

*These notes refer to the Justice Act (Northern Ireland)  
2015 (c.9) which received Royal Assent on 24 July 2015*

# Justice Act (Northern Ireland) 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4: Victims and Witnesses**

Part 4 of the Act improves services and facilities for victims and witnesses by providing for the establishment of statutory Victim and Witness Charters, providing a statutory entitlement to be afforded the opportunity to make a victim personal statement and facilitating the sharing of information between criminal justice system service providers.

#### **The Victim Charter and the Witness Charter**

##### *Section 28: Victim Charter*

This section places a duty on the Department to issue a Victim Charter setting out the services, standards of services and treatment of victims by specified criminal justice agencies. It highlights what services must be covered by the Charter and enables exceptions and restrictions to be applied to the Charter's general provisions that would allow a more targeted service to be provided.

Section 28 also makes provision enabling the services to a victim to be provided to others as well as the victim and requires criminal justice agencies to have regard to the Charter in carrying out their functions.

##### *Section 29: Meaning of victim*

This section defines a victim, sets out other people to be treated as a victim (for example where a person has died or is incapacitated) and circumstances where this would not apply. It enables the Charter to set out who are family members for this purpose.

##### *Section 30: Witness Charter*

This section places a duty on the Department to issue a Witness Charter setting out the services, standards of services and treatment of witnesses in criminal investigations and criminal proceedings by specified criminal justice agencies. It enables exceptions and restrictions to be applied to the Charter's general provisions that would allow a more targeted service to be provided. The section also makes provision enabling the services provided to a witness to be

provided to others as well as, or instead of, the witness and requires criminal justice agencies to have regard to the Charter in carrying out their functions.

***Section 31: Procedure for issuing Charters***

This section sets out the procedure for issuing a Victim or Witness Charter (and also a revised Charter), including laying it before the Assembly and being brought into operation by order.

***Section 32: Effect of non-compliance***

This section sets out the effect of non-compliance with a Charter.

**Victim statements**

***Section 33: Persons to be afforded opportunity to make victim statement***

This section provides that a victim is to be afforded an opportunity to make a written victim statement (to be known as a victim personal statement), setting out the effect of an offence or alleged offence. Regulations may provide for others to be afforded the opportunity, setting out when, how and by whom the opportunity should be afforded. A family member may make a statement, where a person cannot act on their own behalf or the victim has died.

***Section 34: Supplementary statement***

This section enables Regulations to make provision related to supplementary victim personal statements.

***Section 35: Use of victim statement***

This section enables Regulations to set out the use of the victim personal statement and make provision for the court to have regard to so much of any statement that it considers relevant to the offence in determining a sentence.

***Section 36: Disclosure for purposes of victim and witness support services and victim information schemes***

This section gives effect to the insertion of Schedule 3, which provides for the sharing of relevant information about victims and witnesses to service providers so that victims and witnesses can be advised about available services.