



# 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 [<sup>F1</sup>Department of Justice] 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 [<sup>F2</sup>Department of Justice] 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 [<sup>F3</sup>Department of Justice] 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 [<sup>F4</sup>Department of Justice] considers it appropriate, a person who is not the actual victim of the offence but was directly

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**Changes to legislation:** Justice (Northern Ireland) Act 2002, Section 68 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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affected by it is 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 [<sup>F5</sup>Department of Justice] 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 [<sup>F6</sup>Department of Justice] is not required to make information available under a scheme—
  - (a) if [<sup>F7</sup>the Department of Justice] 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 [<sup>F8</sup>the Department of Justice] 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.

#### Textual Amendments

- F1** Words in s. 68(1) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(2)** (with arts. 28-31)
- F2** Words in s. 68(2) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(2)** (with arts. 28-31)
- F3** Words in s. 68(4) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(2)** (with arts. 28-31)
- F4** Words in s. 68(5) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(2)** (with arts. 28-31)
- F5** Words in s. 68(6) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(2)** (with arts. 28-31)
- F6** Words in s. 68(8) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(3)(a)** (with arts. 28-31)
- F7** Words in s. 68(8)(a) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(3)(b)** (with arts. 28-31)
- F8** Words in s. 68(8)(b) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 13 para. 13(3)(c)** (with arts. 28-31)

**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. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)