



## 2015 CHAPTER 9

### PART 4

#### VICTIMS AND WITNESSES

##### *Victim statements*

##### **Persons to be afforded opportunity to make victim statement**

**33.—**(1) A natural person against whom an offence has been committed or is alleged to have been committed (“the victim”) is to be afforded an opportunity to make a statement under this section.

(2) If (whether as a result of the offence or not)—

- (a) the physical or mental state of the victim is such that it is unreasonable to expect the victim to act on his or her own behalf, or
- (b) the victim has died,

a member of the family of the victim is to be afforded an opportunity to make a statement under this section.

(3) If the victim is under the age of 18, a parent of the victim is to be afforded an opportunity to make a statement under this section in addition to the victim.

(4) Where subsection (2)(a) or (3) applies such other person as may be determined under or in accordance with regulations may, in prescribed circumstances, be afforded the opportunity to make a statement under this section (in addition to or instead of any person entitled to be afforded that opportunity under that subsection).

(5) Where subsection (2)(b) applies such other person as may be determined under or in accordance with regulations may, in prescribed circumstances, be

afforded the opportunity to make a statement under this section (in addition to or instead of any person entitled to be afforded that opportunity under that subsection).

(6) The opportunity to make a statement under this section is to be afforded—

- (a) by the prescribed body or person; and
- (b) at such time and in such manner as may be prescribed.

(7) Nothing in this section or regulations under this section requires an opportunity to be afforded where in all the circumstances of the case it is impracticable for the prescribed body or person to do so.

(8) A statement under this section—

- (a) is to be made in writing;
- (b) is referred to in this Part as a victim statement;
- (c) if made by a person under subsection (1), (2)(b) or (5), is a statement as to the way in which, and degree to which, the offence or alleged offence has affected and continues to affect, the person making the statement and members of the victim's family;
- (d) if made by a person under subsection (2)(a), (3) or (4), is a statement as to the way in which, and degree to which, the offence or alleged offence has affected and continues to affect, the victim. and members of the victim's family.

(9) Regulations may provide that, except in prescribed cases or circumstances, paragraphs (c) and (d) of subsection (8) are to have effect with the omission of the words “and members of the victim's family”.

(10) The provisions of the Victim Charter referred to in section 29(6)(a) apply for the purposes of subsections (2) and (8)(c) and (d) as they apply for the purposes of subsection (3) of section 29.

(11) In this section—

“parent”, in relation to a child, includes a person who has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995);

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department.

### **Supplementary statement**

**34.—**(1) The Department may by regulations make provision for a person who has made a victim statement in relation to an offence to be afforded on request an opportunity to make a statement supplementary to, or in amplification of, the victim statement.

(2) The regulations may in particular make provision as to the time at which, manner in which and person or body by which that opportunity is to be afforded; but the regulations may not require an opportunity to be afforded where in all the circumstances of the case it is impracticable to do so.

(3) References in section 35 to a victim statement include references to any statement made under this section in relation to that statement.

### **Use of victim statement**

**35.—**(1) The Department may by regulations make provision in relation to the provision of a copy of any victim statement made in respect of an offence to the defence and the court.

(2) Where a person is convicted of an offence by or before a court, the court must in determining the sentence in respect of the offence have regard to so much of any victim statement provided to it in accordance with regulations under subsection (1) as it considers to be relevant to that offence.