



Press Summary

25 February 2026

Boyd (Respondent) v Public Prosecution Service for Northern Ireland (Appellant)

[2026] UKSC 7

On appeal from: [2024] NICA 48

Justices: Lord Lloyd-Jones, Lord Burrows, Lord Stephens, Lady Simler and Sir Declan Morgan

Background to the Appeal

This appeal addresses the circumstances in which a District Judge in Magistrates' Courts in Northern Ireland may reopen a case in which sentence has been passed in order to impose a different outcome.

The power is found in article 158A of the Magistrates' Courts (Northern Ireland) Order 1981 ("**1981 Order**"). An identical provision is set out in Section 142 of the Magistrates' Courts Act 1980 ("**1980 Act**"), so the outcome is also relevant in England and Wales. Also relevant is article 14 of the Criminal Justice (Northern Ireland) Order 1994 ("**1994 Order**"), which provides for compensation orders on conviction.

On 28 June 2021, the respondent pleaded guilty to charges including criminal damage which was to a home. By the sentencing hearing on 10 August 2021, the appellant had not received a repair fee estimate or invoice from the homeowner. The District Judge imposed a probation order and a restraining order.

Some one and a half years later, on 6 April 2023, the prosecution applied pursuant to article 158A of the 1981 Order for the sentence be varied to include a compensation order. The District Judge granted this application on 31 August 2023.

The respondent challenged this. On 20 March 2024, the District Judge sought determination of two points of law. First, whether article 158A empowers the Magistrates' Court to vary a sentence by imposing a compensation order in circumstances where a compensation order was not previously imposed. Second, whether the purpose for which the District Judge purported to exercise the power under article 158A was a lawful purpose, given the terms on which the power is conferred by article 158A.

The District Judge had found there had been a series of mistakes, including failures by the prosecution to secure the information necessary to impose a compensation order and to apply

for an adjournment order to get such information, and a failure by the court to adjourn the application for that information to be obtained. Despite the passage of time, the District Judge concluded that in light of the extent of the damage and the financial loss incurred by the homeowner, of which the offender was aware, the balance favoured making the order.

Having been referred the two points of law by the District Judge, the Court of Appeal quashed the variation order made by the District Judge. McCloskey LJ (Horner LJ agreeing) held as to the first question of law that the meaning of the words “sentence or other order” in article 158A required consideration of each component of the sentence or orders made and determination of whether what was proposed was a variation of that component. Inevitably that ruled out any utilisation of article 158A if some feature had been omitted in error. A compensation order could not be a variation of a probation order or a restraining order within that meaning. The District Judge therefore erred in law.

The Court of Appeal further held that the purpose of the 1981 Order was to correct mistakes in limited circumstances to avoid the need for additional proceedings. The court’s decision not to adjourn the proceedings was not a mistake within the meaning of article 158A just because it might have been better or more prudent to do so. This was sufficient to dispose of the appeal.

The appellant appeals to the Supreme Court.

Judgment

The Supreme Court unanimously dismisses the appeal. Lord Stephens and Sir Declan Morgan give the judgment, with which Lord Lloyd-Jones, Lord Burrows, and Lady Simler agree. It holds that the variation order should remain quashed.

Reasons for the Judgment

Before the Court of Appeal, the respondent had argued that the application was unlawful due to the passage of time. Before the Supreme Court, the appellant conceded this point on the basis that it was not in the interests of justice to pursue the matter having regard to the period which had elapsed. The appellant accordingly accepted that there should be no interference with the order of the Court of Appeal quashing the order made by the District Judge [13-14, 22].

This concession was properly made. The common law principle that a sentence was effective from the date on which it was pronounced has long been recognised by the courts. The statutory history up to 1995 provided for a limited time in which the common law principle might be departed from and sentences reconsidered in limited circumstances. Article 158A of the 1981 Order, and the amendment to section 142 of the 1980 Act, then replaced provision for a time limit with an interests of justice test. That test did not undermine the legal policy that departure from the general rule could only be made if there was expedition, particularly where an increase in the penalty was proposed [15-20]. The periods elapsed in this case were far beyond those that could be permitted in the interests of justice. The application was made 19 months after the original sentence and the variation after more than 2 years, at a time when the probation order and restraining order were no longer in force [21].

In light of the appellant’s concession and agreement that the quashing order should not be disturbed, there is no longer a live issue between the parties. In this case it is appropriate to exercise the discretion to nevertheless hear a case involving a public authority as to an issue of public law. Article 158A is regularly used and the dispute between the parties about how it operates does not depend on the facts of the case [24-25].

As to the first question of law, normal principles of statutory interpretation are engaged. Previous authorities are in agreement that the main purpose of article 158A is to deal with the waste of time, energy, and resources in correcting clear mistakes made in Magistrates’ Courts

by using appellate or review proceedings. The provision is available even if the error was by the prosecution [27-32].

The Court of Appeal's approach to the exercise of article 158A was unduly narrow. First, the reference to "sentence or other order" in the provision is clearly a reference to the entire sentencing package. Second, the primary purpose of article 158A is to provide a mechanism for the correction of mistakes that can be conveniently rectified in the Magistrates' Court thereby avoiding further proceedings by way of appeal or judicial review. This purpose is not achieved by narrowing the nature of mistakes that can be addressed. The interests of justice test provides an appropriate safety net against misuse. Third, the range of sentencing options has become more diverse. With these provisions come obligations to impose diverse orders. There is no basis for concluding that the statutory purpose of article 158A would be served by not allowing the power to be used where there had been an omission to consider some such power. The power must include the power to vary by addition. Fourth, a restriction on the use of the power to vary can give rise to absurdity [26, 33-36].

The Court of Appeal was right to consider that the orders made by the District Judge, including the compensation order, were individual elements of the sentence but wrong to confine the power to vary those individual elements and wrong to conclude that errors made as a result of prosecution mistakes were outside the scope of article 158A [37].

In addition to the mistakes found by the District Judge, there was a failure by the District Judge to address the requirements of article 14(1) of the 1994 Order since this was a case where the court was entitled to make an order in respect of the criminal damage [9].

For the reasons given, the variation order should remain quashed [38].

References in square brackets are to paragraphs in the judgment.

NOTE:

This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: [Decided cases - The Supreme Court](#)