

Status: Point in time view as at 30/12/2016.

Changes to legislation: Justice Act (Northern Ireland) 2015, Section 30 is up to date with all changes known to be in force on or before 05 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)



2015 CHAPTER 9

PART 4

VICTIMS AND WITNESSES

The Victim Charter and the Witness Charter

The Witness Charter

- 30.—**(1) The Department must issue a Witness Charter.
- (2) The Charter must set out—
- (a) the services which are to be provided to witnesses in criminal investigations and criminal proceedings by specified criminal justice agencies and the standards which are to be expected in relation to those services;
 - (b) the standards which are to be expected in relation to the treatment of witnesses by such agencies.
- (3) The Charter may restrict the application of any of its provisions and, in particular, may restrict the application of any of its provisions to—
- (a) specified descriptions of witnesses;
 - (b) witnesses in criminal investigations of, or criminal proceedings for, specified offences or descriptions of conduct;
 - (c) specified criminal justice agencies.
- (4) The Charter may provide for exceptions to its provisions, including in particular exceptions for the purpose of—
- (a) ensuring compliance with any statutory provision or order of a court;

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- (b) avoiding jeopardising any criminal investigation or criminal proceedings;
- (c) avoiding endangering any individual.

(5) The Charter may include provision requiring or permitting the services which are to be provided to a witness to be provided to one or more other persons instead of or in addition to the witness.

(6) The Charter may not require anything to be done by—

- (a) a person acting in a judicial capacity;
- (b) a person acting in the discharge of a function of a member of the Public Prosecution Service for Northern Ireland which involves the exercise of a discretion.

(7) In this section “criminal justice agency” means a body or person which has any functions relating to—

- (a) witnesses in criminal investigations or criminal proceedings; or
- (b) any other aspect of the criminal justice system.

(8) A criminal justice agency must, in carrying out any functions mentioned in subsection (7), have regard to the Charter.

(9) In this section—

“defendant”, in relation to any criminal proceedings, means a person who has been charged with, or convicted of, a criminal offence in the proceedings;

“specified” means specified in the Witness Charter;

“witness” means a person (other than the defendant) who—

- (a) has witnessed criminal or other conduct in relation to which that person may be or has been called to give evidence in criminal proceedings;
- (b) is able to provide or has provided information or any other thing which might assist a criminal investigation or which might be or has been used in evidence in criminal proceedings; or
- (c) for any other reason is called or might be called to give evidence in criminal proceedings.

Commencement Information

II S. 30 in operation at 30.12.2016 by S.R. 2016/436, art. 2

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