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Justice Bill: Organised Crime Amendments

Judith Bailie

This paper provides an overview of the amendments to the Justice Bill relating to organised crime.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- This set of amendments to the Justice Bill would create a statutory definition of an organised crime group (OCG) and new offences of ‘directing’ and ‘participating’ in organised crime.¹
- As of March 2024, the Police Service of Northern Ireland (PSNI) assessed that 61 OCGs were operating in Northern Ireland. Forms of organised crime can include cybercrime, drug trafficking, modern slavery, counterfeiting, fuel laundering, tobacco smuggling, fraud or money laundering. Some OCGs in Northern Ireland have paramilitary connections. In 2025, the Independent Reporting Commission also observed the increasing interaction between some paramilitaries and OCGs involved in the drugs trade.
- The organised crime amendments would be inserted in the Justice Bill as new Clauses 19A to 19D alongside new Schedule 5. New clause 19A would define an OCG as a one which carries on criminal activities with a “*view to obtaining (directly or indirectly) any gain or benefit*” and “*consists of three or more persons who act, or agree to act, together*”. It would also require that the person had “*reasonable cause to suspect*” that he or she was facilitating the activities of an OCG.
- New clause 19B would provide for the offence of ‘participating’ in the criminal activities of an OCG. The maximum term of imprisonment for this offence would be 10 years.
- Stakeholders, including the Northern Ireland Human Rights Commission, have expressed concerns around the risk that victims could be prosecuted under this legislation, particularly women subject to coercive control, children who are criminally exploited and victims of trafficking and modern slavery.
- It may be worth exploring how the PSNI, Public Prosecution Service and National Crime Agency will deal with the new offences at an operational level to help ensure that individuals who are coerced or exploited to participate in organised crime are not criminalised.

¹ Further Northern Ireland Assembly Research and Information Service Papers on the Justice Bill can be found on the Justice Committee’s webpage: [Research Papers on the Bill](#)

- Other stakeholders have called for the creation of a standalone offence of ‘child criminal exploitation’ following the publication of the Jay Review of Criminally Exploited Children in 2024.² This new offence is currently being taken forward in the Crime and Policing Bill at Westminster and would apply across the UK. The Bill would also provide for Child Criminal Exploitation Prevention Orders in England and Wales.
- In September 2025, the Minister indicated to the Assembly that she is likely to seek further legislative consent (subject to Executive approval) for Westminster to legislate on the child criminal exploitation offence and Child Criminal Exploitation Prevention Orders.³ It may be worth exploring how these will be implemented in Northern Ireland.
- New clause 19C would provide for the offence of ‘directing’ the criminal activities of an OCG. This offence would carry a maximum term of imprisonment of 14 years. New clause 19D introduces Schedule 5 which would make a number of consequential amendments to relevant legislation.

² Action for Children, [Jay Review of Criminally Exploited Children](#) (March 2024)

³ Northern Ireland Assembly, [Memorandum: The Crime and Policing Bill](#) (September 2025)

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1 Context

How is organised crime changing?

At an international level, organised crime groups (OCGs) are highly mobile operating across national borders and criminal sectors. Europol's latest assessment indicates that serious organised crime is increasingly nurtured online and strongly accelerated by Artificial Intelligence and other new technologies.⁴ It also seeks to exploit geopolitical instability as a further means of expanding its reach and deepening its impact. This shift represents a significant security threat and poses future challenges for law enforcement globally.

1.1 Organised Crime in Northern Ireland

In Northern Ireland, the Organised Crime Task Force⁵ (OCTF) defines organised crime as “*planned and coordinated criminal behaviour, conducted by people, groups or networks working together on a continuing basis*”. The motivation for this is primarily financial gain with organised crime operating “*within and across jurisdictions*”, causing “*harm to individuals, communities and businesses*”.⁶ As of March 2024, the Police Service of Northern Ireland (PSNI) assessed that 61 OCGs were operating in Northern Ireland.⁷

Forms of organised crime include cybercrime, drug trafficking, modern slavery, counterfeiting, fuel laundering, tobacco smuggling, fraud or money laundering.⁸ In some cases, organised crime can involve violence or the threat of violence

⁴ Europol, [European Union Serious and Organised Crime Threat Assessment: The Changing DNA of Serious and Organised Crime](#) (May 2025), Publications Office of the European Union, Luxembourg

⁵ A multi-agency partnership established in 2000 which includes statutory agencies and law enforcement. Full membership can be found in Organised Crime Task Force, [Annual Report & Threat Assessment 2023/24](#) (July 2025), Appendix 1

⁶ Organised Crime Task Force, [Annual Report & Threat Assessment 2023/24](#) (July 2025), page 9

⁷ Ibid

⁸ Organised Crime Task Force, [Organised Crime Strategy 2021-2024](#) (March 2021)

and some OCGs also have paramilitary connections. In 2024, the Northern Ireland Affairs Committee published a report on the effect of paramilitary activity and organised crime on society in Northern Ireland.⁹ This highlighted that the term ‘paramilitarism’ is complex and contested whilst the term ‘organised crime gangs’ can fail to capture the historical and political context which leads to these groups remaining embedded in communities.¹⁰ The coercive control exercised by these groups over the communities where they operate takes many forms, including intimidation, financial extortion, sexual exploitation, creating an environment where people are afraid to speak out, and stifling alternative voices and leadership.¹¹

In 2025, the Independent Reporting Commission (IRC) observed “*the increasing interaction between some paramilitaries and OGCs involved in the drugs trade. Indeed, one of the features of the overall landscape is the increasing impact of these OCGs in areas in Northern Ireland where paramilitary groups have traditionally operated. Some paramilitary groups – or individuals within them – have links to organised crime; some operate akin to organised crime groups*”.¹² The IRC has stated that paramilitary-related harm does not exist in a vacuum, instead it sits within a varied landscape which requires a “shared ecosystem response” addressing serious and organised crime, national security threats, far-right extremism, hate crime, domestic abuse and violence against women and girls.¹³

In addition, there is a cross border dimension with the Home Affairs Select Committee noting the specific complications associated with this for Northern Ireland in relation to the supply and trafficking of illicit drugs.¹⁴ Drug related criminality is one of the priorities addressed through the Joint Agency Task Force (JATF). Established in 2015, the JATF comprises representatives from a

⁹ Northern Ireland Affairs Committee, [The effect of paramilitary activity and organised crime on society in Northern Ireland](#) (January 2024)

¹⁰ Ibid, page 47

¹¹ Independent Reporting Commission, [Seventh Report](#) (February 2025), paragraph 1.45

¹² Independent Reporting Commission, [Seventh Report](#) (February 2025), Paragraph 1.19

¹³ Ibid, paragraph 1.46

¹⁴ Home Affairs Committee, [Third Report of Session 2022–23: Drugs](#) (July 2023), page 70

number of organisations, including the PSNI, the Garda Síochána, His Majesty's Revenue and Customs (HMRC), the National Crime Agency (NCA), the Revenue Commissioners and the Criminal Assets Bureau, which work to determine on an ongoing basis priority areas in cross border organised crime.¹⁵

1.2 Fresh Start Agreement

As referenced above, the JATF cross border operational task force was created following the Fresh Start Agreement in November 2015. The Fresh Start Agreement highlighted “*the primacy and centrality of peace and the political process to the continued transformation of our society*”. It also identified the goal of ending paramilitarism “*once and for all*” and tackling organised crime.¹⁶

This also subsequently led to the Fresh Start Three Person Panel Report on the Disbandment of Paramilitary Groups in 2016.¹⁷ This report recommended that the Department of Justice should “*urgently review the legislation relating to organised crime in Northern Ireland to make sure that it is as effective as possible*” given that legislative frameworks in other parts of the UK and the Republic of Ireland have been strengthened in recent years. It also highlighted the need for a strategic change from the PSNI and law enforcement agencies to reflect the shift in focus from ‘paramilitary activity’ to criminality and organised crime.¹⁸

Based on the Recommendations of the Three Person Panel, an Action Plan was adopted by the Executive in 2016, leading to the establishment of the Executive Programme on Paramilitarism and Organised Crime (EPPOC). This is a cross-Departmental initiative involving over 100 projects designed to address this complex issue and create safer communities.¹⁹ Phase one ran until March 2021 before being reviewed ahead of the launch of phase two in April

¹⁵ Organised Crime Task Force, [Organised Crime Strategy 2021-2024](#) (March 2021), page 27

¹⁶ Northern Ireland Office, [A Fresh Start: The Stormont Agreement and Implementation Plan](#) (November 2015)

¹⁷ Northern Ireland Executive, [The Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland](#) (June 2016)

¹⁸ Ibid, page 28

¹⁹ Independent Reporting Commission, [Seventh Report](#) (February 2025), paragraph 1.40

2021.²⁰ In September 2024, the Executive approved the extension of the Programme to 31 March 2027.²¹ Since 2017, the Paramilitary Crime Task Force (PCTF) comprising PSNI, HMRC and NCA has also operated as a partnership initiative targeted at tackling criminality linked to the most high-risk paramilitary OCGs in Northern Ireland.²²

This work also has wider links with other strategies developed in the years since the Fresh Start Agreement. The Programme for Government 2024-2027 (PfG) highlights that the Executive remains committed to tackling paramilitarism and organised crime.²³ More broadly, the PfG also commits to addressing the cost of living crisis which impacts most on disadvantaged communities where poverty and deprivation can potentially expose people to paramilitary and OCG influence. The PfG commits to implementing policies on childcare, housing, the economy, education and participation through the introduction of social inclusion strategies as well as a significant programme of reform of children's social care services focused on early intervention.²⁴

1.3 Public Consultation

In 2016, the Executive Action Plan on Tackling Paramilitary Activity, Criminality and Organised Crime contained a commitment for the Department of Justice to *“review the legislation relating to serious and organised crime in Northern Ireland to make sure that it is as effective as possible, with a view to introducing draft legislation”*.²⁵ In July 2020, the Department of Justice launched a consultation on proposals for legislative provisions. This included a statutory definition of organised crime and new offences of ‘directing’ organised crime,

²⁰ Department of Justice, [Tackling Paramilitary Activity, Criminality and Organised Crime: An interim review and proposed next steps for delivery of the Executive Action Plan](#) (February 2021)

²¹ Independent Reporting Commission, [Seventh Report](#) (February 2025), paragraph 1.39

²² Ibid, paragraph 3.13

²³ NI Executive, [Programme for Government 2024-2027 ‘Our Plan: Doing What Matters Most’](#) (March 2025), page 49

²⁴ Ibid, page 72

²⁵ NI Executive, [Tackling Paramilitary Activity, Criminality and Organised Crime: Executive Action Plan](#) (July 2016), page 17

‘participating’ in organised crime and provision for certain offences to be ‘aggravated’ by a connection with organised crime.

1.3.1 Definition of Organised Crime

The Department of Justice’s consultation document contained a proposal to create a statutory definition for ‘serious organised crime’ to mean “*crime involving two or more people acting together with one of their main purposes or activities being the commission or facilitation of a serious offence or a series of serious offences*”.²⁶ The Department stated that this would apply where the purpose or activity of the organised criminals is to carry out a single offence in addition to multiple offences. According to the document, it would include offences under Schedule 1, Part 2 of the Serious Crime Act, Schedule 5 of the Proceeds of Crime Act 2002 or Schedule 9 of the Terrorism Act 2000 that are committed with the intention of obtaining a gain or benefit. In addition, this gain or benefit would not necessarily need to be financial in nature.

There were 15 respondents to the consultation with all those who answered (13 respondents) indicating general support for the policy intent around the definition of ‘serious organised crime’. However, some concerns were raised in relation to the definition being too broad and not specifically linking to activities typically associated with organised crime.

The Department responded that the legislation will provide an interpretation clause involving two central definitions, firstly a structured group or criminal organisation which has the purpose of committing criminal activities with a view to obtaining (directly or indirectly) any gain or benefit. The definition of a group within legislation would also be linked to three or more people acting or agreeing to act together. Secondly, a serious offence meaning any offence which is specified or which falls within Part 2 of Schedule 1 to the Serious Crime Act 2007 or in Schedule 5 to the Proceeds of Crime Act 2002. The reference to the Terrorism Act 2000 will not be included as terrorism offences are listed in

²⁶ Department of Justice, [Consultation on Policy Proposals for New Provisions to Tackle Organised Crime in Northern Ireland](#) (July 2020), page 18

the Serious Crime Act 2007 and Proceeds of Crime Act 2002.²⁷ Respondents to the consultation also expressed support for a regulation making power to allow for additions to the list of offences with the Department stating that these would be subject to the draft affirmative procedure.²⁸

1.3.2 Offence of Directing Organised Crime

The consultation proposed creating an offence of ‘directing serious organised crime’. The Department’s consultation stated that this would criminalise behaviour where an individual may not themselves have committed a ‘serious offence’ as specified under the proposed definition of serious organised crime, but where they have directed another person or persons to participate in organised crime.²⁹ The meaning of ‘directs’ would include “*controls, supervises the activities, gives an order, instruction or guidance, or makes a request with respect to carrying out serious organised crime*”.³⁰ It would clarify that such a direction does not need to result in the commission of an offence for the offence of ‘directing serious organised crime’ to have been committed. In terms of sentencing, the consultation proposed a maximum tariff of 14 years. All respondents to the consultation agreed with the policy intent around the creation of an offence of ‘directing serious organised crime’.³¹ 9 out of 13 respondents agreed with the maximum tariff of 14 years but some comments suggested that this should be higher.³²

1.3.3 Offence of Participating in Organised Crime

The consultation also proposed the creation of an offence of ‘participating in serious organised crime’. A person would be guilty of this offence “*where they do, or agree to do, something that they know, suspect, or could be reasonably*

²⁷ Department of Justice, [Outcome of consultation on policy proposals for new provisions to tackle organised crime in Northern Ireland](#) (October 2022), page 8

²⁸ Ibid, page 11

²⁹ Department of Justice, [Consultation on Policy Proposals for New Provisions to Tackle Organised Crime in Northern Ireland](#) (July 2020), page 22

³⁰ Ibid

³¹ Department of Justice, [Outcome of consultation on policy proposals for new provisions to tackle organised crime in Northern Ireland](#) (October 2022), page 13

³² Ibid, page 23

expected to know or suspect, is likely to enhance or facilitate the commission of organised crime".³³ In addition, "doing or agreeing to do something" would include omitting or agreeing to omit to do something for the purposes of this offence. It would also not be necessary to establish that the activity in question directly assisted or advanced the commission of organised crime for the participating offence to have been committed. In terms of sentencing, the consultation proposed a maximum tariff of 10 years.

All respondents who answered on this issue (13) agreed with the policy intent around the creation of an offence of 'participating in serious organised crime'.³⁴ A number of comments highlighted the need for safeguards in situations where an individual or group of individuals is coerced into participating in organised crime.³⁵ In response, the Department highlighted existing safeguards such as the defence of duress.³⁶ 9 out of 13 respondents agreed with the maximum tariff of 10 years but some comments suggested that this should be higher.³⁷

1.3.4 Offences Aggravated by Organised Crime

The Department's consultation document included provision for aggravated offences as an additional tool to tackle organised crime, given that this could potentially have a wider application than the 'participation offence'. The document proposed to make provision that where an offence is committed as

³³ Department of Justice, [Consultation on Policy Proposals for New Provisions to Tackle Organised Crime in Northern Ireland](#) (July 2020), page 23

³⁴ Department of Justice, [Outcome of consultation on policy proposals for new provisions to tackle organised crime in Northern Ireland](#) (October 2022), page 16

³⁵ Ibid, page 18

³⁶ Ibid, page 19. Department of Justice officials attending the Justice Committee in January 2025 reiterated this view, stating that "consideration was given to the need for a statutory defence to be included, but, again, from talking to operational partners, the PPS and others, we know that they are of the view that that is already provided for through independent prosecutorial discretion and the common law defence of duress. That can be taken account of as part of the process" at Northern Ireland Assembly Official Report, [Justice Bill: Department of Justice Amendments \(Part 1: Biometrics, Restorative Justice, AccessNI Filtering and Serious Organised Crime\)](#) (16 January 2025)

³⁷ Department of Justice, [Outcome of consultation on policy proposals for new provisions to tackle organised crime in Northern Ireland](#) (October 2022), page 25

part of, or in furtherance of, serious organised crime, this should be treated as an aggravating factor for the purposes of determining the sentence.³⁸

All respondents who answered this question (13) agreed with provision for offences ‘aggravated by organised crime’.³⁹ However, there was some concern that this is very broad and might not be suitable for lower-level offences. In response, the Department highlighted that further work would be required to ensure that the “*standard/ burden of proof for aggravation is clear and timescales for implementation reflect the planning and preparation time required to update court processes and IT systems*”.⁴⁰ Provisions for offences aggravated in connection with ‘serious organised crime’ are not contained in this set of amendments to the Justice Bill.

2 Justice Bill

The organised crime amendments would be inserted in the Justice Bill as new Clauses 19A to 19D alongside new Schedule 5. These provisions would form a new Part 2A and have no effect on other provisions contained in the Justice Bill.

There is currently no statutory definition of organised crime or specific organised crime offences contained in law in Northern Ireland. Individuals are currently prosecuted based on the specific offences that they have committed. Existing legislation for prosecuting offences related to organised crime includes the Misuse of Drugs Act 1971, the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, the Proceeds of Crime Act 2002, the Serious Crime Act 2007, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 and the Criminal Finances Act 2017. The amendments contained in Part 2A would not insert the organised crime group offences into any existing legislation and would instead introduce new standalone offences.

³⁸ Department of Justice, [Consultation on Policy Proposals for New Provisions to Tackle Organised Crime in Northern Ireland](#) (July 2020), page 25

³⁹ Department of Justice, [Outcome of consultation on policy proposals for new provisions to tackle organised crime in Northern Ireland](#) (October 2022), page 21

⁴⁰ Ibid, page 22

The Department has highlighted in correspondence to the Justice Committee that since the public consultation in 2020, the policy proposals have been updated as a result of further engagement with operational partners and neighbouring jurisdictions. The Department asserts that the “*draft clauses do not significantly diverge from the original intention and reflect an all-encompassing approach that aligns closely with neighbouring jurisdictions, in particular where there is a shared border and known to be cross border co-operation in criminal activity*”.⁴¹

A summary was also provided to the Justice Committee detailing the European Convention on Human Rights (ECHR) implications of the planned amendments to the Justice Bill. The Department states that it is “*satisfied that this Bill is not incompatible with any of the Convention rights*”.⁴² This highlights that the new organised crime offences are “*directed at the legitimate aims of the prevention of crime and the protection of the rights and freedoms of others*”. Therefore any interference with Article 8 (right to respect for private and family life) is a proportionate means of achieving this aim.⁴³

2.1 Clause 19A

New clause 19A would define what constitutes an organised crime group with 19A(2) stating that it:

- (a) has as its purpose, or as one of its purposes, the carrying on of criminal activities with a view to obtaining (directly or indirectly) any gain or benefit, and*
- (b) consists of three or more persons who act, or agree to act, together to further that purpose.*

⁴¹ Department of Justice, [Serious Organised Crime Amendments: Appendix C](#) (January 2025)

⁴² Department of Justice, [Justice Bill: Human Rights/Legislative Competence in relation to Departmental Amendments](#) (March 2025)

⁴³ Ibid

Meanwhile new clause 19A(3) would provide that a person participates in the criminal activities of an organised crime group if the person does an act and knows, or has reasonable cause to suspect, that:

- (a) the act is part of criminal activities of an organised crime group, or*
- (b) the act will facilitate, or is likely to facilitate, an organised crime group to carry on criminal activities.*

In correspondence with the Justice Committee, the Department stated that this would include “*those who are actively involved on the ground by doing acts, and those who are less actively involved, and do acts often at a distance*”.⁴⁴ It may be worth considering whether the offence as drafted is sufficiently tightly defined and seeking further information around the concept of “facilitating” an organised crime group to carry on criminal activities. In addition, the question of the state of mind of the individual committing the offence (the “reasonable cause to suspect” threshold) may also be worth further consideration.

Under this, it appears necessary for the prosecution to prove the objective test that the suspicion was reasonable; this does not seem to require the individual to have genuinely suspected that the act facilitated the criminal activities of an OCG. It is possible that there might be instances where the “reasonable cause to suspect” only became clear with the benefit of hindsight. Therefore it may be worth exploring whether the broad wording of this clause could inadvertently capture unwitting individuals, so could it potentially include people who did not actually suspect criminal activity under the participation offence? Businesses such as legal professionals and/or accountants are already subject to a range of regulatory obligations in this space, but would this new legislation have any impact on how far they would need to go to satisfy themselves that their services were not facilitating criminal activities down the line at some point?

New clause 19A(5) would provide that criminal activities fall within clause 19(A) if:

- (a) they are carried on in Northern Ireland, and*

⁴⁴ Department of Justice, [Serious Organised Crime Amendments: Appendix C](#) (January 2025)

(b) they constitute an offence in Northern Ireland punishable on conviction on indictment with imprisonment for a term of 4 years or more.

New clause 19A(6) would provide for activities to fall within the scope of clause 19(A) if:

- (a) they are carried on in a country or territory other than Northern Ireland,*
- (b) they constitute an offence under the law in force of the country or territory where they are carried on, and*
- (c) they would constitute an offence in Northern Ireland of the kind mentioned in subsection (5)(b) if the activities were carried on in Northern Ireland.*

It is also worth noting that new clause 19A(7) would provide the Department with a regulation making power to amend the definition of criminal activities contained in clause 19A(5) and (6). Under clause 19A(8) these regulations must be laid before and approved by the Assembly.

2.2 Clause 19B

New clause 19B would provide for the offence of ‘participating in the criminal activities of an organised crime group’. Clause 19B(2) would provide that for a person to be guilty of an offence under this section, it is not necessary:

- (a) for any criminal activities capable of being facilitated by the person’s act to be carried on,*
- (b) for the person to know any of the persons who are members of the organised crime group, or*
- (c) for all of the acts or omissions comprising participation in the group’s criminal activities to be carried on in Northern Ireland (provided that at least one of them is).*

Under this clause for a person to be guilty of an offence, at least one of the acts or omissions comprising participation in the group’s criminal activities must be carried on in Northern Ireland. It may be worth exploring how this would interact with the provision contained in new clause 19A(6). Clause 19B(3) would allow for a maximum term of imprisonment for this offence of 10 years.

The Northern Ireland Human Rights Commission (NIHRC) has expressed concerns around the risk that victims could be prosecuted under this legislation, particularly women subject to coercive control, children who are criminally exploited and victims of trafficking and modern slavery.⁴⁵ In 2023, the UN Committee on the Rights of the Child (UNCRC) recommended that the UK Government and Northern Ireland should “*strengthen measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, including so-called paramilitary organizations in Northern Ireland, and from recruitment by such actors into violent activities*”.⁴⁶ The UNCRC also called for the state to implement legislation which “*clearly defines the criminal exploitation of children [and] protection for children who are victims of violence*”.⁴⁷

In 2024, the Northern Ireland Affairs Committee inquiry into the effect of paramilitary activity and organised crime on society in Northern Ireland also explored child criminal exploitation, highlighting the need for “*a sustained focus on better enforcement to ensure child victims who are subjected to force, threats, abduction, coercion, fraud or deception designed to induce them to engage in crime are protected*”.⁴⁸

The report also highlighted the lack of awareness and use of the National Referral Mechanism (NRM) for human trafficking and modern slavery, despite “*disturbing evidence that young people were being exploited to traffic drugs through and into Northern Ireland*”.⁴⁹ In September 2025, the Health, Justice and Education Ministers announced approval from the Home Office to establish a devolved NRM decision making panel pilot in Northern Ireland.⁵⁰ This forms

⁴⁵ Northern Ireland Human Rights Commission, [Briefing to Committee for Justice on Amendments to the 'Justice Bill 07/22-27'](#) (April 2025), page 11

⁴⁶ United Nations, [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland: Committee on the Rights of the Child CRC/C/GBR/CO/6-7](#) (June 2023), paragraph 34(b)

⁴⁷ Ibid, paragraph 33(b)

⁴⁸ Northern Ireland Affairs Committee, [The effect of paramilitary activity and organised crime on society in Northern Ireland](#) (January 2024), page 20

⁴⁹ Ibid, page 24

⁵⁰ Department of Health, [Ministers welcome pilot scheme to better support child victims of exploitation](#) (September 2025)

part of priorities set out in the wider cross-Departmental Child Criminal Exploitation Action Plan which was launched last year.⁵¹

The NIHRC has also highlighted international conventions relevant to this area, including the Council of Europe Convention on Action against Trafficking in Human Beings which includes a non-punishment provision for victims compelled into involvement in unlawful activities.⁵² In 2021, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) highlighted that section 22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 provides a statutory defence for victims of human trafficking and slavery-like offences who have been compelled to commit certain offences. However, this does not apply to more serious offences, including those involving a term of imprisonment of over 5 years.⁵³ The report goes on to recommend that the UK Government and Northern Ireland Executive ensure that the non-punishment provision is capable of being applied to all offences that trafficking victims are compelled to commit.⁵⁴

This matter has also been considered by the Court of Appeal which held that *"when there is evidence that victims of trafficking have been involved in criminal activities, the investigation and the decision whether there should be a prosecution, and, if so, any subsequent proceedings require to be approached with the greatest sensitivity... The criminality, or putting it another way, the culpability, of any victim of trafficking may be significantly diminished, and in some cases effectively extinguished, not merely because of age (always a relevant factor in the case of a child defendant) but because no realistic*

⁵¹ Department of Health, [Child Criminal Exploitation \(CCE\) Action Plan](#) (September 2024)

⁵² Northern Ireland Human Rights Commission, [Briefing to Committee for Justice on Amendments to the 'Justice Bill 07/22-27'](#) (April 2025), page 12

⁵³ See Section 22(9) of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

⁵⁴ Ibid, page 13 - GRETA Group of Experts on Action against Trafficking in Human Beings, [Evaluation Report United Kingdom: Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#) (October 2021), page 83

*alternative was available to the exploited victim but to comply with the dominant force of another individual, or group of individuals”.*⁵⁵

It may be worth considering how the PSNI, Public Prosecution Service and National Crime Agency will deal with the new organised crime offences contained within this part of the Justice Bill at an operational level to help ensure that individuals who are coerced or exploited to participate in criminal activity are not criminalised by the proposed offences.

2.3 Clause 19C

New Clause 19C would provide for the offence of ‘directing the criminal activities of an organised crime group’. Under clause 19C(2) a person directs the criminal activities of an organised crime group if the person:

- (a) participates in the criminal activities of an organised crime group, and*
- (b) does so by directing criminal activities of the group, at any level.*

Under clause 19C(3), directing criminal activities of an organised crime group includes:

- (a) instructing one or more persons to participate in the criminal activities of an organised crime group;*
- (b) controlling one or more persons participating in the criminal activities of an organised crime group.*

Clause 19C(4) provides that “instructing” would include threatening another person and any other means of putting pressure on the other person. As referenced above, the provisions contained in clause 19C(5) mirror those contained in clause 19B(2) in relation to a person being guilty of an offence. Clause 19C(6) would allow for a maximum term of imprisonment for this offence of 14 years.

⁵⁵ [*L & Ors v The Children's Commissioner for England & Anor*](#) [2013] EWCA Crim 991

2.4 Clause 19D

Clause 19D introduces Schedule 5. This would make a number of consequential amendments to relevant legislation, including the Criminal Justice and Public Order Act 1994, Proceeds of Crime Act 2002, Serious Crime Act 2007, Criminal Justice (Northern Ireland) Order 2008 and the Procurement Act 2023.

2.5 Stakeholder Reaction

The Justice Committee's Call for Evidence on the Bill closed on 04 April 2025. A number of organisations commented on the provisions relating to organised crime. Children in Northern Ireland (CiNI) stated that the proposed offences are *"defined broadly and risk criminalising children who may be coerced or exploited"*.⁵⁶ The threshold of three or more persons acting together *"could easily capture peer groups or children manipulated by adults"*.

In addition, CiNI recommends that the Department states *"how these new proposed criminal offences will sit alongside key recommendations from the Jay Review including introducing a single, cohesive legal code designed to tackle the criminal exploitation of children and a statutory definition within UK law, recognising exploitation as a distinct category of child protection and a welfare-first approach"*.⁵⁷ An offence of child criminal exploitation is currently being taken forward in the Crime and Policing Bill at Westminster and would apply across the UK.

Victim Support Northern Ireland also commented on the organised crime amendments, expressing support for the offence of directing organised crime. However, Victim Support highlighted the need to ensure consideration is *"given to ensuring that appropriate safeguards are in place to identify and prevent criminalisation of those who have been coerced or manipulated into the*

⁵⁶ Children in Northern Ireland, [Evidence submitted to the Committee for Justice on the Justice Bill](#) (April 2025), page 6

⁵⁷ Ibid. The [Jay Review of Criminally Exploited Children](#) (March 2024), on behalf of Action for Children, was led by Professor Alexis Jay and made a number of recommendations for a new approach for dealing with the criminal exploitation of children.

commission of crime by OCGs... steps should be taken to ensure that any new offence does not criminalise those who have either acted or omitted to act under duress or coercion, in a manner that may facilitate the commission of serious organised crime".⁵⁸ Victim Support specifically referred to cases in which children under the age of 18 are exploited, groomed and coerced into committing criminal acts by gangs, highlighting the influence of paramilitaries within some communities in Northern Ireland. They also called for child criminal exploitation to be made a standalone offence.

The Safeguarding Board for Northern Ireland welcomed the "*clear definition of organised crime groups*" contained within the amendments. The Board also highlighted that "*consideration should be given to raising awareness about child criminal exploitation linked to organised crime with specific training to help recognise and respond to signs of child criminal exploitation. This includes understanding the tactics used by organised crime groups to recruit and exploit children and young people*".⁵⁹

3 Other Jurisdictions

3.1 England and Wales

Section 45 of the Serious Crime Act 2015 provides for the offence of participating in the activities of an organised criminal group. Under this the conduct element of the participation offence is satisfied if a person takes part in any activities which are "*criminal activities of an organised crime group or will help an organised crime group to carry on criminal activities*". In addition, these criminal activities must attract a sentence of at least 7 years for the participation offence to be applicable. This is aimed at capturing various activities, including drug trafficking, human trafficking, fraud and child sexual exploitation.⁶⁰

⁵⁸ Victim Support Northern Ireland, [Response to Justice Bill Call for Views](#) (April 2025), page 10

⁵⁹ Safeguarding Board for Northern Ireland, [Response to Justice Bill](#) (April 2025)

⁶⁰ Home Office, [Serious Crime Act 2015 Fact Sheet: Offence of Participating in Activities of Organised Crime Group](#) (June 2015)

An organised crime group is defined as three or more persons who act (or agree to act) together to further the carrying on of criminal activities. The mental element of the offence is satisfied if it can be shown that the person “*knew or reasonably suspected*” that he or she was engaging in such activities.⁶¹ The 2015 Act states that the participation offence will be triable on indictment only (Crown Court) and subject to a maximum penalty of 5 years’ imprisonment.

In addition, the legislation provides for a defence where a person’s participation in the activities of an organised crime group was “*necessary for the purposes of the prevention or detection of crime*”. This might be relevant in relation to a Police Officer or NCA Officer engaging in activities as part of an investigation into an organised crime group. No specific offence of directing organised crime exists in England and Wales. The offence of conspiracy continues to be widely-used as part of law enforcement investigations into organised crime.

More broadly, the UK Government’s serious and organised crime strategy was most recently revised by the Home Office in 2023.⁶² Separately, there are ongoing legislative developments relevant to organised crime with the Crime and Policing Bill which would provide for an offence of child criminal exploitation across the UK (clause 40-41). In September 2025, the Minister indicated to the Assembly that she is likely to seek further legislative consent (subject to Executive approval) for Westminster to legislate on the child criminal exploitation offence and Child Criminal Exploitation Prevention Orders (clauses 42-55).⁶³

Child criminal exploitation is generally understood as a form of abuse where a child is exploited into taking part in criminal activity, often by organised crime groups. It can be associated with ‘county lines’ drug dealing, where children are

⁶¹ Ibid

⁶² Home Office, [No Place to Hide: Serious and Organised Crime Strategy 2023 to 2028](#) (December 2023)

⁶³ Northern Ireland Assembly, [Memorandum: The Crime and Policing Bill](#) (September 2025). Other provisions of the Bill extended to Northern Ireland are contained in a [Legislative Consent Memorandum](#) from June 2025.

coerced into transporting drugs across the country.⁶⁴ This was referred to in the Jay Review of Criminally Exploited Children, chaired by Professor Alexis Jay, published in March 2024.⁶⁵

Under the provision in the Bill, any adult over the age of 18 would commit an offence should they do anything to a child with the intention to cause the child to engage in any criminal activity. On summary conviction, the penalty would be imprisonment for a maximum term of 6 months or a fine not exceeding the statutory maximum (or both). The maximum penalty on conviction on indictment would be 10 years' imprisonment. The clauses relating to this offence were published following the House of Commons Report Stage in June 2025.⁶⁶ It may be worth exploring any plans for awareness raising in relation to the new offence.

The Bill would also provide for Child Criminal Exploitation Prevention Orders in England and Wales (clauses 42-55). These are civil orders which could be imposed by a court placing prohibitions and requirements on the subject of the order which are aimed at preventing an adult from criminally exploiting children. The Department has indicated to the Justice Committee that these provisions will be extended to Northern Ireland at the House of Lords Committee Stage of the Bill. It may be worth exploring how Child Criminal Exploitation Prevention Orders would be implemented in Northern Ireland.

⁶⁴ Home Office and Ministry of Justice, [Crime and Policing Bill: Child Criminal Exploitation, Cuckooing \(Home Takeover\) and Coerced Internal Concealment Factsheet](#) (July 2025)

⁶⁵ Action for Children, [Jay Review of Criminally Exploited Children](#) (March 2024)

⁶⁶ [Crime and Policing Bill](#) (as brought from the Commons), now clause 40 (previously clause 17 which applied to England and Wales) (June 2025)

3.2 Scotland

The Criminal Justice and Licensing (Scotland) Act 2010 includes a participation offence with Section 28 providing that this relates to a person who “*agrees with at least one other person to become involved in the commission of serious organised crime*”.

Section 28(4) provides that this offence will attract a maximum penalty on indictment of 10 years’ imprisonment, an unlimited fine or both. In summary proceedings the available penalties are a maximum of 12 months’ imprisonment or a fine not exceeding the statutory maximum or both.

Section 29 provides for a statutory aggravation which applies in cases connected with serious organised crime. This relies on proof that the accused was motivated, in whole or in part, by the objective of committing or conspiring to commit serious organised crime. Under these provisions, the court must state and record the aggravation, take it into account when determining the appropriate sentence and explain the rationale for any difference in sentencing.

Section 30 makes it an offence to direct another person to commit a serious offence or an offence aggravated by a connection with serious organised crime. Under this provision the accused must have done something, or a series of things, to direct another person to commit an offence. The accused must have intended that this will persuade that person to commit an offence.

The penalty for the directing offence when tried on indictment is a maximum of 14 years’ imprisonment, a fine or both. On summary conviction, the available penalties are a maximum of 12 months’ imprisonment, a fine not exceeding the statutory maximum or both.

Section 31 of the 2010 Act also provides for failure to report serious organised crime. This places certain categories of individual under a duty to report to the police any knowledge or suspicion of another person’s involvement in serious organised crime. It is an offence for an individual under such a duty to fail to disclose that knowledge or suspicion. This offence applies to people who gain this information in the course of their trade, profession, business or

employment, or as a result of a close personal relationship between them and the alleged offender.

The penalty for failing to report serious organised crime is a maximum of five years' imprisonment, a fine or both in proceedings tried on indictment. A maximum of 12 months' imprisonment or a fine not exceeding the statutory maximum or both is available on summary conviction.

3.3 Republic of Ireland

Section 70 of the Criminal Justice Act 2006 (amended by the Criminal Justice (Amendment) Act 2009) highlights that a "criminal organisation" means a structured group that has as its main purpose or activity the commission or facilitation of a serious offence. This means a group of 3 or more persons which is not randomly formed for the immediate commission of a single offence, and the involvement in which by two or more persons is with a view to their acting in concert.

Section 71A covers the offence of directing a criminal organisation. "Directs" means controls or supervises the activities, gives an order, instruction or guidance, or makes a request, with respect to the carrying on of the activities. An offender is liable on conviction on indictment to imprisonment for life or a lesser term of imprisonment.

Section 72 provides for a participation offence in the Republic of Ireland. This relates to a person who, with knowledge of the existence of a criminal organisation, participates in, or contributes to any activity (whether an offence or not), which enhances the ability of or facilitates a criminal organisation to commit a serious offence. A serious offence is defined as one for which a person may be punished by imprisonment for a term of 4 years or more. This also covers scenarios in which a person is reckless as to whether their behaviour has enhanced or facilitated the commission of a serious offence. The legislation provides a maximum sentence of 15 years' imprisonment on indictment or a fine.

Section 74A provides for serious offences aggravated by a connection to the activities of a criminal organisation. This provides that if a serious offence was

committed as part of, or in furtherance of, the activities of a criminal organisation, the court must impose a greater sentence than would have been imposed in the absence of this (except where the sentence is one of life imprisonment or there are exceptional circumstances).

3.4 Overview of Organised Crime Legislation

Table 1: Comparison of Organised Crime Group Definition, Directing Offence, Participating Offence and other Relevant Offences in England, Scotland and the Republic of Ireland⁶⁷

	England and Wales	Scotland	Republic of Ireland
Organised Crime Group Definition	<p>A group that has as its purpose, or as one of its purposes, the carrying on of criminal activities.</p> <p>Consists of 3 or more persons who act, or agree to act, together to further the carrying on of criminal activities.</p>	<p>Involves 2 or more persons acting together for the principal purpose of committing or conspiring to commit a serious offence or a series of serious offences.</p>	<p>A structured group that has as its main purpose or activity the commission or facilitation of a serious offence.</p> <p>A structured group means a group of 3 or more persons which is not randomly formed for the immediate commission of a single offence, and the involvement in which by two or more persons is with a view to their acting in concert.</p>

⁶⁷ Similar table can be found in Department of Justice, [Consultation on Policy Proposals for New Provisions to Tackle Organised Crime in Northern Ireland](#) (July 2020), Annex B

	England and Wales	Scotland	Republic of Ireland
Directing Offence	N/A	<p>A person commits an offence by directing another person to commit a serious offence.</p> <p>On summary conviction, maximum imprisonment is 12 months, or a fine, or both.</p> <p>On conviction on indictment, maximum imprisonment is 14 years, or a fine, or both.</p>	<p>Directs means controls or supervises the activities, or gives an order, instruction or guidance, or makes a request, with respect to the carrying on of the activities.</p> <p>An offender is liable on conviction on indictment to imprisonment for life.</p>

	England and Wales	Scotland	Republic of Ireland
Participating Offence	<p>A person who participates in the criminal activities of an organised crime group commits an offence. These activities must attract a sentence of at least 7 years for the participation offence to be applicable.</p> <p>An offender is liable on conviction on indictment to maximum imprisonment of 5 years.</p> <p>Provides for a defence where a person's participation was necessary for the purposes of the prevention or detection of crime.</p>	<p>A person who agrees with at least one other person to become involved in serious organised crime. Serious offence means an indictable offence committed with the intention of obtaining a material benefit for any person, or which is an act of violence committed or a threat made with the intention of obtaining such a benefit in the future.</p> <p>A maximum penalty on indictment of 10 years' imprisonment, an unlimited fine or both.</p> <p>In summary proceedings, the available penalties are a maximum of 12 months' imprisonment or a fine not exceeding the statutory maximum or both.</p>	<p>A person who, with knowledge of the existence of a criminal organisation, participates in, or contributes to any activity which enhances the ability of or facilitates a criminal organisation to commit a serious offence. A serious offence is one for which a person may be punished by imprisonment for a term of 4 years or more.</p> <p>A maximum sentence of 15 years' imprisonment on indictment or a fine.</p>

	England and Wales	Scotland	Republic of Ireland
Additional Offences	N/A	<p>Statutory Aggravator</p> <p>Relies on proof that the accused was motivated, in whole or in part, by the objective of committing or conspiring to commit serious organised crime.</p> <p>The court must state and record the aggravation and take it into account when determining the sentence.</p> <p>Failure to Report</p> <p>Certain individuals are under a duty to report to police any knowledge or suspicion of another person's involvement in serious organised crime. Applies to those who gain this information during their trade, profession, business, employment or through a close personal relationship.</p> <p>On summary conviction, maximum imprisonment is 12 months, or a fine, or both. On conviction on indictment, maximum imprisonment is 5 years, or a fine, or both.</p>	<p>Statutory Aggravator</p> <p>In cases where a serious offence was committed as part of, or in furtherance of, the activities of a criminal organisation, the court must impose a greater sentence than would have been imposed in the absence of this (unless the sentence is life imprisonment).</p>

4 Scrutiny Points

- Will the new offences adequately cover ‘organised’ cyber-crime and internet-enabled crimes, particularly given that these must involve three or more people acting or agreeing to act together? Is the legislation sufficiently future proofed to be able to deal with emerging forms of crime involving AI?
- Is the legislation as drafted sufficiently clear in terms of what is meant by the concept of “facilitating” an OCG to “carry on criminal activities” under clause 19A(3)? Would the “reasonable cause to suspect” state of mind threshold result in unwitting individuals being captured under the participation offence? Would legal professionals and/or accountants have to take any further steps to satisfy themselves that their services are not facilitating criminal activities down the line at some point?
- Are existing safeguards sufficient in the event of a vulnerable individual or a group of individuals being coerced into participating in an act of organised crime? Or being forced to do something against their will or agreeing under duress? How will the offences be operationalised by the PSNI, PPS and NCA?
- Given that there were only 15 responses to the public consultation in 2020, is the Department confident that the feedback was representative? Has there been further stakeholder engagement since then to test or refine the proposals, particularly with groups representing vulnerable individuals?
- Has adequate consideration been given to the potential impact of the ‘participating’ offence on children and young people who are being abused or exploited by organised crime gangs? How will Child Criminal Exploitation Prevention Orders be implemented in Northern Ireland? What awareness raising will be undertaken in relation to the child criminal exploitation offence included in the Crime and Policing Bill which will apply across the UK?
- Why have provisions relating to offences aggravated by connection with serious organised crime (detailed in the 2020 consultation) not been included in the amendment to the Justice Bill? Are there any plans to further develop these provisions?
- How will the Department monitor the operation of the new offences?

- Will the offences of ‘directing’ and ‘participating in’ serious organised crime be added to the list of offences which can be referred to the Court of Appeal by the Director of Public Prosecutions where a sentence is considered unduly lenient?