

EXPLANATORY MEMORANDUM TO

The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015

S.R. 2015 No. 330

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 36 of, and paragraph 6(1) of Schedule 3 to, the Justice Act (Northern Ireland) 2015 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will prescribe Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children for the purpose of enabling relevant information about victims and witnesses of crime to be disclosed. The information will be disclosed to Victim Support Northern Ireland by the police and to Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children by the Public Prosecution Service. The purpose is to ensure that victims and witnesses of crime are provided with information, at the appropriate time, about available services and can make an informed decision about whether or not to avail of those services. They can also be offered or provided support services.

3. Background

- 3.1. Relevant information about victims and witnesses of crime (generally the contact details of the victim or witness and the crime type) is currently shared with Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children, where the victim or witness hasn't opted out. Current arrangements are heavily reliant on bodies such as the police and the Public Prosecution Service adequately advising victims and witnesses about available support services. Under Section 36 and Schedule 3 of the Justice Act (Northern Ireland) 2015 relevant information, about victims and witnesses of crime, will automatically be shared with the prescribed bodies, so that victims and witnesses can be advised about, offered or provided support services. This should help address issues of low uptake of some services within the current system and ensure that victims and witnesses can make an informed choice about whether or not to avail of services. The decision as to whether or not to avail of services will continue to be their choice.

4. Consultation

- 4.1. Consultation was undertaken on the five-year victim and witness strategy, which included the issue of improved sharing of information between criminal justice system agencies. There was support for the victim and

witness strategy and improved information sharing provisions. Discussions were held with the Information Commissioner's Office and the Human Rights Commission on the disclosure of information. The measures also support the findings of the Justice Committee's Inquiry, into the Criminal Justice Services available to victims and witnesses of crime in Northern Ireland, that victims were not using the support services available to them and that the capacity of organisations to provide support and services was reduced, due to issues with passing personal information.

5. Equality Impact

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The Department considered that this matter will not have a differential impact on any of the section 75 categories and, on this basis, the measure was screened out.

6. Regulatory Impact

- 6.1. This measure will ensure that the current sharing of information from the police and the Public Prosecution Service, to Victim Support Northern Ireland and the National Society for the Prevention of Cruelty to Children , can automatically be provided for. A regulatory impact assessment was not carried out as the measures will automate current processes. Any impact on the voluntary sector will be dealt with as part of their current business processes.

7. Financial Implications

- 7.1. There are no departmental spend implications. Victim Support Northern Ireland, the National Society for the Prevention of Cruelty to Children , the police and the Public Prosecution Service will meet implementation costs from within their existing budgetary provision.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. This measure does not replicate, nor is there a requirement to maintain parity with, legislation in other administrations.

11. Additional Information

- 11.1. Not applicable.