

2003 No. 293

CRIMINAL JUSTICE

**The Prisoner Release Victim Information (Northern Ireland)
Scheme 2003**

<i>Made</i> - - - - -	<i>5th June 2003</i>
<i>Laid before Parliament</i>	<i>9th June 2003</i>
<i>Coming into operation</i>	<i>1st July 2003</i>

The Secretary of State in exercise of the powers conferred by section 68 of the Justice (Northern Ireland) Act 2002^(a) hereby makes the following scheme:

Citation and commencement

1. This scheme may be cited as the Prisoner Release Victim Information (Northern Ireland) Scheme 2003 and shall come into operation on 1st July 2003.

Application of scheme

2.—(1) The following persons, not being the actual victim of an offence, are to be regarded as the victim of that offence for the purposes of this scheme instead of the actual victim:

- (a) if the actual victim has died, a close family member; and
- (b) if the actual victim is a vulnerable person, a close family member or legal guardian.

(2) In particular circumstances in which the Secretary of State considers it appropriate, a person other than the actual victim of an offence is to be regarded for the purposes of this scheme as a victim of the offence (instead of the actual victim).

(3) References to the victim of an offence in this scheme shall be construed in accordance with paragraphs (1) and (2).

(4) In paragraph (1) “a close family member” means one of the following persons:

- (a) the actual victim’s spouse;
- (b) a person with whom the actual victim is living, or as the case may be lived, as the actual victim’s spouse;
- (c) the actual victim’s parent;
- (d) the actual victim’s adult child;
- (e) the actual victim’s sibling;
- (f) the actual victim’s grandparent

(5) In paragraph (1) “a vulnerable person” means a person under the age of eighteen or a person whose physical or mental state is such that the Secretary of State considers that it is reasonable in all the circumstances for a person listed in paragraph (1)(b) to receive the information instead.

^(a) 2002 c. 26

Notification by victim

3. A victim must indicate that he wishes to receive information under this scheme by applying in writing to the Secretary of State with the information specified in the Schedule to the scheme.

Information to be made available and timing

4.—(1) The victim of an offence shall be entitled to receive under this scheme the information specified in the following paragraphs in relation to a relevant imprisoned offender.

(2) The information, in relation to the temporary release of a relevant imprisoned offender, is –

- (a) the month and year when he will be eligible to be considered for temporary release;
- (b) that his temporary release is being considered;
- (c) any decision taken in relation to his temporary release, either in response to an application by the prisoner or otherwise; and
- (d) if he is granted early release, any conditions imposed on that temporary release.

(3) The information in relation to the discharge of a relevant imprisoned offender, is –

- (a) the month and year in which it is anticipated that he will be discharged;
- (b) any licence conditions or probation conditions, or any other conditions imposed under legislation relating to sex offenders, that it is known will be imposed on discharge; and
- (c) if he is returned to custody as a result of a breach of any of the conditions referred to in paragraph (b), the fact that this has occurred.

(4) The information in relation to the discharge of a relevant imprisoned offender sentenced to life imprisonment or detention at the Secretary of State's pleasure, is –

- (a) the minimum period which he must serve in custody before he can be considered for discharge as set under article 5, 10 or 11 of the Life Sentences (Northern Ireland) Order 2001(a); and
- (b) if his charge is being considered, that fact;
- (c) that he has been discharged;
- (d) any license conditions, or other conditions imposed under legislation relating to sex offenders, that is known will be imposed on discharge; and
- (e) if he is returned to custody as a result of the revocation of his licence or a breach of any of the conditions referred to in paragraph (d), the fact that this has occurred.

(5) "A relevant imprisoned offender", in relation to a victim of an offence, means an imprisoned offender serving a sentence or sentences of imprisonment in whole or part in respect of the commission of that offence.

(6)(a) Subject to sub-paragraph (b), the victim will be provided with the information to be provided under this Article within a reasonable time of the application for information being made or, if later, of the information being available.

(b) The information referred to in Article 4(2)(a) and (b) will be provided to the victim before temporary release is considered where it is reasonably practicable to do so.

Grounds for refusal to release information

5.—(1) The following circumstances are specified for the purposes of section 68(8)(c) of the Justice (Northern Ireland) Act 2002 (circumstances in which the Secretary of State is not required to make information available under the scheme).

(2) The circumstances are that –

- (a) it appears to the Secretary of State that to make the information available under this scheme –
 - (i) would be punishable as a contempt of court;

(a) S.I. 2001/2564 (N.I. 2)

- (ii) would be contrary to any enactment; or
- (iii) would constitute an unwarranted interference with the rights of the imprisoned offender;
- (b) the actual victim of the offence is not a natural person;
- (c) the imprisoned offender was convicted of the offence of which the person is the victim before the coming into operation of this scheme and he has less than three months left to serve;
- (d) the imprisoned offender was sentenced to a term of imprisonment of less than 6 months; or
- (e) the Secretary of State has received an application for information under this scheme from a person acting instead of the actual victim under Article 3 and he has accepted that application, and that a subsequent application is made under Article 3 in relation to the same actual victim.

Northern Ireland Office
5th June 2003

Des Browne
Parliamentary Under-Secretary of State

SCHEDULE 1

Article 3

The information to be provided by the victim is as follows –

1. The name, full address and date of birth of the actual victim.
2. Details of the offence.
3. The nature of the information being sought, that is to say either final release information, temporary release information, or both.
4. The name, organisation, full address and relationship to the actual victim of a person seeking to act as the representative of the actual victim (where applicable).
5. In the case of an application under Article 2(2), confirmation signed by the actual victim that he consents to the representative acting on his behalf, together with any other relevant information in support of the application.

EXPLANATORY NOTE

(This note is not part of the scheme.)

This scheme is made under section 68 of the Justice (Northern Ireland) Act 2002 (“the 2002 Act”). The purpose of the scheme is to put in place a mechanism whereby if a crime results in the imprisonment of an offender the victim of that crime should have access to information about the temporary release and discharge of the offender. The scheme does not apply to a person detained in a juvenile justice centre or a young offenders centre except as provided for in section 70(1) of the Justice (Northern Ireland) Act 2002.

The information provided for in the scheme can be supplied to a person who is not the actual victim (instead of to the actual victim) in the circumstances provided for in Article 2. These are (a) where the actual victim has died, (b) where the actual victim is a vulnerable person (as defined in Article 2(5)) or (c) where in particular circumstances the Secretary of State considers it appropriate. Article 3 requires a victim who wishes to receive information under the scheme to apply in writing and provide the information set out in the Schedule to the scheme. Article 4 sets out the information that will be made available under the scheme and provides for this to be supplied within a reasonable time of the application for information being made, or, if later, of the information being available. The Secretary of State may refuse to provide information under the scheme as set out in section 68(8) of the 2002 Act and Article 5 of the scheme. Under Article 5 the Secretary of State is not required to supply information in particular if at the time of the scheme comes into operation the offender has less than three months left to serve, or if the offender was sentenced to a term of imprisonment of less than six months.

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