Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 1

THE VICTIMS’ CODE

32 Code of practice for victims

(1) The Secretary of State [F1 for Justice] must issue a code of practice as to the services to be provided to a victim of criminal conduct by persons appearing to him to have functions relating to—
   (a) victims of criminal conduct, or
   (b) any aspect of the criminal justice system.

(2) The code may restrict the application of its provisions to—
   (a) specified descriptions of victims;
   (b) victims of specified offences or descriptions of conduct;
   (c) specified persons or descriptions of persons appearing to the Secretary of State [F1 for Justice] to have functions of the kind mentioned in subsection (1).

(3) The code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more others—
   (a) instead of the victim (for example where the victim has died);
   (b) as well as the victim.

(4) The code may make different provision for different purposes, including different provision for—
(a) different descriptions of victims;
(b) persons who have different functions or descriptions of functions;
(c) different areas.

(5) The code 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 Crown Prosecution Service which involves the exercise of a discretion.

(6) In determining whether a person is a victim of criminal conduct for the purposes of this section, it is immaterial that no person has been charged with or convicted of an offence in respect of the conduct.

(7) In this section—
   “criminal conduct” means conduct constituting an offence;
   “specified” means specified in the code.

Textual Amendments
F1 Words in s. 32 inserted (22.8.2007) by The Secretary of State for Justice Order 2007 (S.I. 2007/2128), arts. 1(2), 8, Sch. para. 10(2)

Modifications etc. (not altering text)
C1 S. 32: functions transferred (22.8.2007) by The Secretary of State for Justice Order 2007 (S.I. 2007/2128), arts. 1(2), 4(2)(a) (with art. 7)

33  Procedure

(1) Subsections (2) to (7) apply in relation to a code of practice required to be issued under section 32.

(2) The Secretary of State [F2 for Justice] must prepare a draft of the code.

(3) In preparing the draft the Secretary of State [F2 for Justice] must consult the Attorney General and the [F3 Secretary of State for the Home Department].

(4) After preparing the draft the Secretary of State [F2 for Justice] must—
   (a) publish the draft;
   (b) specify a period during which representations about the draft may be made to him.

(5) The Secretary of State [F2 for Justice] must—
   (a) consider in consultation with the Attorney General and the [F3 Secretary of State for the Home Department] any representations made to him before the end of the specified period about the draft;
   (b) if he thinks it appropriate, modify the draft in the light of any such representations.

(6) After the Secretary of State [F2 for Justice] has proceeded under subsection (5) he must lay the code before Parliament.

(7) When he has laid the code before Parliament the Secretary of State [F2 for Justice] must bring it into operation on such day as he appoints by order.
(8) The Secretary of State [F2 for Justice] may from time to time revise a code previously brought into operation under this section; and subsections (2) to (7) apply to a revised code as they apply to the code as first prepared.

(9) But the Secretary of State [F2 for Justice] may revise a code under subsection (8) only if it appears to him that the proposed revisions would not result in—

(a) a significant reduction in the quality or extent of the services to be provided under the code, or

(b) a significant restriction in the description of persons to whom services are to be provided under the code.

34 Effect of non-compliance

(1) If a person fails to perform a duty imposed on him by a code issued under section 32, the failure does not of itself make him liable to criminal or civil proceedings.

(2) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to comply with the code in determining a question in the proceedings.
Changes to legislation:
Domestic Violence, Crime and Victims Act 2004, Chapter 1 is up to date with all changes known to be in force on or before 22 August 2020. 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.
View outstanding changes

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):

- Sch. 9 para. 26A inserted by 2015 c. 2 Sch. 3 para. 12