COMPENSATION FOR MISCARRIAGES OF JUSTICE: STATUTORY MAXIMUM AWARDS

SUMMARY OF CONSULTATION RESPONSES

AND

WAY FORWARD

The consultation ran from 22 June 2026 until 17 August 2026

SEPTEMBER 2026

Foreword

This consultation was held following an announcement by the Ministry of Justice on 15 July 2025 that the statutory maximum awards for compensation for miscarriage of justice cases in England and Wales, and in cases involving national security in Northern Ireland were to be increased by 30%. In October 2025, the UK Parliament approved the 30% uplift. The new limits are:

- £1.3million in cases where an individual has spent more than ten years in custody.
- £650,000 in any other case.

The Department of Justice considered that the changes in England and Wales, combined with the passage of time since the caps were set provided an appropriate opportunity to invite public and stakeholder views on whether reform was required in Northern Ireland.

The statutory maximum awards in these cases are prescribed in legislation and have remained at the levels set in 2008.

I would like to thank all those who took the time to respond to the consultation in order to inform this report, which can be seen on the Department of Justice website: Compensation for Miscarriages of Justice: Statutory Maximum Awards- Summary of Consultation Responses And Way Forward | Department of Justice

NAOMI LONG

MINISTER FOR JUSTICE

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Introduction

1. A public consultation on miscarriage of justice statutory maximum awards in Northern Ireland ran from 22 June 2026 until 17 August 2026.

2. The consultation sought views on potential changes to maximum compensation awards payable in miscarriage of justice cases administered by the Department of Justice by 30 %.

3. The Department received seven responses to the consultation. three respondents answered the questions using the online consultation questionnaire; four respondents provided separate written responses.

4. The consultation contained six questions, three linked to the main question of whether statutory maximum awards should increased and three linked to whether the Department in a future mandate should consider other changes to the miscarriage of justice compensation awards.

5. The majority of respondents agreed that the statutory maximum awards should increase in line with changes made in England and Wales. The response section below provides further detail on the responses.

6. A breakdown of the responses to each question is included at **Annex A.**

Consultation Responses

Establishing whether statutory maximum awards should increase

7. This was a consultation with six questions; the main aim was to establish whether miscarriage of justice statutory maximum awards should increase.

8. All respondents disagreed with question one: Do nothing – the statutory maximum limits remain appropriate.

9. Five of the seven respondents agreed with questions two: the overall statutory maximum limits should be aligned with those in England and Wales to maintain consistency and fairness across jurisdictions operating under the same legislative framework. In response to Question 3: what alternative maximum should be considered One anonymous response suggested higher maximum awards of £1million and £3million. One anonymous response suggested the case profile in Northern Ireland might justify a different approach rather than automatic alignment.

10. On questions four whether there was a case in principle to consider a separate statutory maximum for cases involving more than 20 years' in custody, there was broad support amongst six respondents for considering this policy in greater detail. DOF Supply was neutral but noted a change should only be made if robust evidence justifying the change was available. One respondent noted that this should be separated from any changes that could be made sooner.

11. On question five whether the statutory maximum awards should be removed altogether one respondent was in favour of this approach, three respondents did not answer this question and three respondents were not in favour of this approach, noting it removed predictability for budgeting, statutory limits provided an important control mechanism and accountability in the use of public funds.

12. Question six asked whether there were any operational, legal or other considerations that should be taken into account. One respondent noted any changes should be consistent with Managing Public Money Northern Ireland guidance. One respondent suggested all applicants should be eligible for legal aid. One respondent suggested there should be no time limit for seeking compensation nor any limit on compensation available. Other observations included making the process as simple as possible, allowing applications to select their own solicitor, providing clear guidance and ensure the process was quick.

Level of Change

13. Regarding the level of increase, the consultation proposed option 2: Increase statutory maximum limits from £1million to £1.3 million in cases where an applicant had spent more than ten years in custody and from £500,000 to £650,000 in any other case.

14. Five respondents agreed with this proposal, one respondent suggested higher statutory maximum limits and one neither agreed nor disagreed with the limits but suggested further investigation on Northern Ireland's specific case profile should be conducted before making a final decision on amounts.

Additional comments/suggestions

15 The consultation also gave respondents the opportunity to include any other relevant comments or suggestions at question six. The following suggestions were made:

- **Simple, accessible and timely process (3 respondents)**: Calls for a straightforward compensation process, clear guidance, prompt decision-making and regular communication with applicants.
- **Legal aid and legal representation (2 respondents)**: Suggested automatic access to legal aid, coverage of legal costs and the ability for applicants to choose their own solicitor.
- **Public confidence and transparency (3 respondents)**: Emphasised the need for a fair, transparent scheme that maintains confidence in the justice system and avoids perceptions of unequal treatment.
- **Financial stewardship/value for money (2 respondents)**: Highlighted the need to balance fair redress with responsible management of public finances and compliance with Managing Public Money NI principles.

- **Equality and rural impacts (1 respondent)**: Raised the need to consider impacts on people with protected characteristics and those living in rural areas.
- **Regular review mechanism (1 respondent)**: Suggested periodic reviews, linked to inflation or earnings, to keep compensation levels up to date.
- **Remove restrictions (1 respondent)**: Argued for no time limits on claims and no cap on compensation awards.

Rural/Equality Impact

15. One respondent commented in this section noting that individuals from rural communities may face additional challenges following a miscarriage of justice including barriers to employment, access to services and social reintegration. They noted it was important that the broader impacts of wrongful conviction, including those experienced in rural contexts, are recognised within compensation assessments.

Decisions

16. The Minister agrees with the majority view that an increase in the statutory maximum limits is needed.

17. The Minister believes a balanced and measured approach based on the consultation responses is to increase fees by 30% to maintain parity with England and Wales.

18. The Minister approves amending section 133A of the Criminal Justice Act 1998.

Next Steps/Way Forward

19. The Department will arrange to amend section 133A of the Criminal Justice Act 1988 to give effect to the Minister's decision to increase statutory maximum limits by 30%:

20. The Department will consider in detail questions four to six in the next mandate.

Summary Table of Responses

Question 1: Do you consider that the current Northern Ireland statutory maximum limits (£500,000 and £1,000,000) remain appropriate? If not, why not?	Total	Percent
Received	7	100
Answered	7	100
Not Answered	0	0

Question 2: Do you agree that Northern Ireland should align its overall statutory maximum limits with those now in England & Wales (£650,000 and £1,300,000 - a 30% uplift)? Please explain your reasons.	Total	Percent
Received	7	100
Answered	7	100
Not Answered	0	0

Question 3: If you do not agree that Northern Ireland should align with England & Wales, what alternative maximums (if any) would you propose for the statutory awards, any why?	Total	Percent
Received	7	100
Answered	3	42.9

Not Answered	**4**	**57.1**

Question 4: **Do you consider that there is a case, in principle, for a separate statutory maximum limit for cases involving more than 20 years' custody in Northern Ireland, recognising that this would require primary legislation and could not be introduced quickly? Please explain your reasoning.**	**Total**	**Percent**
Received	**7**	**100**
Answered	**6**	**85.7**
Not Answered	**1**	**14.3**

Question 5: **Do you consider that there is a case, in principle, for removing statutory maximum limits entirely in Northern Ireland, recognising that this would require primary legislation? Please explain your reasoning.**	**Total**	**Percent**
Received	**7**	**100**
Answered	**6**	**85.7**
Not Answered	**1**	**14.3**

Question 6: **Are there any operational, legal or other considerations (for example, in relation applications, legal costs, or public confidence) that the Department should take into account in developing any future proposals?**	**Total**	**Percent**
Received	**7**	**100**
Answered	**6**	**85.7**
N/A	**1**	**14.3**

Conclusion (not requested):	Total	Percent
Received	**3**	