



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 5

#### MISCELLANEOUS

##### *Victims of crime*

#### **68 Information about discharge and temporary release of prisoners**

- (1) The Secretary of State must make a victim information scheme and may from time to time make a new scheme or alterations to a scheme.
- (2) A victim information scheme is a scheme requiring the Secretary of State to make available information about the discharge or temporary release of persons serving sentences of imprisonment in Northern Ireland imposed in respect of the commission of offences (“imprisoned offenders”) to victims of the offences who wish to receive it.
- (3) A scheme—
  - (a) must require that information as to the month in which it is anticipated that an imprisoned offender will be discharged is to be made available under the scheme, and
  - (b) must require that, unless it is not reasonably practicable to do so, the fact that the temporary release of an imprisoned offender is being considered is to be made available under the scheme.
- (4) A scheme may require that other information relating to the discharge and temporary release of imprisoned offenders is to be made available under the scheme including, in cases of a description specified by the scheme or in which the Secretary of State considers it appropriate, the date on which it is anticipated that an imprisoned offender will be discharged or temporarily released.
- (5) A scheme may provide that in circumstances of a description specified in the scheme, or in particular circumstances in which the Secretary of State considers it appropriate, a person who is not the actual victim of the offence but was directly affected by it is

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to be regarded for the purposes of the scheme as a victim of the offence (as well as any actual victim).

- (6) A scheme may provide that in circumstances of a description specified in the scheme, or 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 the scheme as a victim of the offence (instead of an actual victim).
- (7) A scheme must specify how victims are to indicate that they wish to receive information under the scheme.
- (8) The Secretary of State is not required to make information available under a scheme—
  - (a) if he believes that to do so would adversely affect the well-being of the actual victim of an offence or a person who is regarded for the purposes of the scheme as being a victim of an offence by virtue of subsection (5),
  - (b) if he believes that to do so would threaten the safety of any person, or
  - (c) in other circumstances specified by the scheme.
- (9) A scheme may make different provision in relation to—
  - (a) different descriptions of imprisoned offenders, or
  - (b) imprisoned offenders convicted or sentenced at different times.
- (10) “Discharge” includes release—
  - (a) on licence, or
  - (b) in pursuance of a grant of remission,
 (whether or not subject to conditions); and “discharged” is to be construed accordingly.

## **69 Views on temporary release**

- (1) If a person who is the victim of an offence for the purposes of a scheme under section 68 makes to the Secretary of State representations falling within subsection (2) the Secretary of State has the obligations specified in subsection (3).
- (2) Representations fall within this subsection if they are to the effect that the temporary release of a person serving a sentence of imprisonment in Northern Ireland imposed in respect of the commission of the offence would threaten the safety, or otherwise adversely affect the well-being, of—
  - (a) the actual victim of the offence, or
  - (b) a person who is regarded for the purposes of the scheme as a victim of the offence by virtue of section 68(5).
- (3) The Secretary of State must—
  - (a) have regard to the representations in deciding whether the person should be temporarily released and, if so, any conditions to which he is to be subject, and
  - (b) inform the victim of any such decision.

## **[<sup>F1</sup>69A Information about discharge and leave of absence of mentally disordered persons**

- (1) The Secretary of State must make a scheme requiring the Secretary of State to make available to persons falling within subsection (2) information about—
  - (a) the discharge from hospital of, or

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- (b) the grant of leave of absence from hospital to, persons in respect of whom relevant determinations have been made.
- (2) The persons referred to in subsection (1) are victims of the offences in respect of which the determinations were made who wish to receive the information.
- (3) A relevant determination is made in respect of a person if—
- (a) a hospital order with a restriction order is made in respect of him by a court dealing with him for an offence, or
  - (b) a transfer direction and a restriction direction are given in respect of him while he is serving a sentence of imprisonment in respect of an offence.
- (4) The Secretary of State may from time to time make a new scheme or alterations to a scheme.
- (5) The information to be made available under a scheme must include information as to any relevant conditions to which a person in respect of whom a relevant determination has been made is to be subject in the event of—
- (a) his discharge from hospital, or
  - (b) the grant of leave of absence from hospital to him.
- (6) A condition is relevant for the purposes of subsection (5) if it appears to the Secretary of State that it might affect a victim of an offence in respect of which the determination was made.
- (7) A scheme may require the Secretary of State to take all reasonable steps to ascertain whether a person who appears to him to be the victim of an offence in respect of which a relevant determination has been made wishes to make representations about the matters specified in subsection (8).
- (8) The matters are—
- (a) whether the person in respect of whom the determination has been made should be subject to any conditions in the event of his discharge from hospital or the grant of leave of absence from hospital to him;
  - (b) if so, what conditions.
- (9) A scheme that includes provision such as is mentioned in subsection (7) must specify how the representations are to be made.
- (10) A scheme may require other information in relation to the discharge of, or the grant of leave of absence to, persons in respect of whom relevant determinations are made to be made available under the scheme.
- (11) The other information may include, in cases of a description specified by the scheme or in which the Secretary of State considers it appropriate, the date on which it is anticipated that a person in respect of whom a relevant determination has been made will be discharged or granted leave of absence from hospital.
- (12) Subsections (5) to (8) of section 68 apply in relation to a scheme made under this section as they apply in relation to a scheme made under that section.
- (13) A scheme may make different provision in relation to different descriptions of persons in respect of whom a relevant determination is made.

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#### Annotations:

#### Amendments (Textual)

**F1** [Ss. 69A](#)  
,  
[69B](#)  
inserted (14.12.2008) by  
[Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#)  
,  
**ss. 46(2)**  
,  
[60](#)  
;  
[S.I. 2008/3065](#)  
,  
**art. 2**

#### **69B** Views on leave of absence

- (1) If a person who is the victim of an offence in respect of which a relevant determination has been made makes to the Secretary of State representations falling within subsection (2) the Secretary of State has the obligations specified in subsection (3).
- (2) Representations fall within this subsection if they are to the effect that the grant of leave of absence to the person in respect of whom the determination has been made would threaten the safety, or otherwise adversely affect the well-being, of—
  - (a) the actual victim of the offence in respect of which the determination was made, or
  - (b) a person who is regarded for the purposes of a scheme under section 69A as a victim of that offence by virtue of section 68(5) (as applied by section 69A(12)).
- (3) The Secretary of State must—
  - (a) have regard to the representations in deciding whether he should give his consent to leave of absence being granted, and
  - (b) inform the victim of any such decision.
- (4) Section 69A(3) (relevant determination) applies for the purposes of this section.]

#### Annotations:

#### Amendments (Textual)

**F1** [Ss. 69A](#)  
,  
[69B](#)  
inserted (14.12.2008) by  
[Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#)  
,  
**ss. 46(2)**  
,  
[60](#)  
;

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S.I. 2008/3065

art. 2

## 70 Supplementary

- (1) In sections 68 and 69 references to a person serving a sentence of imprisonment include a person aged 18 or over who is—
  - (a) detained pursuant to directions of the Secretary of State under Article 45 of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)), or
  - (b) detained in a young offenders centre as the result of an order of the Crown Court.
- (2) In sections 68 and 69 references to a person serving a sentence of imprisonment in Northern Ireland—
  - (a) include a person who, in consequence of a restricted transfer from Northern Ireland, is serving part of a sentence of imprisonment in another part of the United Kingdom, but
  - (b) do not include a person who, in consequence of a restricted transfer from another part of the United Kingdom, is serving part of a sentence of imprisonment in Northern Ireland.
- (3) “Restricted transfer” has the same meaning as in Part 2 of Schedule 1 to the Crime (Sentences) Act 1997 (c. 43).
- [<sup>F2</sup>(4) In sections 68 and 69 references to a person serving a sentence of imprisonment in Northern Ireland include a person detained in hospital pursuant to a transfer direction and a restriction direction.
- (5) In subsection (4) and section 69A(3)—

“restriction direction” has the meaning given in Article 55(2) of the Mental Health (Northern Ireland) Order 1986;

“transfer direction” has the meaning given in Article 53(2) of that Order.
- (6) In section 69A(3)—

“hospital order” has the meaning given in Article 44(1) of the Mental Health (Northern Ireland) Order 1986;

“restriction order” has the meaning given in Article 47(1) of that Order;

“sentence of imprisonment” has the meaning given in Article 53(5) of that Order.
- (7) In sections 69A and 69B “leave of absence” means leave of absence under Article 15 of the Mental Health (Northern Ireland) Order 1986.]

### Annotations:

#### Amendments (Textual)

- F2** S. 70(4)-(7)  
inserted (14.12.2008) by  
Domestic Violence, Crime and Victims Act 2004 (c. 28)

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**ss. 46(3)**

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S.I. 2008/3065

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**art. 2**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5A(10) inserted by  
2018 c. 12  
Sch. 19  
para. 78(3)
- s. 9(5)(ca) inserted by  
S.R. 2015/159  
Sch. Pt. 1  
para. 12(2)(b)
- s. 46(1)(aa) inserted by  
S.I. 2015/798  
Sch. 2  
para. 11(2)
- s. 46(1)(ja) inserted by  
S.R. 2014/322  
art. 2(4)
- s. 46(3A) inserted by  
S.I. 2015/798  
Sch. 2  
para. 11(3)
- s. 47(1A) inserted by  
S.I. 2010/976  
Sch. 13  
para. 6(3)
- s. 47(1B) inserted by  
S.I. 2015/798  
Sch. 2  
para. 12(2)
- s. 47(2)(za) inserted by  
S.I. 2010/976  
Sch. 13  
para. 6(4)
- s. 47(4A) inserted by  
S.I. 2015/798  
Sch. 2  
para. 12(3)
- s. 49(1)-(1L) substituted for s. 49(1)-(4) by  
S.I. 2010/976  
Sch. 13  
para. 7(2)
- s. 51(3A)(3B) inserted by  
S.I. 2010/976  
Sch. 13  
para. 9(4)
- s. 73(1)(e) word omitted by  
2011 c. 24 (N.I.)  
s. 97(2)
- s. 73(1)(g) inserted by  
2011 c. 24 (N.I.)  
s. 97(2)

- s. 90(1A)(1B) substituted for s. 90(1A) by  
[S.I. 2010/976](#)  
Sch. 13  
para. 23(a)
- s. 90(6) inserted by  
[S.I. 2010/976](#)  
Sch. 13  
para. 23(d)
- Sch. 2 para. 4(2A) inserted by  
[S.I. 2010/976](#)  
Sch. 18  
para. 67(2)
- Sch. 2 para. 5(7A) inserted by  
[S.I. 2010/976](#)  
Sch. 18  
para. 67(7)(c)
- Sch. 2 para. 7(4A) inserted by  
[S.I. 2010/976](#)  
Sch. 18  
para. 67(8)(e)
- Sch. 2 para. 9(2)(c) and word omitted by  
[S.R. 2010/133](#)  
Sch.  
para. 9(5)(b)
- Sch. 2 para. 9(2)(a) word inserted by  
[S.R. 2010/133](#)  
Sch.  
para. 9(5)(a)
- Sch. 3A para. 15(6) inserted by  
[S.I. 2010/976](#)  
Sch. 18  
para. 68(b)
- Sch. 3A para. 1-1C and cross heading substituted for Sch. 3A para. 1 by  
[2016 c. 4 \(N.I.\)](#)  
Sch. 6  
para. 4
- Sch. 3A para. 15(6) word substituted by  
[2016 c. 4 \(N.I.\)](#)  
Sch. 6  
para. 11(d)
- Sch. 8 para. 3(2B) extended by  
[S.I. 2010/976](#)  
Sch. 13  
para. 26(6)(a)
- Sch. 8 para. 2(1A) inserted by  
[S.I. 2010/976](#)  
Sch. 13  
para. 24(3)(b)
- Sch. 8 para. 3(2A)(2B) inserted by  
[S.I. 2010/976](#)  
Sch. 13  
para. 24(4)(b)
- Sch. 8 para. 4(1A)-(1L) inserted by  
[S.I. 2010/976](#)  
Sch. 13  
para. 24(5)(a)
- Sch. 8 para. 6(4A) inserted by  
[S.I. 2010/976](#)

- Sch. 13  
para. 24(7)(d)
- Sch. 9 para. 3(1B) extended by  
S.I. 2010/976
- Sch. 13  
para. 26(6)(b)
- Sch. 9 para. 4(2B) extended by  
S.I. 2010/976
- Sch. 13  
para. 26(6)(b)
- Sch. 9 para. 3(1A)(1B) inserted by  
S.I. 2010/976
- Sch. 13  
para. 25(3)(b)
- Sch. 9 para. 4(2A)(2B) inserted by  
S.I. 2010/976
- Sch. 13  
para. 25(4)(b)
- Sch. 9 para. 6(4A) inserted by  
S.I. 2010/976
- Sch. 13  
para. 25(6)(d)
- Sch. 9 para. 6(4)(4A) repealed by  
2011 c. 24 (N.I.)  
s. 102(b)
- Sch. 8  
Pt. 5

**Commencement Orders yet to be applied to the Justice (Northern Ireland) Act 2002**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2011/1418  
art. 2  
commences ( 2010 c. 23 )
- S.R. 2011/224  
art. 2  
commences ( 2011 c. 24 (N.I.) )
- S.R. 2012/142  
art. 2  
commences ( 2011 c. 24 (N.I.) )
- S.R. 2015/193  
art. 2  
commences ( 2014 c. 11 (N.I.) )
- S.R. 2015/194  
art. 2  
Sch.  
commences ( S.I. 2003/435 (N.I.) )

- [S.R. 2015/359](#)  
[art. 2](#)  
commences (  
[2014 c. 11 \(N.I.\)](#)  
)
- [S.R. 2016/387](#)  
[art. 2](#)  
commences (  
[2015 c. 9 \(N.I.\)](#)  
)