relevant custodial period is due to end.

30 (3) The relevant custodial period is to be treated as reduced by the period given by the formula in subsection (5) (which, under that formula, may be up to 50 per cent of the additional custodial period).

(4) Accordingly, in the case of a sentence other than a life sentence or an indeterminate custodial sentence, the term of the sentence is to be treated as reduced by the same period.

35 (5) The formula referred to in subsection (3) is—

$$(AP / 2) \times (1 - (N / T))$$

where—

AP is the number of days comprising the additional custodial period;

40 N is the number of days that the offender has spent in detention pursuant to the sentence during the period beginning with the day on which the

sentence takes effect and ending on the day on which the offender makes the relevant disclosure;

T is the number of days comprising the relevant custodial period less any relevant deduction.

- 5 (6) In subsection (5), “relevant deduction” means a deduction under—
- (a) section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968,
  - (b) Article 38B(6) of the Criminal Justice (Children) (Northern Ireland) Order 1998, or
  - (c) Article 39(6) of that Order.
- 10 (7) In calculating a reduction under subsection (5), any fraction of a day is to be rounded up to the nearest whole day.
- (8) In this section—
- (a) “indeterminate custodial sentence” has the meaning given by Article 13(4) of the Criminal Justice (Northern Ireland) Order 2008;
  - 15 (b) references to the sentence are to the specified custodial sentence referred to in section 28(1) and references to the relevant custodial period are to the relevant custodial period of that sentence.

#### **Application to sentences passed before commencement**

- 20 **30.**—(1) This section applies where—
- (a) an offender (“A”) is detained under a specified custodial sentence passed—
    - (i) in respect of the offence of murder or manslaughter, and
    - (ii) before the commencement date; and
  - (b) when sentencing A for the offence, the court imposing the sentence—
    - (i) did not know where the victim’s remains were disposed of,
    - 25 (ii) believed A had information about where, or how, the victim’s remains were disposed of which A had not disclosed (“A’s non-disclosure”), and
    - (iii) treated A’s non-disclosure as an aggravating factor.
- (2) If, on or after the commencement date, A makes a disclosure that would be a relevant disclosure but for the fact that A’s sentence was not passed in accordance with section 24; sections 28 and 29 apply with the modifications set out in subsections (3) and (4).
- (3) Section 28 applies as if in subsection (1)(a) the words “in accordance with section 24” were omitted.
- 35 (4) Section 29 applies as if—
- (a) in subsections (3) and (5) the reference to “the additional custodial period” were a reference to “the notional additional period”, and
  - (b) after subsection (8), the following was inserted—
- 40 “(9) In this section “notional additional period” means 25 per cent of the relevant custodial period.”

(5) If A makes a disclosure falling within subsection (2) and, before the commencement date, A made a disclosure to the Department containing substantially the same information (“a pre-commencement disclosure”), section 29 applies with the modification set out in subsection (6) (in addition to the modifications set out in subsection (4)).

(6) Section 29 applies as if in subsection (5), in the description of N, the reference to the day on which the offender makes the relevant disclosure were a reference to the day on which A made the pre-commencement disclosure.

(7) If a disclosure falling within subsection (2) is made in the circumstances described in subsection (5) and the period given by the formula in section 29(5) is greater than the portion of the relevant custodial period that A is liable to serve, A is to be treated as having served the relevant custodial period.

(8) In this section, “the commencement date” means the date on which this Part comes into operation.

### *Parole Commissioners*

#### **Duty to consider failure to disclose**

**31.**—(1) This section applies if—

- (a) the Parole Commissioners are making a public protection decision in respect of a prisoner (“P”),
- (b) P’s sentence was passed for murder or manslaughter,
- (c) the Commissioners do not know where the victim's remains were disposed of, and
- (d) the Commissioners believe that P has information about where, or how, the victim's remains were disposed of which P has not disclosed (“P’s non-disclosure”).

(2) Before making the public protection decision, the Commissioners must obtain and consider information about P’s non-disclosure.

(3) In making the public protection decision, the Commissioners must take into account—

- (a) P's non-disclosure, and
- (b) the reasons, in the Commissioners’ view, for that non-disclosure.

(4) Subsection (3) does not limit the matters which the Commissioners must, or may, take into account when making a public protection decision.

(5) In subsection (1)(b)—

- (a) the reference to a sentence passed for murder or manslaughter includes a sentence passed for such an offence before the date on which this Part comes into operation;
- (b) the reference to murder includes—
  - (i) murder under the law of England and Wales, Scotland, any of the Channel Islands or the Isle of Man, and
  - (ii) any offence under the law of any other country or territory that corresponds to murder under the law of Northern Ireland;

- (c) the reference to manslaughter includes—
- (i) culpable homicide under the law of Scotland,
  - (ii) manslaughter under the law of England and Wales, any of the Channel Islands or the Isle of Man, and
  - 5 (iii) any offence under the law of any other country or territory that corresponds to manslaughter under the law of Northern Ireland.
- (6) In this section—
- “the Parole Commissioners” means the Parole Commissioners for Northern Ireland;
- 10 “public protection decision” means a decision under any of the following provisions as to whether the Parole Commissioners are satisfied that it is no longer necessary for the protection of the public to confine a prisoner—
- (a) Article 46(3)(b) of the Criminal Justice (Children) (Northern Ireland) Order 1998;
  - 15 (b) Article 6(4)(b) of the Life Sentences (Northern Ireland) Order 2001;
  - (c) Article 18(4)(b) or 20A(4)(b) of the Criminal Justice (Northern Ireland) Order 2008.

### *Supplementary*

#### **Interpretation**

- 20 **32.** In this Part—
- “additional custodial period” has the meaning given by section 24;
- “life sentence” means—
- (a) a sentence of imprisonment for life, or
  - 25 (b) a sentence of detention during the pleasure of the Minister of Justice under Article 45(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998;
- “notional custodial period” has the meaning given by section 24;
- “notional custodial sentence” has the meaning given by section 24;
- “relevant custodial period” has the meaning given by section 27;
- 30 “relevant disclosure” has the meaning given by section 28;
- “specified custodial sentence” has the meaning given by section 27;
- “victim” means the victim of the offence for which the offender is being, or in the case of a prisoner has been, sentenced, and a reference to the victim’s remains being disposed of includes the remains being left at the
- 35 location where the victim died.

## PART 6

## PARTICULAR PERSONS OR GROUPS

*Aggravation by hostility***Aggravation by hostility**

- 5       **33.**—(1) It may be specified as an allegation alongside a charge of an offence against a person (“A”) that the offence is aggravated by—
- (a) racial hostility,
  - (b) religious hostility,
  - (c) hostility related to sexual orientation, or
  - 10       (d) hostility related to disability.
- (2) An offence committed by A is aggravated by hostility of one of the kinds mentioned in subsection (1) if—
- (a) at the time of committing the offence, or immediately before or after doing so, A demonstrates towards the victim of the offence hostility based on the victim's membership (or presumed membership) of—
    - 15       (i) a racial group,
    - (ii) a religious group,
    - (iii) a sexual orientation group, or
    - (iv) a disability group; or
  - 20       (b) the offence is motivated, wholly or partly, by hostility towards members of a group referred to in paragraph (a) based on their membership of that group.
- (3) For the purposes of subsection (2)(a) or (b), it is immaterial whether or not A's hostility is also based, to any extent, on any other factor not mentioned in that subsection.
- 25       (4) In this section—
- “disability group” means a group of persons defined by reference to any physical or mental impairment;
  - “membership”, in relation to a group, includes association with members of that group;
  - 30       “presumed” means presumed by A;
  - “racial group” has the meaning given by Article 5 of the Race Relations (Northern Ireland) Order 1997;
  - “religious group” means a group of persons defined by reference to religious belief or lack of religious belief;
  - 35       “sexual orientation group” means a group of persons defined by reference to sexual orientation.

### **Consequences of aggravation by hostility**

**34.**—(1) Subsection (2) applies where—

(a) an allegation of aggravation is specified as mentioned in section 33(1),  
and

5 (b) the aggravation as well as the charge is proved.

(2) The court must—

(a) state on conviction—

(i) that the offence is aggravated by hostility, and

10 (ii) the court's reasons for deciding that the offence is so aggravated (by  
reference to one or more of the kinds of hostility mentioned in section  
33(1)),

(b) record the conviction in a way that shows the matters referred to in  
paragraph (a)(i) and (ii),

15 (c) in determining the appropriate sentence, treat the fact that the offence is  
so aggravated as a factor that increases the seriousness of the offence, and

(d) in imposing sentence, explain how the fact that the offence is so aggravated  
affects the sentence imposed.

(3) However, if—

(a) the charge is proved, but

20 (b) the aggravation is not proved,

the offender's conviction is as if there were no reference to the aggravation  
alongside the charge.

### **Power to add further kinds of hostility**

**35.**—(1) The Department may by regulations amend section 33 so as to—

25 (a) add further kinds of hostility by which an offence may be aggravated;

(b) specify the circumstances in which an offence is aggravated by hostility  
of a kind added;

30 (c) specify one or more offences in respect of which an allegation that the  
offence is aggravated by hostility of the kind added may not be made  
under section 33(1).

(2) The regulations may add a kind of hostility only if the hostility relates to a  
group or a characteristic.

(3) Regulations under subsection (1) may include—

(a) such supplementary, incidental or consequential provision;

35 (b) such transitory, transitional or saving provision,

as the Department considers necessary or expedient in connection with the  
provision made by those regulations.

(4) Provision made under subsection (3) may amend, repeal, revoke or otherwise  
modify any statutory provision (including this Act).

40 (5) Regulations under subsection (1) may not be made unless a draft of the  
regulations has been laid before, and approved by a resolution of, the Assembly.

*Aggravation by reason of vulnerability***Aggravation by reason of vulnerability**

5 36.—(1) It may be specified as an allegation alongside a charge of an offence against a person (“A”) that the offence is aggravated by reason of the victim’s vulnerability, but this is subject to subsection (6).

(2) An offence committed by A is aggravated by reason of the victim’s vulnerability, if at the time of committing the offence—

(a) the victim was a vulnerable person, and

10 (b) A knew, or ought reasonably to have known, that the victim was a vulnerable person.

(3) Subsection (4) applies where—

(a) an allegation of aggravation is specified as mentioned in subsection (1), and

(b) the aggravation as well as the charge is proved.

15 (4) The court must—

(a) state on conviction that the offence is aggravated by reason of the victim’s vulnerability,

(b) record the conviction in a way that shows that the offence is so aggravated,

20 (c) in determining the appropriate sentence, treat the fact that the offence is so aggravated as a factor that increases the seriousness of the offence, and

(d) in imposing sentence, explain how the fact that the offence is so aggravated affects the sentence imposed.

(5) However, if—

(a) the charge is proved, but

25 (b) the aggravation is not proved,

A’s conviction is as if there were no reference to the aggravation alongside the charge.

30 (6) This section does not apply where the characteristic of the victim relied upon to prove that the victim was a vulnerable person at the time of the offence being committed is also an element of the offence.

(7) In this section, “vulnerable person” means—

(a) a person under the age of 18, or

35 (b) a person whose ability to protect himself or herself from violence, abuse, neglect or exploitation is significantly impaired through physical or mental disability or illness, old age or for any other reason.

*Public workers etc***Assaults on public workers etc**

37.—(1) A person commits an offence if the person—

40 (a) assaults a public worker who is acting in the exercise of functions as such a worker (“P”), and

- (b) knows, or ought reasonably to know, that P is such a worker.
- (2) A person commits an offence if the person—
  - (a) assaults a person assisting a public worker who is acting in the exercise of functions as such a worker (“Q”), and
  - 5 (b) knows, or ought reasonably to know, that Q is assisting such a worker.
- (3) A public worker is a person employed or engaged to—
  - (a) provide a service to the public,
  - (b) perform a public duty, or
  - (c) deliver a public service.
- 10 (4) It is immaterial for the purposes of subsection (3) whether the employment or engagement is paid or unpaid.
- (5) A person guilty of an offence under this section is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum, or both;
  - 15 (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
- (6) In this section—
  - (a) a reference to providing services to the public includes a reference to providing goods or facilities to the public;
  - 20 (b) a reference to the public includes a reference to a section of the public.

**Aggravation where offence committed against public workers**

- 38.**—(1) It may be specified as an allegation alongside a charge of a specified offence against a person (“A”) that the offence is aggravated by reason of being committed against a public worker.
- 25 (2) An offence committed by A is aggravated by reason of being committed against a public worker if—
    - (a) the offence is committed against a public worker who is acting in the exercise of functions as such a worker (“P”), and
    - (b) A knew, or ought reasonably to have known, that P was such a worker.
  - 30 (3) The following are specified offences for the purposes of subsection (1)—
    - (a) manslaughter;
    - (b) kidnapping;
    - (c) an offence under any of the following provisions of the Offences against the Person Act 1861—
      - 35 (i) section 16 (threats to kill);
      - (ii) section 18 (wounding with intent to cause grievous bodily harm);
      - (iii) section 20 (malicious wounding);
      - (iv) section 23 (administering poison etc);
      - (v) section 28 (causing bodily injury by explosives);

- (vi) section 29 (using explosives etc with intent to do grievous bodily harm);
- (vii) section 47 (assault occasioning actual bodily harm);
- 5 (d) an offence under section 28 of the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (non-fatal strangulation or asphyxiation);
- (e) an offence under Article 7 of the Sexual Offences (Northern Ireland) Order 2008 (sexual assault);
- 10 (f) an ancillary or inchoate offence in relation to an offence falling within any of the preceding paragraphs.
- (4) In this section—
- “ancillary offence” in relation to an offence, means an offence of aiding, abetting, counselling or procuring the commission of the offence;
- “inchoate offence” in relation to an offence, means—
- 15 (a) an attempt to commit the offence;
- (b) a conspiracy to commit the offence; or
- (c) an offence under Part 2 of the Serious Crime Act 2007 related to the offence;
- “public worker” has the meaning given by section 37.
- 20 (5) For the purposes of this section, an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.
- (6) Nothing in this section prevents a court from treating the fact that an offence
- 25 was committed against a public worker acting in the exercise of functions as such a worker as an aggravating factor in relation to offences not listed in subsection (3).

### **Consequences of aggravation where offence committed against public workers**

- 30 **39.**—(1) Subsection (2) applies where—
- (a) an allegation of aggravation is specified as mentioned in section 38(1), and
- (b) the aggravation as well as the charge is proved.
- (2) The court must—
- 35 (a) state on conviction that the offence is aggravated by reason of being committed against a public worker acting in the exercise of functions as such a worker,
- (b) record the conviction in a way that shows the offence is so aggravated,
- (c) in determining the appropriate sentence, treat the fact that the offence is so aggravated as a factor that increases the seriousness of the offence, and
- 40 (d) in imposing sentence, explain how the fact that the offence is so aggravated affects the sentence imposed.
- (3) However, if—

- (a) the charge is proved, but
- (b) the aggravation is not proved,

the offender’s conviction is as if there were no reference to the aggravation alongside the charge.

5

PART 7

ROAD TRAFFIC OFFENCES

**Causing death or grievous bodily injury by driving while disqualified**

40.—(1) After Article 12B of the Road Traffic (Northern Ireland) Order 1995 insert—

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**“Causing death or grievous bodily injury by driving: disqualified driver**

12C. A person is guilty of an offence under this Article if the person—

(a) causes the death of, or grievous bodily injury to, another person by driving a motor vehicle on a road, and

15

(b) at that time, is committing an offence under Article 168A(1)(c) of the Road Traffic (Northern Ireland) Order 1981 (driving while disqualified).”.

(2) In Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (offences under road traffic Orders), after the entry relating to Article 12B of the Road Traffic (Northern Ireland) Order 1995, insert—

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“Article 12C	Causing death or grievous bodily injury by driving: disqualified drivers.	(a) Summarily. (b) On indictment.	(a) 12 months or the maximum or both. (b) 4 years or a fine or both.	Obligatory. Obligatory. 3-11”.
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**Period of imprisonment for certain offences**

41.—(1) Part 1 of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996 (offences under road traffic Orders) is amended as follows.

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(2) In the entry relating to Article 9 of the Road Traffic (Northern Ireland) Order 1995 (causing death, or grievous bodily injury, by dangerous driving), in column 4, for “14 years” substitute “20 years”.

(3) In the entry relating to Article 14 of the Road Traffic (Northern Ireland) Order 1995 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs), in column 4, for “14 years” substitute “20 years”.

**Period of imprisonment for certain repeat offences**

42. After Article 34 of the Road Traffic Offenders (Northern Ireland) Order 1996 (fine and imprisonment) insert—

**“Maximum sentence for certain repeat offences**

- 5           **34A.**—(1) This Article applies where—
- (a) a person has been convicted of an offence (“the earlier offence”) under—
- (i) Article 9 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving), or
- 10           (ii) Article 14 of that Order (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs), and
- (b) the person is convicted of a further such offence (“the new offence”) during the relevant period.
- 15           (2) For the purposes of determining the maximum imprisonment that may be imposed on the person in respect of the new offence, the entries shown in column 4 of Part 1 of Schedule 1 against the provisions specified in paragraph (1)(a) apply as if the references to “20 years” were references to “imprisonment for life”.
- 20           (3) In paragraph (1)(b), “the relevant period” means—
- (a) if the court imposed a custodial sentence (other than a suspended sentence) on the person for the earlier offence, the period—
- (i) beginning with the date of conviction for the earlier offence, and
- 25           (ii) ending 10 years after the date on which the person has served the required custodial period;
- (b) in any other case, the period of 10 years, beginning with the date of conviction for the earlier offence.
- (4) In paragraph (3)(a)(ii), “the required custodial” period means—
- 30           (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (punishment of grave crimes: indeterminate sentences), the period specified in the sentence under Article 45(2A) of that Order;
- 35           (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order;
- 40           (c) where Article 8(1) of the Criminal Justice (Northern Ireland) Order 2008 (sentence for a determinate term) applies in relation to the custodial sentence, the custodial period specified pursuant to Article 8(2) of that Order;
- (d) where a court imposes a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial

- sentences for serious offences), the period specified pursuant to Article 13(3)(b) of that Order;
- 5 (e) where a court imposes a sentence under Article 13A(5) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged over 21), the term imposed pursuant to Article 13A(5)(a) of that Order;
- 10 (f) where a court imposes a sentence under Article 13A(6) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged under 21), the term imposed pursuant to Article 13A(6)(a) of that Order;
- (g) where Article 14(3) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence—
- 15 (i) if Article 18 of that Order applies, half of the term imposed pursuant to Article 14(3)(a) of that Order;
- (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, two-thirds of the term imposed pursuant to Article 14(3)(a) of that Order;
- 20 (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, the term imposed pursuant to Article 14(3)(a) of that Order;
- (h) where Article 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged under 21) applies in relation to the custodial sentence—
- 25 (i) if Article 18 of that Order applies, half of the term imposed pursuant to Article 14(5)(a) of that Order;
- (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, two-thirds of the term imposed pursuant to Article 14(5)(a) of that Order;
- 30 (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, the term imposed pursuant to Article 14(5)(a) of that Order;
- 35 (i) where a court imposes a sentence under Article 15A(4) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged over 21), two-thirds of the term imposed pursuant to Article 15A(4)(a) of that Order;
- 40 (j) where a court imposes a sentence under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged under 21), two-thirds of the term imposed pursuant to Article 15A(5)(a) of that Order;
- 45 (k) in any other case where Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;

(l) in any other case, a period equal to half the custodial sentence imposed.

(5) In determining for the purpose of paragraph (3)(a)(ii) the date on which a person has served the required custodial period no account is to be taken of any time during which the person was unlawfully at large, unless the Department of Justice otherwise directs.

(6) If, in a case falling within paragraph (3)(a)—

(a) the earlier offence was one of two or more associated offences, and

(b) the court imposed two or more custodial sentences (other than suspended sentences) on the person in respect of the offences;

the court must treat the longest of the required custodial periods as the required custodial period for the purposes of paragraph (3)(a)(ii).

(7) For the purposes of paragraph (6), an offence is associated with another if—

(a) the offender is convicted of both offences in the same proceedings, or is sentenced for both offences at the same time, or

(b) the offender admits the commission of it in the sentencing proceedings for the other offence and requests the court to take it into consideration in the sentence for that offence.

(8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) of the Criminal Justice (Northern Ireland) Order 2008 (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion ("the new proportion").

(9) The Department of Justice may by order provide that the proportion specified in paragraph (4)(g)(i) or (h)(i) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.

(10) An order under paragraph (9) is subject to negative resolution.

(11) In this Article, "amending order" means an order under Article 18(9) of the Criminal Justice (Northern Ireland) Order 2008 (alteration by order of relevant part of sentence).

### **Appeal against sentence where previous conviction set aside or previous sentences modified**

**34B.**—(1) Paragraph (2) applies where—

(a) a sentence has been imposed on a person in reliance on Article 34A,

(b) a previous conviction of that person has been subsequently set aside on appeal,

(c) without that conviction, the requirement in Article 34A(1)(a) would not have been met.

(2) Notwithstanding anything in section 16 of the Criminal Appeal (Northern Ireland) Act 1980, notice of appeal against the sentence may be

given at any time within 28 days beginning with the date on which the previous conviction was set aside.

(3) Paragraph (4) applies where—

(a) a sentence has been imposed on a person in reliance on Article 34A,

5 (b) a previous sentence imposed on that person has been subsequently modified on appeal, and

(c) taking account of that modification, the requirement in Article 34A(1)(b) would not have been met.

10 (4) Notwithstanding anything in section 16 of the Criminal Appeal (Northern Ireland) Act 1980, notice of appeal against the sentence mentioned in paragraph (3)(a) may be given at any time within 28 days beginning with the date on which the previous sentence was modified.”.

### Disqualification period for certain offences

15 **43.**—(1) Article 35 of the Road Traffic Offenders (Northern Ireland) Order 1996 (minimum disqualification on conviction of certain offences) is amended as follows.

(2) After paragraph (4) insert—

“(4ZA) Paragraph (1) applies as if the reference to 12 months were a reference to 4 years, where a person is convicted of an offence under—

20 (a) Article 9 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving), or

(b) Article 14 of that Order (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs);

but this is subject to paragraphs (3) to (3ZB) in cases falling within paragraph (3ZB)(a).”.

25 (3) In paragraph (4)—

(a) for “paragraph (3)” insert “paragraphs (3) to (3ZB)”;

(b) in sub-paragraph (a) omit paragraphs (ii) and (iii).

### Disqualification period for certain repeat offences

30 **44.** In Article 35 of the Road Traffic Offenders (Northern Ireland) Order 1996 (minimum disqualification on conviction of certain offences), for paragraph (3) substitute—

“(3) Where—

35 (a) a person has been convicted of an offence (“the earlier offence”) under any of the following provisions of the Order of 1995, that is—

(i) Article 9 (causing death, or grievous bodily injury, by dangerous driving),

(ii) Article 14 (causing death, or grievous bodily injury, by careless driving when under the influence of drink or drugs),

40 (iii) Article 15(1) (driving or attempting to drive while unfit),

- (iv) Article 16(1)(a) (driving or attempting to drive with excess alcohol),
- (v) Article 18(7) (failing to provide a specimen), where that is an offence involving obligatory disqualification,
- 5 (vi) Article 18A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification; and
- (b) the person is convicted of a further such offence (“the new offence”) during the relevant period;
- 10 paragraph (1) applies in relation to the person as if the reference to 12 months were a reference to the period specified in paragraph (3ZB); but this is subject to paragraph (4ZA) in cases where the new offence falls within paragraph (3)(a)(i) or (ii) and the earlier offence does not.
- (3ZA) In paragraph (3)(b), “relevant period” has the same meaning as in  
15 Article 34A.
- (3ZB) The period referred to in the closing words of paragraph (3) is—
- (a) where the new offence and the earlier offence fall within paragraph (3)(a)(i) or (ii), 6 years;
- (b) in any other case, 3 years.”.

## 20 **Extension of disqualification for driving**

**45.** Schedule 6 contains amendments to the following legislation relating to the extension of disqualification for holding or obtaining a driving licence in certain circumstances—

- (a) the Criminal Justice (Northern Ireland) Order 1980;
- 25 (b) the Road Traffic Offenders (Northern Ireland) Order 1996;
- (c) the Criminal Justice (Northern Ireland) Order 2008.

## PART 8

### GENERAL

#### **Further provision**

- 30 **46.**—(1) The Department may by regulations make—
- (a) such supplementary, incidental or consequential provision;
- (b) such transitory, transitional or saving provision,
- as it considers appropriate for the general purposes, or any particular purpose, of this Act, or in consequence of, or for giving full effect to, any provision made  
35 by this Act.
- (2) Regulations under subsection (1) may amend, repeal, revoke or otherwise modify any statutory provision (including this Act).
- (3) Regulations under subsection (1) that amend, repeal, revoke or otherwise modify primary legislation may not be made unless a draft of the regulations has  
40 been laid before and approved by a resolution of the Assembly.

- (4) Any other regulations under this section are subject to negative resolution.
- (5) In subsection (3) “primary legislation” means—
- (a) any Northern Ireland legislation;
  - (b) any Act of Parliament.

5 **Interpretation**

47.—(1) In this Act, except where the contrary intention appears—

“the Department” means the Department of Justice;

“sentence” in relation to an offence, includes any order made by a court when dealing with the offender in respect of the offence.

10 “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(2) For the purposes of this Act, an offence is associated with another if—

(a) the offender is convicted of both offences in the same proceedings, or is sentenced for both offences at the same time, or

15 (b) the offender admits the commission of it in the sentencing proceedings for the other offence and requests the court to take it into consideration in the sentence for that offence.

(3) For the purposes of this Act, where an offence is found to have been committed—

20 (a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken to have been committed on the first of those days.

(4) Where the age of any person at any time is material for the purposes of any provision of this Act, the age of the person at the material time is deemed to be or to have been whatever age the person appears to the court to be or to have been after considering any available evidence.

25

**Minor and consequential amendments**

48. Schedule 7 contains minor and consequential amendments.

**Transitional provisions and savings**

30 49.—(1) The following provisions do not apply where a person is convicted of an offence committed before commencement—

(a) Part 2 (suspended sentences);

(b) Part 3 (life sentences);

(c) sections 33 to 35 (aggravation by hostility);

35 (d) section 36 (aggravation by reason of vulnerability);

(e) sections 38 and 39 (aggravation where offence committed against public worker);

(f) Part 7 (road traffic offences);

(g) In Schedule 7 (minor and consequential amendments)—

- (i) Part 2 (suspended sentences);
- (ii) Part 5 (aggravation by hostility);
- (iii) Part 7 (road traffic offences).

5 (2) Accordingly, nothing in the provisions mentioned in subsection (1) affects the operation of any statutory provision in relation to—

- (a) the sentencing of an offender for an offence committed before commencement;
- 10 (b) a sentence passed by a court in respect of an offence committed before commencement.

(3) Part 4 (unduly lenient sentences) does not apply in relation to a sentence passed by a court before commencement.

15 (4) Accordingly, nothing in Part 4, or in Part 3 of Schedule 7 (minor and consequential amendments: unduly lenient sentences) affects the operation of any statutory provision in relation to a sentence passed by a court before commencement.

(5) In this section, “commencement” in relation to a provision means the coming into operation of that provision.

### Commencement

20 **50.**—(1) The following provisions come into operation on the day after the day on which this Act receives Royal Assent—

- (a) this Part, apart from section 48 and Schedule 7 (minor and consequential amendments) which come into operation in accordance with subsection (4);
- 25 (b) Part 7 (road traffic offences), apart from section 45 which comes into operation on the same day as paragraphs 1, 4 and 6 of Schedule 16 to the Coroners and Justice Act 2009.

(2) The following provisions come into operation at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent—

- 30 (a) Part 1 (exercise of court’s discretion when sentencing);
- (b) Part 3 (life sentences);
- (c) Part 4 (unduly lenient sentences);
- (d) Part 5 (failure to disclose information about victim’s remains).

35 (3) The following provisions come into operation on such day or days as the Department may by order appoint—

- (a) Part 2 (suspended sentences);
- (b) Part 6 (particular persons or groups).
- (4) In Schedule 7—
- 40 (a) paragraphs 3 and 4 come into operation on the same day as Part 10 of the Mental Capacity Act (Northern Ireland) 2016 (criminal justice);
- (b) Parts 2, 5 and 6 come into operation on such day or days as the Department may by order appoint;

- (c) Parts 3 and 4 come into operation at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent;
- 5 (d) in paragraph 43, sub-paragraphs (3) and (4) come into operation on the same day as sections 13 and 14 of the Road Traffic (Amendment) Act (Northern Ireland) 2016;
- (e) the remaining provisions come into operation on the day after the day on which this Act receives Royal Assent.

**Short title**

10 **51.** This Act may be cited as the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026.

## SCHEDULES

## SCHEDULE 1

Section 8.

## SUSPENDED SENTENCE ORDERS: UNPAID WORK REQUIREMENT

5                                    *Requirement and obligation of offender*

1.—(1) A suspended sentence order may include a requirement that the offender must perform unpaid work in accordance with the instructions of the responsible officer as to—

- (a) the work to be performed, and
  - 10        (b) the times at which the offender is to perform it.
- (2) The unpaid work must be performed during the period of 1 year beginning with the date of the order, but this is subject to paragraph 19 of Schedule 2 (extension of unpaid work requirement).
- (3) The instructions given by a responsible officer under this paragraph must, so far as practicable, be such as to avoid—
- 15        (a) any conflict with the offender’s religious beliefs,
  - (b) any conflict with any other court order to which the offender may be subject, and
  - (c) any interference with the times, if any, at which the offender normally—
  - 20        (i) works, or
  - (ii) attends any educational establishment.

*Number of hours of unpaid work to be specified in order*

- 2.—(1) The number of hours which an offender may be required to work under an unpaid work requirement must—
- 25        (a) be specified in the order, and
  - (b) in aggregate, be—
  - (i) not less than 40, and
  - (ii) not more than 240.
- (2) Sub-paragraph (1)(b)(ii) is subject to—
- 30        (a) paragraph 12(4) of Schedule 2 (breach of suspended sentence order: power to impose unpaid work requirement);
  - (b) paragraph 17(3) of Schedule 2 (amendment of suspended sentence order: power to amend community requirements).
- (3) Sub-paragraphs (4) and (5) apply where the court—
- 35        (a) makes suspended sentence orders in respect of two or more offences of which the offender is convicted on the same occasion, and

(b) includes unpaid work requirements in each of them.

(4) The court may direct that the hours of work specified in any of those requirements is to be concurrent with or additional to those specified in any of those orders.

5 (5) But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

*Restriction on imposing unpaid work requirement*

3.—(1) A court must not specify an unpaid work requirement in a suspended sentence order unless it is satisfied that—

10 (a) the offender is a suitable person to perform work under such a requirement, and

(b) provision can be made by the Probation Board for the offender to do so.

(2) In making a decision under sub-paragraph (1)(a), if the court thinks that it is necessary to do so, the court must hear a probation officer.

15 SCHEDULE 2

Section 14.

SUSPENDED SENTENCE ORDERS: BREACH OR AMENDMENT OF ORDER AND EFFECT OF FURTHER CONVICTION

PART 1

20 PRELIMINARY

*Interpretation*

1.—(1) In this Schedule, in relation to a suspended sentence order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

25 (2) In this Schedule, in relation to a suspended sentence order, “the appropriate court” means—

(a) in the case of an order which was made by the Crown Court, the Crown Court,

30 (b) in the case of an order which was made by a magistrates’ court, a magistrates’ court.

*Orders made on appeal*

2. For the purposes of this Schedule, a suspended sentence order made on or in relation to an offender on appeal is to be taken as having been passed by the court by which the offender was originally tried.

PART 2

BREACH OF REQUIREMENT OF ORDER OR CONVICTION FOR FURTHER OFFENCE

*Breach of requirement: issue of summons or warrant by lay magistrate*

3.—(1) This paragraph applies where, during the supervision period of a suspended sentence order, it appears on complaint to a lay magistrate that the offender has breached any requirement of the order.

(2) The magistrate may—

(a) issue a summons requiring the offender to appear at the place and time specified in it, or

(b) if the complaint is in writing and on oath, issue a warrant for the offender's arrest,

but this is subject to sub-paragraphs (3) and (4).

(3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought—

(a) in the case of an order made by the Crown Court, before that court;

(b) if the case of an order made by a magistrates' court, before a court of summary jurisdiction.

(4) If—

(a) a warrant is issued under this paragraph requiring an offender to be brought before the Crown Court, and

(b) the offender cannot forthwith be brought before the Crown Court because it is not being held,

the warrant has effect as if it directed the offender to be brought before a magistrates' court.

(5) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (4), that court must commit the offender in custody or on bail to the Crown Court.

*Magistrates' court: breach of requirement*

4.—(1) This paragraph applies where—

(a) under paragraph 3 the offender is brought or appears before a magistrates' court in relation to a suspended sentence order, and

(b) it is proved to the satisfaction of the court that the offender has breached a requirement of the order without reasonable excuse.

(2) The court must deal with the case under paragraph 8.

*Magistrates' court: further conviction*

5.—(1) Where—

(a) an offender is convicted of an imprisonable offence committed during the operational period of a suspended sentence order,

- (b) the suspended sentence order—
  - (i) was made by a magistrates' court, and
  - (ii) has not already taken effect, and

- (c) the offender—

- 5 (i) was convicted of that other offence by a magistrates' court, or
- (ii) subsequently appears or is brought before a magistrates' court,

that court must deal with the case under paragraph 8.

- 10 (2) Where an offender is convicted by a magistrates' court of an imprisonable offence which the court is satisfied was committed during the operational period of a suspended sentence order made by the Crown Court, the court—

- (a) may commit the offender in custody or on bail to the Crown Court to be dealt with in respect of the suspended sentence order, and
- (b) if it does not, must give written notice of the conviction to the appropriate officer of the Crown Court.

15 *Crown Court: breach of requirement*

- 6.—(1) This paragraph applies where—

- (a) an offender to whom a suspended sentence order relates is brought or appears before the Crown Court, and
- 20 (b) it is proved to the satisfaction of the court that the offender has breached a requirement of the order without reasonable excuse.

- (2) The court must deal with the case under paragraph 8.

(3) In proceedings before the Crown Court under this paragraph, any question whether the offender has breached a requirement of the suspended sentence order is to be determined by the court and not by the verdict of a jury.

25 *Crown Court: further conviction*

- 7.—(1) This paragraph applies where—

- (a) an offender is convicted of an imprisonable offence committed during the operational period of a suspended sentence order, (and the suspended sentence has not already taken effect), and

- 30 (b) the offender—

- (i) was convicted of that other offence before the Crown Court, or
- (ii) subsequently appears or is brought before the Crown Court.

- (2) The court must deal with the case under paragraph 8.

- 35 (3) In proceedings before the Crown Court under this paragraph, any question whether the offender has been convicted during the operational period of the suspended sentence, is to be determined by the court and not by the verdict of a jury.

*Powers of court to deal with offender on breach of requirement or subsequent conviction*

8.—(1) Where a court deals with a case under this paragraph, the court must deal with the offender in one or more of the following ways—

- 5 (a) the court may order that the suspended sentence is to take effect with the original term unaltered;
- (b) the court may order that the suspended sentence is to take effect with the substitution of a lesser term for the original term;
- 10 (c) the court may order the offender to pay a fine of an amount not exceeding £1,000;
- (d) in the case of a suspended sentence order that imposes one or more community requirements, the court may amend the order by doing any one or more of the following—
- 15 (i) cancelling any community requirement of the order;
- (ii) inserting in the order (either in addition to or in substitution for any such requirement) one or more community requirements (but see paragraph 12);
- (iii) subject to section 5(4), extending the supervision period;
- (iv) subject to section 5(2), extending the operational period;
- 20 (e) in the case of a suspended sentence order that does not impose any community requirements, the court may amend the order by doing any one or more of the following—
- (i) inserting in the order one or more community requirements (but see paragraph 12);
- 25 (ii) subject to section 5(2), extending the operational period;
- (f) the court may make no order with respect to the suspended sentence.

(2) Where a court other than the court which passed the suspended sentence deals with an offender under sub-paragraph (1), the appropriate officer of the court that deals with the offender must notify the appropriate officer of the court which passed the suspended sentence of the method adopted.

30

(3) Where a court considers a case and makes no order with respect to a suspended sentence, the appropriate officer of the court must record that fact.

(4) An order made by a magistrates' court under sub-paragraph (1) is, for the purposes of Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981 (right of appeal), to be treated as a sentence passed on conviction upon a plea of guilty and the period of fourteen days specified in Article 144(1) of that Order is to be taken to commence on the date when the order under paragraph (1) was made.

35

*Exercise of power in paragraph 8: duty to activate suspended sentence where not unjust*

40

9.—(1) Where the court deals with the case under paragraph 8, it must make an order under paragraph 8(1)(a) unless it is of the opinion that it would be unjust

to do so in view of all the circumstances, including the matters mentioned in sub-paragraph (2).

(2) The matters referred to in sub-paragraph (1) are—

- 5 (a) the extent to which the offender has complied with any requirements of the suspended sentence order;
- (b) in a case falling within paragraph 5 or 7 (conviction of further offence during operational period), the facts of the subsequent offence.

(3) Where the court is of the view that it would be unjust to make an order under paragraph 8(1)(a) it must state its reasons.

10 *Activation of suspended sentence: further provision*

10.—(1) Where the court orders that a suspended sentence is to take effect under paragraph 8(1)(a) or (b), the order may provide for—

- (a) the suspended sentence to take effect immediately, or
- 15 (b) the term of the sentence to begin on the expiry of another custodial sentence passed on the offender.

(2) Sub-paragraph (1) has effect notwithstanding section 5(5) and (6) of the Treatment of Offenders Act (Northern Ireland) 1968 and Article 56 of the Magistrates' Courts (Northern Ireland) Order 1981 (restrictions on consecutive sentences).

20 (3) Where the court orders that a sentence of detention in a young offenders centre is to take effect under paragraph 8(1)(a) or (b)—

- (a) if the offender is aged 21 or over, the court must order that the sentence of detention is to be treated as a sentence of imprisonment;
- 25 (b) if the offender will be aged 21 or over when the order takes effect, the court may order that the sentence of detention is to be treated as a sentence of imprisonment.

(4) An order made by the Crown Court under paragraph 8(1)(a) or (b) is, for the purposes of section 9(2) of the Criminal Appeal (Northern Ireland) Act 1980 (appeal in other cases dealt with by Crown Court), to be treated as a sentence passed on the offender by the court for the offence for which the suspended sentence was passed.

30

*Power under paragraph 8 to fine*

11. A fine imposed under paragraph 8(1)(c) is to be treated for the purposes of any statutory provision as being a sum adjudged to be paid by a conviction.

35 *Power under paragraph 8 to amend community requirements: further provision*

12.—(1) This paragraph applies where a court is dealing with an offender under paragraph 8 by amending a suspended sentence order to impose a community

requirement under sub-paragraph (1)(d)(ii) or (e)(i) (powers to vary or impose requirements).

(2) The court may only impose a community requirement if the court could have included the requirement when the offender was convicted by or before it  
 5 of the offence in respect of which the suspended sentence order was made and it were then making the order.

(3) The power to impose a community requirement is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

10 (4) But where—

(a) a suspended sentence order does not contain an unpaid work requirement, and

(b) the court inserts an unpaid work requirement,

15 the number of hours which the offender may be required to work must be specified in the order and must not exceed 60 in the aggregate.

*Exclusion: refusal to undergo certain treatment*

13.—(1) Sub-paragraph (2) applies where the offender—

(a) is subject to a treatment requirement imposed by a suspended sentence order, and

20 (b) has refused to undergo any surgical, electrical or other treatment which forms part of that treatment requirement.

(2) The offender is not to be treated for the purposes of paragraph 4(1)(b) or 6(1)(b) as having breached that requirement on the ground only of that refusal if, in the opinion of the court, the refusal was reasonable having regard to all the  
 25 circumstances.

(3) In this paragraph, “treatment requirement” means—

(a) a requirement as to treatment for a mental condition authorised under paragraph 4 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996, or

30 (b) a requirement as to treatment for drug or alcohol dependency authorised under paragraph 5 of that Schedule.

*Issue of summons or warrant where court convicting of further offence does not deal with suspended sentence*

35 14.—(1) This paragraph applies where it appears to a lay magistrate that an offender—

(a) has been convicted in Northern Ireland of an imprisonable offence committed during the operational period of a suspended sentence order, and

(b) has not been dealt with in respect of the suspended sentence.

40 (2) The magistrate may issue—

- (a) a summons requiring the offender to appear at the place and time specified in it, or
- (b) a warrant for the offender's arrest,
- but this is subject to sub-paragraphs (3) and (4).
- 5 (3) A magistrate—
- (a) may not issue a summons except on complaint;
- (b) may not issue a warrant under this paragraph except on complaint in writing and on oath.
- 10 (4) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court by which the suspended sentence was passed.
- (5) If—
- (a) a warrant is issued under this paragraph requiring an offender to be brought before the Crown Court, and
- 15 (b) the offender cannot forthwith be brought before the Crown Court because it is not being held,
- the warrant has effect as if it directed the offender to be brought before a magistrates' court.
- 20 (6) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (2), that court must commit the offender in custody or on bail to the Crown Court.

### PART 3

#### AMENDMENT OF SUSPENDED SENTENCE ORDER

##### *Application of Part*

- 25 15. This Part of this Schedule applies during the supervision period of a suspended sentence order that imposes one or more community requirements.

##### *Cancellation of requirements*

- 16.—(1) This paragraph applies where an application is made to the appropriate court by—
- 30 (a) the offender, or
- (b) the responsible officer,
- for the requirements of the suspended sentence order to be cancelled.
- (2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court
- 35 may cancel the requirements of the suspended sentence order.
- (3) The circumstances in which requirements of the order may be cancelled under sub-paragraph (2) include the offender's—
- (a) making good progress, or

(b) responding satisfactorily to supervision.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

*Amendment of community requirements*

5 17.—(1) The appropriate court may, on the application of the offender or the responsible officer, amend the suspended sentence order—

(a) by cancelling any of the community requirements of the order,

10 (b) by inserting in the order (either in addition to or in substitution for any such requirement) any community requirement which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order;

(c) subject to section 5(4), by extending the supervision period.

15 (2) Sub-paragraph (1)(b) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

(3) Where—

(a) a suspended sentence order does not contain an unpaid work requirement, and

20 (b) the court inserts an unpaid work requirement under sub-paragraph (1)(b), the number of hours which the offender may be required to work must be specified in the order and must not exceed 60 in the aggregate.

(4) The appropriate court must not amend a suspended sentence order under sub-paragraph (1) by inserting in it a treatment requirement unless the amending order is made within 3 months after the date of the original order.

25 (5) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

(6) Before exercising its powers under this paragraph, the court must summon the offender to appear before the court, unless—

(a) the application was made by the offender,

30 (b) the order would cancel a community requirement of the suspended sentence order, or

(c) the order would reduce the period of any such requirement.

(7) If the offender fails to appear in answer to a summons under sub-paragraph (5) the court may issue a warrant for the offender's arrest.

35 (8) In this paragraph, “treatment requirement” means—

(a) a requirement as to treatment for a mental condition authorised under paragraph 4 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996, or

40 (b) a requirement as to treatment for drug or alcohol dependency authorised under paragraph 5 of that Schedule.

*Amendment of treatment requirement on report of practitioner*

18.—(1) This paragraph applies where the suspended sentence order contains a treatment requirement under which the offender is being treated and the treatment practitioner—

- 5 (a) is of the opinion that—
- (i) the treatment of the offender should be continued beyond the period specified in that behalf in the order,
  - (ii) the offender needs different treatment,
  - (iii) the offender is not susceptible to treatment, or
  - 10 (iv) the offender does not require further treatment, or
- (b) is for any reason unwilling to continue to treat or direct the treatment of the offender.

(2) The treatment practitioner must make a report in writing to that effect to the responsible officer.

15 (3) The responsible officer must cause an application to be made under paragraph 17 to the appropriate court for the requirement to be replaced or cancelled.

(4) For the purposes of this paragraph—

- (a) “treatment requirement” means—
- 20 (i) a requirement as to treatment for a mental condition authorised under paragraph 4 of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996, or
  - (ii) a requirement as to treatment for drug or alcohol dependency authorised under paragraph 5 of that Schedule.
- (b) the treatment practitioner is—
- 25 (i) the medical practitioner or other person specified in the order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or
  - (ii) if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

30 *Extension of unpaid work requirement*

19.—(1) This paragraph applies where the suspended sentence order imposes an unpaid work requirement.

(2) The appropriate court may, in relation to the order, extend the period of 1 year specified in paragraph 1(2) of Schedule 1.

35 (3) The power in sub-paragraph (2) is exercisable only where—

- (a) an application is made by—
- (i) the offender, or
  - (ii) the responsible officer, and

(b) it appears to the court that it would be in the interests of justice to exercise it in the way proposed having regard to circumstances which have arisen since the order was made.

5 (4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

#### PART 4

#### SUPPLEMENTARY

##### *Provision of copies of orders etc*

10 20.—(1) This paragraph applies on the making by a court of an order under this Schedule amending a suspended sentence order.

(2) The court must provide copies of the amending order to the responsible officer.

(3) That responsible officer must give a copy to—

- 15 (a) the offender;  
(b) the person in charge of any institution in which the offender is or was required by the order to reside.

### SCHEDULE 3

Section 19.

#### MANDATORY LIFE SENTENCES: ADULT OFFENDERS

20 1. After Article 13 of the Life Sentences (Northern Ireland) Order 2001 insert—

##### “SCHEDULE A1

Article 5B.

#### DETERMINATION OF TARIFFS IN CASES OF MANDATORY LIFE SENTENCE: ADULT OFFENDERS

25 *Starting points*

1.—(1) The appropriate starting point is 20 years where the court considers that the seriousness of the offence, or the combination of the offence and one or more offences associated with it, is exceptionally high.

30 (2) Cases that would normally fall within sub-paragraph (1) include—  
(a) a murder done for gain (such as a murder done in the course or furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of the death);

- (b) a murder intended to obstruct or interfere with the course of justice;
- (c) a murder involving any of the following—
- (i) sadistic conduct,
  - (ii) gratuitous or excessive violence,
  - (iii) sexual maltreatment, humiliation or degradation;
- (d) the murder of two or more persons;
- (e) a murder done for the purpose of advancing a political, religious, racial or ideological cause;
- (f) the murder of a police officer, a prison officer or a fire and rescue officer;
- (g) the murder of a person who was serving or had ceased to serve as a police officer or a prison officer where the offence was motivated wholly or partly by something done by the victim in the course of their duty as a police officer or a prison officer;
- (h) the murder of a vulnerable person;
- (i) a murder aggravated by racial hostility, religious hostility, hostility related to sexual orientation, or hostility related to disability;
  - (j) a murder where the victim and the offender were personally connected within the meaning of section 5 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021;
  - (k) a murder where the offender had repeatedly or continuously engaged in behaviour towards the victim that was controlling or coercive.

(3) In sub-paragraph (2)—

“fire and rescue officer” has the meaning given by Article 2(2) of the Fire and Rescue Services (Northern Ireland) Order 2006;

“prison officer” means an individual appointed to a post under section 2(2) of the Prison Act (Northern Ireland) 1953;

“vulnerable person” has the meaning given by section 36(7) of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026.

(4) Section 33(2) of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (aggravation by hostility) applies for the purposes of determining whether an offence is aggravated in any of the ways mentioned in sub-paragraph (2)(i) as it applies for the purposes of that section.

2. If the case does not fall within paragraph 1(1), the appropriate starting point is 15 years.

#### *Aggravating and mitigating factors*

3. Having chosen a starting point, the court should take into account any aggravating or mitigating factors, to the extent that it has not allowed for them in its choice of starting point.

4. Detailed consideration of aggravating or mitigating factors may result in a term of any length being specified in an order under Article 5(1) (whatever the starting point), or in the making of an order under Article 5(3).

5 5.—(1) Aggravating factors (additional to those mentioned in paragraph 1(2)) that may be relevant to the offence of murder include—

- (a) the fact that the murder was planned;
- (b) the use of a weapon;
- (c) arming with a weapon in advance;
- 10 (d) the concealment, destruction or dismemberment of the body;
- (e) the concealment or destruction of evidence;
- (f) the fact that the murder was the culmination of cruel or violent behaviour by the offender towards the victim over a period of time;
- (g) the abuse of a position of trust;
- 15 (h) a failure to obtain medical assistance for the victim;
- (i) the fact that the offender had engaged in behaviour that was abusive of a person other than the victim and with whom the offender was personally connected, at the time.

20 (2) The following apply for the purposes of sub-paragraph (1)(i) as they apply for the purposes of Chapter 1 of Part 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (to give meanings to certain expressions)—

- (a) section 2 (as read with section 3(2)) of that Act,
- (b) sections 4 and 5 of that Act.

25 6.—(1) Mitigating factors that may be relevant to the offence of murder include—

- (a) an intention to cause grievous bodily harm, rather than to kill;
- (b) a lack of pre-meditation;
- (c) the fact that the offender intended to act in self-defence;
- 30 (d) a belief by the offender that the murder was an act of mercy;
- (e) the age of the offender;
- (f) clear evidence of remorse;
- (g) the fact that the offender suffered from any mental disorder which lowered the degree of culpability for the killing, although not affording a defence of diminished responsibility.
- 35

(2) In sub-paragraph (1)(g), “mental disorder” has the meaning given by Article 3(1) of the Mental Health (Northern Ireland) Order 1986.

7. Nothing in this Schedule restricts the application of—

- (a) Article 33 of the Criminal Justice (Northern Ireland) Order 1996 (reduction in sentence for guilty plea), or
- 40

- (b) Article 37 of that Order (previous convictions and offending while on bail).

*Power to amend provision relating to starting points*

5 8.—(1) The Department may by regulations substitute any period of time for the time being specified in—

- (a) paragraph 1(1);  
(b) paragraph 2.

(2) The Department may by regulations amend—

10 (a) paragraph 1(2) to add further cases that would normally fall within sub-paragraph (1) of that paragraph;

(b) paragraph 5 in consequence of any amendment to paragraph 1(2).

(3) Regulations under this paragraph may contain such consequential, incidental, supplementary, transitional, transitory and savings provisions as appear to the Department to be necessary or expedient.

15 (4) Regulations under this paragraph may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”.

## SCHEDULE 4

Section 23.

20

### UNDULY LENIENT SENTENCES: SUPPLEMENTARY

1. Notice of an application for leave to refer a case to the Court of Appeal under section 21 must be given within the period of 28 days beginning with the day on which the sentence, or the last of the sentences, in the case is passed.

25 2. If the Master (King’s Bench and Appeals) is given notice of a reference or application to the Court of Appeal under section 21, the Master must—

(a) take all necessary steps for obtaining a hearing of the reference or application, and

30 (b) obtain and lay before the Court in proper form all documents, exhibits and other things which appear necessary for the proper determination of the reference or application.

3. Rules of court may—

(a) enable a person to whose sentencing such a reference or application relates to obtain from the Master any documents or things, including copies or reproductions of documents, required for the reference or application, and

35 (b) authorise the Master to make charges for them in accordance with scales and rates fixed from time to time by the Department.

4.—(1) An application to the Court of Appeal for leave to refer a case to the Supreme Court under section 22 must be made within the period of 14 days beginning with the date on which the Court of Appeal concludes its review of the case.

5 (2) An application to the Supreme Court for leave to refer a case to the Supreme Court under section 22 must be made within the period of 14 days beginning with the date on which the Court of Appeal concludes its review or refuses leave to refer the case to the Supreme Court.

10 5. The time during which a person whose case has been referred for review under section 21 is in custody pending its review and pending any reference to the Supreme Court under section 22 must be counted as part of the term of any sentence to which the person is for the time being subject.

15 6. Except as provided by paragraphs 7 and 8, a person whose sentencing is the subject of a reference to the Court of Appeal under section 21 is entitled to be present on the hearing of the reference, although the person may be in custody.

7. A person in custody is not entitled to be present unless the Court of Appeal gives the person leave to be present—

20 (a) on an application by the Director of Public Prosecutions for Northern Ireland for leave to refer a case, or

(b) under any proceedings preliminary or incidental to a reference.

8. The power of the Court of Appeal to pass sentence on a person may be exercised although the person is not present.

25 9. Except as provided for by paragraph 10, a person whose sentencing is the subject of a reference to the Supreme Court under section 22 and who is detained pending the hearing of that reference is not entitled to be present on the hearing of the reference or of any proceeding preliminary or incidental to the reference.

10. A person who is detained is entitled to be present where—

(a) an order of the Supreme Court authorises the person to be present, or

30 (b) the Supreme Court or the Court of Appeal, as the case may be, gives the person leave to be present.

35 11. The term of any sentence passed by the Court of Appeal or Supreme Court under section 21 or 22, as the case may be, must begin to run from the time when it would have begun to run if passed in the proceeding in relation to which the reference was made, unless the Court of Appeal or Supreme Court, as the case may be, otherwise direct.

12.—(1) Sub-paragraph (2) applies where on a reference to the Court of Appeal under section 21 or a reference to the Supreme Court under section 22 the person whose sentencing is the subject of the reference (“P”) appears by counsel for the purpose of presenting any argument to the Court of Appeal or the Supreme Court.

40 (2) P is entitled to the payment out of money provided by the Department of such funds as are reasonably sufficient to compensate P for expenses properly incurred by P for the purpose of being represented on the reference.

(3) Any amount recoverable under this paragraph must be ascertained, as soon as practicable, by the Master (Taxing Office) or, as the case may be, under Supreme Court Rules.

## SCHEDULE 5

5

Section 26.

### FAILURE TO DISCLOSE INFORMATION ABOUT VICTIM’S REMAINS: MODIFICATIONS

#### *Article 18 of the Criminal Justice (Northern Ireland) Order 2008*

1.—(1) Where a court determines the relevant custodial period of an extended custodial sentence in accordance with section 24, Article 18 of the Criminal Justice (Northern Ireland) Order 2008 applies with the following modifications.

10

(2) Paragraph (2) is to be read as if in the definition of “relevant part of the sentence” for sub-paragraph (b) there were substituted—

“(b) in relation to an extended custodial sentence, the aggregate of—

15

(i) one-half of the period determined by the court as the notional custodial period under section 24 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026, and

(ii) the period determined by the court as the additional custodial period under that section.”.

20

(3) Paragraph (9) is to be read as if for “paragraph (b)” there were substituted “paragraph (b)(ii)”.

#### *Article 20A of the Criminal Justice (Northern Ireland) Order 2008*

2.—(1) Where—

(a) a court determines the relevant custodial period of a specified custodial sentence in accordance with section 24, and

25

(b) Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies; that Article applies with the following modification.

(2) Paragraph (9) is to be read as if for the definition of “relevant part of the sentence” there were substituted—

““relevant part of the sentence” means—

30

(a) in relation to an extended custodial sentence or an Article 15A sentence, the aggregate of—

(i) two-thirds of the period determined by the court as the notional custodial period under section 24 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026, and

35

(ii) the period determined by the court as the additional custodial period under that section.

(b) in relation to any other sentence, the aggregate of—

- 5
- (i) the period determined by the court as the additional custodial period under section 24 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026, and
  - (ii) two-thirds of the period equivalent to the term of the sentence less the period of additional detention;”.

## SCHEDULE 6

Section 45.

### ROAD TRAFFIC OFFENCES: EXTENSION OF DISQUALIFICATION FOR DRIVING

#### *Criminal Justice (Northern Ireland) Order 1980*

10      1.—(1) Article 8A of the Criminal Justice (Northern Ireland) Order 1980 (as inserted by paragraph 1 of Schedule 16 to the Coroners and Justice Act 2009) is amended as follows.

- (2) In paragraph (4)—
- 15      (a) in sub-paragraph (a), for “Article 45(2)” (in the second place) substitute “Article 45(2A)”;
  - (b) in sub-paragraphs (a), (b), (c) and (d) omit “less any relevant discount”;
  - (c) after sub-paragraph (d) insert—
    - 20      “(da) where a court imposes a sentence under Article 13A(5) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged over 21), a period equal to the term imposed pursuant to Article 13A(5)(a) of that Order;
    - (db) where a court imposes a sentence under Article 13A(6) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged under 21), a period equal to the term imposed pursuant to Article 13A(6)(a) of that Order;”;
  - 25      (d) in sub-paragraph (e), for the words from “, a period equal to” to the end substitute “—
    - 30      (i) if Article 18 of that Order applies, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order;
    - (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, a period equal to two-thirds of the term imposed pursuant to Article 14(3)(a) of that Order;
    - 35      (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, a period equal to the term imposed pursuant to Article 14(3)(a) of that Order;”;
  - (e) in sub-paragraph (f), for the words from “, a period equal to” to the end substitute “—

- (i) if Article 18 of that Order applies, a period equal to half of the term imposed pursuant to Article 14(5)(a) of that Order;
- (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, a period equal to two-thirds of the term imposed pursuant to Article 14(5)(a) of that Order;
- (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, a period equal to the term imposed pursuant to Article 14(5)(a) of that Order;”;
- (f) after sub-paragraph (f), insert—
- “(fa) where a court imposes a sentence under Article 15A(4) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged over 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(4)(a) of that Order;
- (fb) where a court imposes a sentence under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged under 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(5)(a) of that Order;
- (fc) in any other case where Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;”;
- (g) in sub-paragraph (g) omit “calculated after that sentence has been reduced by any relevant discount”.
- (3) Omit paragraph (6) (definition of relevant discount).
- (4) In paragraph (9)—
- (a) for “Secretary of State” substitute “Department of Justice”;
- (b) for “(4)(e) and (f)” substitute “(4)(e)(i) and (f)(i).”.

30 *Road Traffic Offenders (Northern Ireland) Order 1996*

2.—(1) Article 40A of the Road Traffic Offenders (Northern Ireland) Order 1996 (as inserted by paragraph 4 of Schedule 16 to the Coroners and Justice Act 2009) is amended as follows.

- (2) In paragraph (4)—
- (a) in sub-paragraph (a), for “Article 45(2)” (in the second place) substitute “Article 45(2A)”;
- (b) in sub-paragraphs (a), (b), (c) and (d) omit “less any relevant discount”;
- (c) after sub-paragraph (d) insert—
- “(da) where a court imposes a sentence under Article 13A(5) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged over 21), a period equal to the term imposed pursuant to Article 13A(5)(a) of that Order;

- (db) where a court imposes a sentence under Article 13A(6) of the Criminal Justice (Northern Ireland) Order 2008 (serious terrorism sentence where the offender is aged under 21), a period equal to the term imposed pursuant to Article 13A(6)(a) of that Order;”;
- 5 (d) in sub-paragraph (e), for the words from “, a period equal to” to the end substitute “—
- (i) if Article 18 of that Order applies, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order;
- 10 (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, a period equal to two-thirds of the term imposed pursuant to Article 14(3)(a) of that Order;
- 15 (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, a period equal to the term imposed pursuant to Article 14(3)(a) of that Order;”;
- (e) in sub-paragraph (f), for the words from “, a period equal to” to the end substitute “—
- (i) if Article 18 of that Order applies, a period equal to half of the term imposed pursuant to Article 14(5)(a) of that Order;
- 20 (ii) if Article 20A of that Order applies but the sentence is not within paragraph (2A) of that Article, a period equal to two-thirds of the term imposed pursuant to Article 14(5)(a) of that Order;
- 25 (iii) if Article 20A of that Order applies and the sentence is within paragraph (2A) of that Article, a period equal to the term imposed pursuant to Article 14(5)(a) of that Order;”;
- (f) after sub-paragraph (f), insert—
- “(fa) where a court imposes a sentence under Article 15A(4) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged over 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(4)(a) of that Order;
- 30 (fb) where a court imposes a sentence under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008 (sentence with fixed licence period where the offender is aged under 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(5)(a) of that Order;
- 35 (fc) in any other case where Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;”;
- 40 (g) in sub-paragraph (g) omit “calculated after that sentence has been reduced by any relevant discount”.
- (3) Omit paragraph (6) (definition of relevant discount).

(4) In paragraph (9), for “(4)(e) and (f)” substitute “(4)(e)(i) and (f)(i)”.

(5) In paragraph (11), omit—

(a) the definition of “custodial sentence”;

(b) the definition of “suspended sentence”.

5       3. In Article 40B of the Road Traffic Offenders (Northern Ireland) Order 1996  
(as inserted by paragraph 4 of Schedule 16 to the Coroners and Justice Act 2009),  
omit paragraph (5).

*Criminal Justice (Northern Ireland) Order 2008*

10       4.—(1) Article 91A of the Criminal Justice (Northern Ireland) Order 2008 (as  
inserted by paragraph 6 of Schedule 16 to the Coroners and Justice Act 2009) is  
amended as follows.

(2) In paragraph (4)—

(a) in sub-paragraph (a), for “Article 45(2)” (in the second place) substitute  
“Article 45(2A)”;

15       (b) in sub-paragraphs (a), (b), (c) and (d) omit “less any relevant discount”;

(c) after sub-paragraph (d) insert—

“*(da)* where a court imposes a sentence under Article 13A(5) (serious  
terrorism sentence where the offender is aged over 21), a period  
equal to the term imposed pursuant to Article 13A(5)(a);

20       *(db)* where a court imposes a sentence under Article 13A(6) (serious  
terrorism sentence where the offender is aged under 21), a period  
equal to the term imposed pursuant to Article 13A(6)(a);”;

(d) in sub-paragraph (e), for the words from “, a period equal to” to the end  
substitute “—

25               (i) if Article 18 applies, a period equal to half of the term imposed  
pursuant to Article 14(3)(a);

(ii) if Article 20A applies but the sentence is not within paragraph  
(2A) of that Article, a period equal to two-thirds of the term  
imposed pursuant to Article 14(3)(a);

30               (iii) if Article 20A applies and the sentence is within paragraph (2A)  
of that Article, a period equal to the term imposed pursuant to  
Article 14(3)(a);”;

(e) in sub-paragraph (f), for the words from “, a period equal to” to the end  
substitute “—

35               (i) if Article 18 applies, a period equal to half of the term imposed  
pursuant to Article 14(5)(a);

(ii) if Article 20A applies but the sentence is not within paragraph  
(2A) of that Article, a period equal to two-thirds of the term  
imposed pursuant to Article 14(5)(a);

(iii) if Article 20A applies and the sentence is within paragraph (2A) of that Article, a period equal to the term imposed pursuant to Article 14(5)(a);”;

(f) after sub-paragraph (f), insert—

5 “(fa) where a court imposes a sentence under Article 15A(4) (sentence with fixed licence period where the offender is aged over 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(4)(a);

10 (fb) where a court imposes a sentence under Article 15A(5) (sentence with fixed licence period where the offender is aged under 21), a period equal to two-thirds of the term imposed pursuant to Article 15A(5)(a);

15 (fc) in any other case where Article 20A applies to the offender in respect of the custodial sentence, a period equal to two-thirds of the sentence;”;

(g) in sub-paragraph (g) omit “calculated after that sentence has been reduced by any relevant discount”.

(3) Omit paragraph (6) (definition of relevant discount).

(4) In paragraph (9)—

20 (a) for “Secretary of State” substitute “Department of Justice”;

(b) for “(4)(e) and (f)” substitute “(4)(e)(i) and (f)(i)”.

## SCHEDULE 7

Section 48.

### MINOR AND CONSEQUENTIAL AMENDMENTS

25 PART 1

#### GENERAL

##### *Judicature (Northern Ireland) Act 1978*

1. In section 49(2A) of the Judicature (Northern Ireland) Act 1978, for “subsection (1)” substitute “subsection (2)”.

30 *Mental Health (Northern Ireland) Order 1986*

2. In Article 44(1A) of the Mental Health (Northern Ireland) Order 1986—

(a) omit “or” at the end of sub-paragraph (b);

(b) at the end of sub-paragraph (c) insert “, or

35 (d) section 7(2) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;”.

*This Act*

3. In section 1(5), for paragraph (c) substitute—

“(c) in relation to the making of any of the following under Part 10 of the Mental Capacity Act (Northern Ireland) 2016—

- 5                   (i) a public protection order (with or without restrictions),  
                     (ii) a hospital direction, or  
                     (iii) an interim detention order.”.

4. In section 20(5), in the definition of “sentence”, in paragraph (b), for sub-paragraph (i) substitute—

- 10                   “(i) an interim detention order under Part 10 of the Mental Capacity Act (Northern Ireland) 2016;”.

PART 2

SUSPENDED SENTENCE ORDERS

*Treatment of Offenders Act (Northern Ireland) 1968*

15           5.—(1) The Treatment of Offenders Act (Northern Ireland) 1968 is amended as follows.

(2) Omit sections 18 to 21 and the italic heading before those sections.

(3) In section 26—

20           (a) in subsection (2), omit “or order for detention” in both places where it occurs;

(b) in subsection (3), omit “or order for detention”.

(4) In section 33(1), for the definition of “suspended sentence or order for detention” substitute—

25                   ““suspended sentence” has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026;”.

*Judicature (Northern Ireland) Act 1978*

6. In Schedule 5 to the Judicature (Northern Ireland) Act 1978, in Part 2, in the entries relating to the Treatment of Offenders Act (Northern Ireland) 1968—

30           (a) in the entry relating to sections 19(4), 20(3), 21(3), 25 and 29(1), omit “19(4), 20(3), 21(3),”;

(b) omit the entries relating to—

- (i) section 19(4);  
                     (ii) section 20(1);  
                     (iii) section 20(5);  
35               (iv) section 21(1);  
                     (v) section 21(2).

*Criminal Appeal (Northern Ireland) Act 1980*

7.—(1) The Criminal Appeal (Northern Ireland) Act 1980 is amended as follows.

(2) In section 9—

(a) in subsection (2)—

5           (i) in paragraph (a), for “an order under section 18(1) or (1A) of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentence)” substitute “a suspended sentence order within the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”;

10           (ii) in paragraph (b), for “the order under the said section 18(1) or (1A)” substitute “the suspended sentence order”;

(b) in subsection (3)—

(i) omit the “or” at the end of paragraph (b);

(ii) at the end of paragraph (c) insert “or

15           (d) against whom an order is made under paragraph 8(1)(c), (d) or (e) of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026,”;

(c) after subsection (3C) insert—

20           “(3D) A person may appeal to the Court of Appeal against a decision made by the Crown Court under paragraph 16 of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 not to cancel the requirements of a suspended sentence order.”.

(3) In section 10, in subsection (4)—

25           (a) for “section 19(1) of the Treatment of Offenders Act (Northern Ireland) 1968 in respect of a suspended sentence or order for detention” substitute “paragraph 8(1) of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 in respect of a suspended sentence or suspended sentence order”;

30           (b) for “sentence or order for detention” substitute “suspended sentence or suspended sentence order”.

*Criminal Justice (Northern Ireland) Order 1980*

8. In the Criminal Justice (Northern Ireland) Order 1980, in Article 8A (as inserted by paragraph 1 of Schedule 16 to the Coroners and Justice Act 2009), in paragraph (11), in the definition of suspended sentence, for “means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Magistrates' Courts (Northern Ireland) Order 1981*

9. In the Magistrates' Courts (Northern Ireland) Order 1981, in Article 23(3), for “section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 that

a suspended sentence or order for detention” substitute “paragraph 8(1) of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 that a suspended sentence”.

*Probation Board (Northern Ireland) Order 1982*

5 10.—(1) The Probation Board (Northern Ireland) Order 1982 is amended as follows.

(2) In Article 2, in paragraph (2), at the appropriate place insert—

““suspended sentence order” has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026;”.

10 (3) In Article 4, in paragraph (1)(b), after “community service orders” insert “or suspended sentence orders”.

(4) In Article 5, in paragraph (2)(b), after “community service orders” insert “or suspended sentence orders”.

*Road Traffic Offenders (Northern Ireland) Order 1996*

15 11. In the Road Traffic Offenders (Northern Ireland) Order 1996, in Article 2(2), in the definition of “suspended sentence”, for “means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

20 *Criminal Justice (Northern Ireland) Order 1996*

12. In the Criminal Justice (Northern Ireland) Order 1996, omit Article 23.

*Treatment of Offenders (Northern Ireland) Order 1989*

13. In the Treatment of Offenders (Northern Ireland) Order 1989, omit Articles 8 and 9.

25 *Social Security Fraud Act (Northern Ireland) 2001*

14. In the Social Security Fraud Act (Northern Ireland) 2001, in section 5B, in subsection (14)(b)(ii) for “section 33(1) of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

30 *Justice (Northern Ireland) Act 2002*

15.—(1) The Justice (Northern Ireland) Act 2002 is amended as follows.

(2) In section 10, in subsection (3)(d), for “section 21(3) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))” substitute “paragraph 14(6) of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

(3) In Schedule 4, omit paragraph 15.

*Proceeds of Crime Act 2002*

16. In the Proceeds of Crime Act 2002, in section 187, in subsection (4)(a) for “sentence of imprisonment or order for detention suspended under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “suspended sentence within the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003*

17.—(1) The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 is amended as follows.

(2) In Article 25, in paragraph (2), for “or order” (in the second place) substitute “within the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

(3) In Article 34, in paragraph (2), for “section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 (c.29)” substitute “paragraph 8(1) of Schedule 2 to the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Criminal Justice (Northern Ireland) Order 2008*

18.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 3, in paragraph (1), at the appropriate place insert—

““suspended sentence order” has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026;”.

(3) In Article 13A, in paragraph (12), for “an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences)” substitute “a suspended sentence order”.

(4) In Article 14, in paragraph (11), for “an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences)” substitute “a suspended sentence order”.

(5) In Article 15A, in paragraph (9), for “an order under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentences)” substitute “a suspended sentence order”.

(6) In Article 35, in paragraph (1)(c) after head (ii) insert—

“(iii) a suspended sentence order.”.

(7) In Article 91A (as inserted by paragraph 6 of Schedule 16 to the Coroners and Justice Act 2009), in paragraph (10), in the definition of “suspended sentence”, for “means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “has the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Justice Act (Northern Ireland) 2011*

19. In the Justice Act (Northern Ireland) 2011, in section 1(6), for “sentence which is suspended under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)” substitute “a suspended sentence (within the meaning given by section 4 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

20. In the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, in section 7, in each of subsections (3)(b), (4) and (5), for “section 18 of the Treatment of Offenders Act (Northern Ireland) 1968” substitute “section 3 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Justice Act (Northern Ireland) 2015*

21. In Schedule 1 to the Justice Act (Northern Ireland) 2015, omit paragraph 61 and the italic heading before it.

PART 3

UNDULY LENIENT SENTENCES

CHAPTER 1

PRIMARY LEGISLATION

20 *Criminal Appeal (Northern Ireland) Act 1980*

22. In section 44 of the Criminal Appeal (Northern Ireland) Act 1980 for “section 36 of the Criminal Justice Act 1988” substitute “section 21 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Criminal Justice Act 1988*

23. In the Criminal Justice Act 1988—  
(a) omit Part 4;  
(b) in section 172(3) (provisions extending to Northern Ireland) omit the reference to Part 4.

*Criminal Evidence (Northern Ireland) Order 1999*

24. In Article 27E of the Criminal Evidence (Northern Ireland) Order 1999—  
(a) in paragraph (1)(c), for “section 36 of the Criminal Justice Act 1988” substitute “section 21 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”;  
(b) in paragraph (7)(c), for “section 36 of the Criminal Justice Act 1988” substitute “section 21 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

*Justice Act (Northern Ireland) 2011*

25. In section 18(2)(d) of the Justice Act (Northern Ireland) 2011 for “section 36 of the Criminal Justice Act 1988 (c. 33)” substitute “section 21 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026”.

5

CHAPTER 2

SECONDARY LEGISLATION

26. The following are revoked—

- (a) the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 1996;
- 10 (b) the Criminal Justice Act 1988 (Reviews of Sentencing) Order 2006;
- (c) the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2011;
- (d) the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2013;
- 15 (e) the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2016;
- (f) the Criminal Justice Act 1988 (Reviews of Sentencing) Order (Northern Ireland) 2019.

PART 4

20 FAILURE TO DISCLOSE INFORMATION ABOUT VICTIM’S REMAINS: DUTY TO CONSIDER

*Criminal Justice (Children) (Northern Ireland) Order 1998*

27. In Article 46 of the Criminal Justice (Children) (Northern Ireland) Order 1998, after paragraph (3) insert—

- 25 “(3A) Section 31 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (duty to consider failure to disclose information about victim’s remains) contains provision relating to the Commissioners’ function of giving directions under paragraph (2).”.

*Life Sentences (Northern Ireland) Order 2001*

30 28. In Article 6 of the Life Sentences (Northern Ireland) Order 2001, after paragraph (4) insert—

- “(4A) Section 31 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (duty to consider failure to disclose victim’s remains) contains provision relating to the Commissioners’ function of giving directions under paragraph (3).”.



*Justice Act (Northern Ireland) 2015*

33. In section 55(4)(b) of the Justice Act (Northern Ireland) 2015, for the words from “treated the offence” to the end substitute “stated on conviction that the offence was aggravated by hostility (within the meaning given by section 33 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026).”.

PART 6

ASSAULTS ON PUBLIC WORKERS

CHAPTER 1

REPEAL OF ASSAULT OFFENCES AGAINST PUBLIC WORKERS

*Criminal Justice and Public Order Act 1994*

34. In section 123 of the Criminal Justice and Public Order Act 1994, omit subsection (1).

*Police (Northern Ireland) Act 1998*

35.—(1) Section 66 of the Police (Northern Ireland) Act 1998 is amended as follows.

(2) In each of subsections (1) and (1A), omit “assaults,”.

(3) In the heading, for “Assaults on, and obstruction of,” substitute “Obstruction of”.

*Fire and Rescue Services (Northern Ireland) Order 2006*

36.—(1) Article 57 of the Fire and Rescue Services (Northern Ireland) Order 2006 is amended as follows.

(2) In each of paragraphs (1) and (2), omit “assaults,”.

(3) In the heading, for “Assaults on, and obstruction of,” substitute “Obstruction of”.

CHAPTER 2

CONSEQUENTIAL AMENDMENTS

*Local Government Act (Northern Ireland) 1972*

37. In the Local Government Act (Northern Ireland) 1972, in section 93, in subsection (3), omit “assault on, and”.

*Sexual Offences Act 2003*

38.—(1) Schedule 5 to the Sexual Offences Act 2003 is amended as follows.

(2) In paragraph 167, omit “assaulting or”.

(3) After paragraph 171J, insert—

“171K—(1) An offence under section 37 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (assaults on public workers etc) where the victim was—

- (a) a constable,
- (b) a designated person,
- (c) a person assisting a person falling within paragraph (a) or (b), or
- (d) a person who is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland.

(2) In sub-paragraph (1)—

“designated person” means a person designated under section 30, 30A or 31 of the Police (Northern Ireland) Act 2003;

“international joint investigation team” has the meaning given by section 66(6) of the Police (Northern Ireland) Act 1998.”

*Firearms (Northern Ireland) Order 2004*

39.—(1) Schedule 4 to the Firearms (Northern Ireland) Order 2004 is amended as follows.

(2) In paragraph 8, omit “assault on, and”.

(3) After paragraph 9, insert—

“9A—(1) An offence under section 37 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (assaults on public workers etc) so far as it relates to an assault on—

- (a) a constable,
- (b) a designated person,
- (c) a person assisting a person falling within paragraph (a) or (b),
- (d) a prisoner custody officer acting in pursuance of prisoner escort arrangements, or
- (e) a person who is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland.

(2) In sub-paragraph (1)—

“designated person” means a person designated under section 30, 30A or 31 of the Police (Northern Ireland) Act 2003;

“international joint investigation team” has the meaning given by section 66(6) of the Police (Northern Ireland) Act 1998;

“prisoner custody officer” and “prisoner escort arrangements” have the meanings given by section 125 of the Criminal Justice and Public Order Act 1994.”

(4) In paragraph 10, for “9” substitute “9A”.

*Criminal Justice (Northern Ireland) Order 2008*

40.—(1) Schedule 2 to the Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In paragraph 27, omit “assaulting or”.

5 (3) After paragraph 31C, insert—

*“Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026*

31D.—(1) An offence under section 37 of the Criminal Justice (Sentencing etc) Act (Northern Ireland) 2026 (assaults on public workers etc) where the victim is—

- 10 (a) a constable,  
 (b) a designated person,  
 (c) a person assisting a person falling within paragraph (a) or (b), or  
 (d) a person who is a member of an international joint investigation team that is led by a member of the Police Service of Northern  
 15 Ireland.

(2) In sub-paragraph (1)—

“designated person” means a person designated under section 30, 30A or 31 of the Police (Northern Ireland) Act 2003;

20 “international joint investigation team” has the meaning given by section 66(6) of the Police (Northern Ireland) Act 1998.”.

PART 7

ROAD TRAFFIC OFFENCES

*Criminal Justice (Northern Ireland) Order 1980*

25 41. In the Criminal Justice (Northern Ireland) Order 1980, in Article 11, in each of paragraphs (1), (2) and (3), for “Secretary of State” substitute “Department of Justice”.

*Road Traffic (Northern Ireland) Order 1995*

42.—(1) Article 12B of the Road Traffic (Northern Ireland) Order 1995 is amended as follows.

30 (2) Omit the “or” at the end of sub-paragraph (b).

(3) Omit sub-paragraph (c).

(4) In the heading, omit “, disqualified”.

*Road Traffic Offenders (Northern Ireland) Order 1996*

35 43.—(1) The Road Traffic Offenders (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 2(2), at the appropriate place, insert—

““custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;”;

““suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968;”.

5

(3) In Article 35—

10 (a) in paragraph (1ZB) (as inserted by section 12(2) of the Road Traffic (Amendment) Act (Northern Ireland) 2016 (“the 2016 Act”)) for “Article 14(1)(b) of the Order of 1995 (causing death, or grievous bodily injury, by careless driving when exceeding the prescribed limit) or Article 16(1)(a) of that Order” substitute “Article 16(1)(a) of the Order of 1995 (driving a motor vehicle with alcohol concentration above prescribed limit)”;

(b) in paragraph (1ZC) (as inserted by section 12(2) of the 2016 Act) omit “14(1)(b) or ”;

15

(c) in paragraph (3A) (as inserted by section 13(2) of the 2016 Act)—

(i) for “sub-paragraphs (a) to (e)” substitute “sub-paragraph (a)(i) to (vi)”;

(ii) for “10 years immediately preceding the commission of the current offence” substitute “10 year period referred to in paragraph (3)(b)”.

20

(4) In Article 36 (as substituted by Article 11(1) of the Road Traffic (Northern Ireland) Order 2007), in paragraph (4A) (as inserted by section 14(2) of the Road Traffic (Amendment) Act (Northern Ireland) 2016) after “Article 35” insert “(disregarding any extension period added pursuant to Article 40A)”.

25

(5) In Part 1 of Schedule 1, in the entry relating to Article 12B of the Road Traffic (Northern Ireland) Order 1995, in column 2 omit “, disqualified”.

*Crime (International Co-operation) Act 2003*

44.—(1) In Schedule 3A to the Crime (International Co-operation) Act 2003, paragraph 4 is amended as follows.

(2) In paragraph (e), omit “, disqualified”.

30

(3) After that paragraph, insert—

“(ea) Article 12C (causing death or grievous bodily injury by driving: disqualified drivers),”.

# **Criminal Justice (Sentencing etc) Bill**

[AS INTRODUCED]

A Bill to make provision about the exercise of the court's discretion when sentencing; to make provision about the availability and effect of suspended sentence orders; to create general principles relating to the determination of tariffs where a court is required to pass a life sentence on an adult; to provide for the review of certain sentences by superior courts; to make provision about the effect of an offender convicted of murder or manslaughter failing to disclose information about the victim's remains; to create an offence of assaulting a public worker; to create sentencing aggravations concerning offences against public workers, particular groups and vulnerable victims; to amend the law relating to penalties for certain road traffic offences; and to make provision for connected purposes.

Introduced by: Mrs Naomi Long, Minister of Justice

On: 03 March 2026

Bill Type: Executive Bill

## **ACCOMPANYING DOCUMENTS**

**An Explanatory and Financial Memorandum is printed separately as  
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