Northern Ireland Office

SECTION 75

EQUALITY SCREENING FORM

Version: July 2022

INFORMATION ABOUT THE POLICY

Name of the policy	Non-jury trial Provisions under the Justice and Security (Northern Ireland) Act 2007 (referred to as the 2007 Act hereon in)
Is this an existing, revised or new policy?	Existing Policy
What is it trying to achieve (intended aims/outcomes)?	The system of non-jury trial (NJT) for exceptional cases was legislated for in the 2007 Act because it was considered necessary to address paramilitary- and community-based pressures on jurors that create a risk to the administration of justice. These risks were considered more significant in Northern Ireland than elsewhere in the UK. The intended outcomes of the policy are to prevent juror intimidation and consequent perverse acquittals; to uphold the fair and effective administration of justice, including upholding the individual's right to a fair trial. The 2007 Act provides for trial without jury on indictment in specified circumstances, when the Director of Public Prosecutions (DPP) in Northern Ireland suspects that statutory conditions are met and is satisfied that there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury. The NJT provisions are temporary and were last extended by Order of UK Parliament for a two year period in July 2025. The provisions will expire on 31 July 2027 unless they are extended by Order for a further period of two years. The Northern Ireland Office will launch a full public consultation seeking views on whether a further extension of the provisions is seen as necessary. The Secretary of State is due to consider responses to this consultation following its conclusion in February 2027. The Secretary of State's decision will be either to extend the provisions or allow them to lapse and the outcome of this

	screening will be presented with the consultation responses.
Are there any s75 categories which might be expected to benefit from the intended policy? If so, explain how.	Those with different religious beliefs and political opinions could benefit from reduced risk of intimidation, threats, and bias during court proceedings.
Who initiated or wrote the policy?	In 2007, the Secretary of State for Northern Ireland initiated the legislation for NJT provisions in the 2007 Act. The provisions expire after 2 years but may be extended for a further 2 years by order and have been so extended since 2009; if extended again, this would be the tenth extension of the provisions in the 2007 Act.
Who owns and who implements the policy?	The Secretary of State for Northern Ireland and the Northern Ireland Office (NIO) are responsible for the policy. As referred to above, the DPP is responsible by virtue of the 2007 Act for deciding when to issue an NJT certificate in any one case.

IMPLEMENTATION FACTORS

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?	Yes
If yes, are they: - financial - legislative - other (please specify)	Prior to the extension of the provisions in 2017, the PSNI indicated that other measures necessary to protect a jury if the 2007 Act provisions were to lapse would require significant additional expenditure.

MAIN STAKEHOLDERS AFFECTED

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? - staff - service users - other public sector organisations - voluntary/community/trade unions - other (please specify)	● Defendants standing trial for indictable offences in Northern Ireland ● Alleged victims of defendants ● Jurors ● Public Prosecution Service for Northern Ireland (PPS) ● The Police Service of Northern Ireland (PSNI)

	• NI Courts and Tribunals Service (NICTS) • Department of Justice (DoJ) • Crown Solicitor's Office (CSO)

OTHER POLICIES WITH A BEARING ON THIS POLICY

What are they?	The Criminal Justice Act 2003, which applies across England & Wales and Northern Ireland, provides (in very limited circumstances) for trials to be heard without a jury. However, the threshold for the use of these provisions is set much higher than the current system under the 2007 Act in Northern Ireland.
Who owns them?	Ministry of Justice

AVAILABLE EVIDENCE

1.5. Evidence to help inform the screening process may take many forms. Please ensure that your screening decision is informed by relevant data.

What evidence / information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the s75 categories.

Context
NIO has requested statistical information from the NI Courts and Tribunals Service (NICTS) and the Public Prosecution service (PPS) for defendants dealt with under the NJT provisions, in relation to the Section 75 categories. Both NICTS and PPS indicated that they only hold data on age and gender. Recent figures on both categories from 2023 have been considered below.

The NIO has also collated aggregated statistics on the usage of NJT provisions in Northern Ireland in order to inform the consultees. This information includes numbers of NJT Certificates issued between 2007 and 2025 and data on the number of individuals tried under the NJT provisions in Crown Courts as a proportion of all trials. This data indicates that NJTs account for a very small proportion of the overall number of Crown Court trials in Northern Ireland. Therefore, the sample size for reliable statistical analysis is limited. In 2025, NJTs accounted for 0.8% of all Crown Court cases dealt with in Northern Ireland. Publishing (and potentially collecting) information on defendants' political opinion and religious belief, in the context of the small numbers of defendants per year, would necessitate careful consideration of an individual's data protection and ECHR Article 8 rights (right to respect private and family life).

Section 75 category	Details of evidence/information
Religious belief	No data
Political opinion	NJT provisions continue to be sought (and are of significance) in dissident republican and loyalist paramilitary linked cases.
Racial group	No data
Age	At the request of the NIO, NICTS provided age breakdown statistics for defendants received in the Crown Court under the NJT provisions in 2023. These statistics are based on the defendant's age at the point of Committal into the Crown Court. ● Under 18 years - 0 defendants ● 18-29 years - 2 defendants ● 30-44 years - 12 defendants ● 45-59 years - 9 defendants ● 60+ years - 1 defendant No single age category was disproportionately affected over this one-year period.
Marital status	No data
Sexual orientation	No data
Men and women generally	At the request of NIO, NICTS provided gender breakdown statistics for defendants received in the Crown Court under the NJT provisions from 2023: Male = 29 Defendants Female = 0 Defendants While it was exclusively males received in the Crown court under NJT provisions in 2023, this is in line with wider criminal justice trends wherein males are more likely to be involved in criminality. For example, for the same reporting period, the proportion of men and women received in the Crown Court for non-scheduled offences was 88% men to 12% women.
Disability	No data
Dependants	No data

NEEDS, EXPERIENCES AND PRIORITIES

1.6. Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the s75 categories.

Context
NJT is an exceptional system used in very limited circumstances; the decision for holding a NJT is made on a case-by-case basis taking into account the circumstances of both the offence and the defendant. Although NJTs can take place in respect of any indictable offence (as long as the statutory test is met), there is a high prevalence of jury trials in the vast majority of criminal cases and for the vast majority of defendants in Northern Ireland.

From the evidence available, the policy does not disproportionately affect upon any one Section 75 category (nor is it designed to given the range of proscribed organisations that may be considered as part of the DPP's decision) and there are strict criteria in place to ensure that a certificate for NJT is only issued where there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury and one or more of four conditions apply. The four conditions relate to connections between the offence or the defendant with proscribed organisations; or connections between the offence and religious or political hostility.

The policy therefore allows for the fair and effective administration of justice in those types of cases, safeguarding defendants, victims and jurors from intimidation that might otherwise take place if there was a trial by jury.

Section 75 category	Details of needs/experiences/priorities
Religious belief	None
Political opinion	None
Racial group	None
Age	None
Marital status	None

Sexual orientation	None
Men and women generally	None
Disability	None
Dependants	None

PART 2 – SCREENING QUESTIONS

INTRODUCTION

2.1. In making a decision as to whether or not there is a need to carry out an EQIA, please give consideration to your answers to the questions 1-4 which are given on pages 66-68 of the Equality Commission's "A Guide for Public Authorities".

2.2. If your conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, you may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, you should give details of the reasons for the decision taken.

2.3. If your conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

2.4. If your conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- take measures to mitigate the adverse impact; or
- introduce an alternative policy to better promote equality of opportunity and/or good relations.

IN FAVOUR OF A 'MAJOR' IMPACT

a. The policy is significant in terms of its strategic importance;
b. Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
c. Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
d. Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
e. The policy is likely to be challenged by way of judicial review;
f. The policy is significant in terms of expenditure.

IN FAVOUR OF 'MINOR' IMPACT

a. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
b. The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
c. Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
d. By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

IN FAVOUR OF NONE

a. The policy has no relevance to equality of opportunity or good relations.
b. The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

2.5. Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

SCREENING QUESTIONS

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)

Section 75 category	Details of policy impact	Level of impact? minor/major/none
Religious belief	A certificate for an NJT is only issued where there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury and one or more of four conditions apply; the four conditions relate to connections between the offence or the defendant with proscribed organisations; or connections between the offence and religious or political hostility. The policy therefore allows for the fair and effective administration of justice in those types of cases, safeguarding defendants, victims and jurors from intimidation that might otherwise take place if there was a trial by jury. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible; the policy can in fact have a positive impact on equality/human rights in terms of preventing jurors being subject to intimidation and threats based on their perceived religious identity and in terms of preventing a defendant being subject to bias from jurors who hold different religious beliefs. Indeed, condition four within the DPP's statutory test relates to whether the offence itself was committed as a result of, or in connection with, religious or political hostility. Recent figures released on this have indicated between 2007-2025, the DPP has suspected that this condition has been met in 51% of all NJT cases. The provisions therefore can serve an important protective function, safeguarding the defendants, witnesses and jurors against any potential discrimination related to religious belief.	Minor

	When the provisions were last extended in July 2025, the policy was judged by the UK Parliament to be necessary, proportionate and valid in the context of Northern Ireland.	
Political opinion	Further to the above, which is applicable here too, the list of proscribed organisations which can form part of the DPP's consideration for issuing a certificate for an NJT encompasses a range of groups with differing political views: ● Continuity Army Council ● Cumann na mBan ● Fianna na hEireann ● Irish National Liberation Army ● Irish People's Liberation Organisation ● Irish Republican Army ● Loyalist Volunteer Force ● Red Hand Commando ● Red Hand Defenders ● Saor Eire ● Ulster Defence Association ● Ulster Freedom Fighters ● Ulster Volunteer Force ● Orange Volunteers NJTs are not limited to one specific type of offence or to a single category of political affiliation or background. The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible; the policy can in fact have a positive impact on equality/human rights in terms of preventing jurors being subject to intimidation and threats based on their perceived political affiliation, and in terms of preventing a defendant being subject to bias from jurors who hold different political affiliations. Three out of four of the conditions contained within the DPP's statutory test relate to the extent to which the defendant is involved (or has been involved) with a proscribed organisation, as well as the extent to which a proscribed organisation has been involved with the case.	Minor

	When the provisions were extended in 2023, the policy was judged by the UK Parliament to be necessary, proportionate and valid in the context of Northern Ireland.	
Racial group	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None
Age	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None
Marital status	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None
Sexual orientation	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None
Men and women generally	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category. While statistics show that defendants subject to NJT provisions are predominantly male (100% in 2023), this is a reflection of the demographic profile of individuals charged with qualifying serious offences in Northern Ireland, rather than an adverse impact created by the policy itself.	None
Disability	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None

Dependants	The policy has been assessed by the policy team as having no bearing on equality of opportunity or good relations for people within this category.	None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?

Section 75 category	If Yes, provide details	If No, provide reasons
Religious belief		Publishing (and potentially collecting) information on defendants' religious belief, in the context of the extremely small numbers of defendants per year, would necessitate careful consideration of an individual's data protection and ECHR Article 8 rights (right to respect private and family life).
Political opinion		Publishing (and potentially collecting) information on defendants' political opinion, in the context of the extremely small numbers of defendants per year, would necessitate careful consideration of an individual's data protection and ECHR Article 8 rights (right to respect private and family life).
Racial group		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.
Age		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.
Marital status		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.
Sexual orientation		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or

		disproportionately affected by the policy.
Men and women generally		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.
Disability		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.
Dependants		There is no evidence to suggest that there is any potential for this Section 75 group to be adversely or disproportionately affected by the policy.

3. To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)

Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible. The policy is designed to address any paramilitary-based community pressures on jurors that would create a risk to the administration of justice. So in cases where these risks are present, the policy may reduce negative impact on good relations arising out of the trial.	Minor
Political opinion	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible. The policy is designed to address any paramilitary-based community pressures on jurors that would create a risk to the administration of justice. So in cases where these risks are present, the policy may reduce negative impact on good relations arising out of the trial.	Minor
Racial group	The policy is not unlawfully discriminatory and any residual potential impacts on good relations are judged to be negligible.	None

4. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Good relations category	If Yes, provide details	If No, provide reasons
Religious belief		The decision on whether there should be a NJT in any given case is taken by the independent DPP on the basis of the statutory tests. Decisions are taken in a very small number of cases. There is no opportunity to promote good relations within the context of this scheme.

Political opinion		The decision on whether there should be a NJT in any given case is taken by the independent DPP on the basis of the statutory tests. Decisions are taken in a very small number of cases. There is no opportunity to promote good relations within the context of this scheme.
Racial group		The decision on whether there should be a NJT in any given case is taken by the independent DPP on the basis of the statutory tests. Decisions are taken in a very small number of cases. There is no opportunity to promote good relations within the context of this scheme.

ADDITIONAL CONSIDERATIONS

Multiple identity
Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities? (*For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).*

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible. There is no additional impact on people with multiple identities.

PART 3 – SCREENING DECISION

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The level of impact is judged to be **Minor** in two Section 75 Categories, and **None** in the remaining seven Section 75 Categories. Therefore the decision is to **screen out** this policy from requiring an equality impact assessment.

If the decision is not to conduct an equality impact assessment, you should consider if the policy should be mitigated or an alternative policy be introduced.

NIO officials have been engaging with relevant stakeholders in Northern Ireland to consider how to improve the monitoring of the NJT system's potential impact on equality. If in practice it also becomes apparent that one group is impacted more than another, there is an opportunity to introduce practical measures to take account of equality; including equality training / training on unconscious bias in the decision making role that the PPS has in the process.

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

The decision is to not subject this policy to an equality impact assessment.

3.1. All public authorities' equality schemes must state the arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Equality Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in the Equality Commission publication: "Practical Guidance on Equality Impact Assessment".

MITIGATION

3.2. If you have concluded that the likely impact is 'minor' and an equality impact assessment is not to be conducted, you may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?
No

If so, give the reasons to support your decision, together with the proposed changes/amendments or alternative policy.

N/A

TIMETABLING AND PRIORITISING

3.3. If the policy has been **'screened in'** for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion	Rating (1-3)
Effect on equality of opportunity and good relations	
Social need	
Effect on people's daily lives	
Relevance to the NIO's functions	
Total rating score (total of 12)	

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist you in timetabling. Details of the NIO's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities?

N/A (not screened in)

If yes, please provide details.

N/A (not screened in)

PART 4 – MONITORING

4.1. The NIO should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

4.2. The Equality Commission recommends that where the policy has been amended or an alternative policy introduced, you should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

4.3. Effective monitoring will help you identify any future adverse impact arising from the policy which may lead you to conduct an equality impact assessment, as well as help with future planning and policy development.

PART 5 - APPROVAL AND AUTHORISATION

Screened by:	SPG Policy Adviser
Grade/Branch/Group:	SEO/National Security Policy Team/Security & Protection Group
Date:	26/08/2026
Approved by Deputy Director:	Security & Protection Group Deputy Director
Date:	18/09/2026

Note: A copy of the Screening Template for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy and made available on request.

Any screening forms completed within the Department will be published on a six monthly basis in line with our Departmental Equality Policy monitoring arrangements. Such information will be collated and published by the Corporate Governance Team.

ANNEX A – MAIN GROUPS IDENTIFIED AS RELEVANT TO THE SECTION 75 CATEGORIES

Category	Example Groups
Religious Belief	Buddhist; Catholic; Hindu; Jewish; Muslims; people of no religious belief; Protestants; Sikh; other faiths. For the purposes of Section 75, the term "religious belief" is the same definition as that used in the *Fair Employment & Treatment (NI) Order.* Therefore, "religious belief" also includes any *perceived* religious belief (or perceived lack of belief) and, in employment situations only, it also covers any *"similar philosophical belief".*
Political Opinion	Nationalists generally; Unionists generally; members/supporters of other political parties.
Racial Group	Black people; Chinese; Indians; Pakistanis; people of mixed ethnic background; Polish; Roma; Travellers; White people.
Men and women generally	Men (including boys); Trans-gendered people; Transsexual people; Women (including girls).
Marital Status	Civil partners or people in civil partnerships; divorced people; married people; separated people; single people; widowed people.
Age	Children and young people; older people.
Persons with a disability	Persons with disabilities as defined by the Disability Discrimination Act 1995.
Persons with dependants	Persons with personal responsibility for the care of a child; care of a person with disability; or the care of a dependant older person.
Sexual orientation	Bisexual people; heterosexual people; gay or lesbian people.

ANNEX B – SCREENING FLOWCHART

