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FROM:

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DATE:

22 JUNE 2026

TO:

KATHY O'HANLON

CLERK TO THE COMMITTEE FOR JUSTICE

SUMMARY

Business Areas:

Access to Justice Directorate & Safer Communities Directorate

Issue:

Officials will appear to brief the Justice Committee on the content of the Victims and Witnesses of Crime Bill, as introduced, on Thursday 25 June 2026.

Restrictions:

Official.

Action Required:

Members to note this written briefing ahead of the oral briefing from officials on Thursday 25 June 2026.

Attendees:

Director, Victims Support Division (VSD), Access to Justice Directorate

Bill Manager, Head of Victims and Witnesses Branch (VSD), Access to Justice Directorate

Head of Hate Crime Branch, Community Safety Division, Safer Communities Directorate

Victims and Witnesses Branch (VSD), Access to Justice Directorate

Victims and Witnesses Branch (VSD), Access to Justice Directorate

Background

1. At its meeting on 8 May 2025, the Justice Committee approved for publication the post-consultation report on proposals for inclusion in a Victims and Witnesses of Crime Bill. On 30 June 2025, the Northern Ireland Executive noted and approved the proposals for the Bill and authorised the commencement of instructions for drafting purposes.

2. Executive Agreement to the introduction of the Victims and Witnesses of Crime Bill was granted on 5 June 2026. Subject to the Speaker's agreement, it is anticipated that Introduction will take place on Monday 22 June, just ahead of the Committee's meeting on 25 June. Second Stage is provisionally scheduled for Tuesday 30 June 2026.

Key provisions

3. The key provisions of this Bill will contribute to creating a more victim and witness centred, transparent and protective criminal justice system where victims and witnesses are supported, represented and safeguarded through the criminal justice system. The Bill is made up of three Parts, with 30 clauses and two Schedules.

4. Members will recall the briefing session on 2 October 2025 when officials presented the proposed content of the Bill. To recap, these included:

- i. establishment of a statutory Commissioner for Victims and Witnesses of Crime;
- ii. mandatory publication of victim-related statistics;
- iii. improved regulation of access to complainants' private information in serious sexual offence cases;
- iv. provision for pre-trial legal representation in serious sexual offence cases;
- v. a technical fix to address an issue which will arise when Committal Reform in Northern Ireland is implemented; and
- vi. extension of Special Measures for witnesses and protection from direct cross-examination by individuals charged with hate crime-aggravated offences.

5. A copy of the Bill as introduced, together with the Explanatory and Financial (EFM), is attached. The EFM provides detailed commentary on the clauses of the Bill.

6. This oral briefing session provides an opportunity for discussion of developments since the 2 October briefing and provides a further opportunity for the Committee to ask questions or seek clarification on any matters contained within the Bill as introduced.

Overview of Bill provisions

Commissioner for Victims and Witnesses of Crime for Northern Ireland

7. Part 1 of the Bill makes provisions for the establishment, appointment, principal aim and functions of a Commissioner for Victims and Witnesses of Crime for Northern Ireland. This is supplemented by Schedule 1 which provides detail on status, tenure of office, salary, staff, funding etc.

8. Part 1 also provides the meaning of a 'charter service provider' and that the Commissioner must monitor compliance with the Victim Charter by charter service providers. These duties can be extended to the Witness Charter. Charter service providers must provide Victim Charter statistics to, and co-operate with, the Commissioner. They must also record complaints made against them by victims and witnesses and send a report each year to the Commissioner summarising the complaints and if they have been resolved. Charter service providers must also respond to annual reports published by the Commissioner.

9. The Commissioner will be required to prepare strategic plans, business plans and annual reports. Charter service providers are required to respond to recommendations made relating to them in the annual report.

Hate crime cases

10. Part 2 provides for the extension of special measures to victims and witness in cases involving aggravation by hostility, hate crime offences. This will better support them

to give the best evidence they can. It also provides for protection of witnesses in cases involving aggravation by hostility from being cross-examined in person by the defendant.

Serious sexual offence cases

11. Part 2 also makes provision for measures which will provide more support and protections for complainants in serious sexual offence cases.

12. Where pre-trial applications are made by the defendant:

- (i) for records relating to the complainant held by third parties (third party material disclosure) for which they could have a reasonable expectation of privacy to (often medical and counselling records); or
- (ii) to admit at trial evidence of a complainant's previous sexual history

a complainant must be given an opportunity to make oral or written representations to the court, is entitled to be present at the hearing of the application and be legally represented. Rules of court will be prepared which will require that the complainant is served with notice of the application and the manner in which service may be effected. The judge hearing the application will have oversight of the process.

14. These provisions will strengthen protections for victims in line with the recommendations made in the 2019 Gillen Review of the law and procedures in serious sexual offence cases in Northern Ireland and the Commissioner Designate for Victims of Crime 2023 report, 'A Second Assault'. They will enable victims to have agency in their case and be able to make representations, with the benefit of independent legal advice and representation, to the judge hearing the application to object to the application or seek to limit the information that is disclosed to the defence. This will be a significant improvement to what the current practice is (applications to admit evidence of previous sexual history are heard in the absence of the complainant) and seeks to improve victim confidence in the criminal justice system.

Limitation of power to dismiss charges

15. Clause 27 provides a technical fix to legislation ahead of the introduction of committal reform provisions. It provides that in cases involving death or serious physical harm of a child or vulnerable person, charges cannot be dismissed unless the charge of a section 5 offence is also dismissed.

Possible amendments

16. The Bill has been produced at pace as officials have sought to follow the guidance issued by TEO to have the best possible chance of a Bill reaching Second Stage before Summer Recess. There are some matters which we have not had time to finalise with OLC and will seek to explore further and possibly introduce as amendments.

17. These include:

Removal of Commissioner: conditions are listed in Schedule 1, clause 2(6)(a)-(e). However, s18(2)(a) of the Interpretation Act might provide a “catch-all” for instances that we have not anticipated. Officials are liaising with OLC to explore whether it is necessary to make explicit reference to this.

Suspension of Commissioner: officials understand TEO is working to develop a consistent policy across similar legislation for other NI Commissioners. Officials suggest awaiting the outcome of that exercise and, if necessary, making an amendment to Schedule 1 at Consideration Stage.

Responding to Recommendations: recommendations made by the Commissioner in relation to their monitoring function will be captured in their annual report and a charter service provider will be required to prepare comments on any relevant recommendation made, within 56 days. We plan to work with OLC to develop provision to ensure that charter service providers are also required to respond to recommendations made by the Commissioner in any other report, as and when required (and not just those in the annual report).

Sharing personal data in urgent or emergency situations: we had considered providing a power for the Commissioner to share personal data relating to a victim or witness in an urgent or emergency situation. However, this is already provided for in the GDPR and DPA 2018. We think this could be relied on rather than cutting across GDPR and, for this reason, have not included provision in the Bill. However, we plan to discuss this with ICO, to ensure that they are content with this approach. If provisions are found to be required, we will work with OLC to develop.

Caoimhè's law

18. Earlier this year there was correspondence with the Minister about the development of legislative proposals for Caoimhè's Law, a proposed offence to prevent the unauthorized recording and sharing of photographs of road traffic collisions. The Clerk to the Committee for Justice wrote to the Department on 25 March to reiterate that Committee Members are unanimous in their desire to see Caoimhè's Law brought into legislation; state that the Committee considers that it does not have capacity to take this matter forward; and express the view that the Department is significantly better placed to develop and deliver such an amendment.

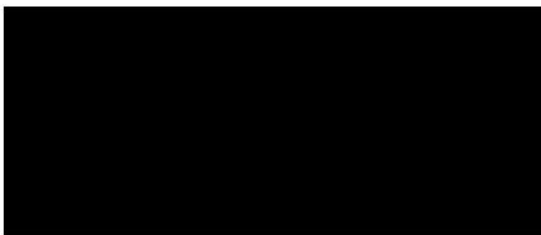
19. The Department does not have the capacity or resources to develop legislative provisions in respect of Caoimhè's Law during this mandate without jeopardizing other priorities. However, if the Department for Infrastructure (which has lead policy responsibility for road safety), the Justice Committee, or an Assembly member wish to legislate on this matter during this mandate, the Minister has committed to supporting the development of any such proposals, in accordance with the Department's responsibility to provide advice on the introduction of any new or amended offences and penalties within Northern Ireland.



Good character references

20. In response to concerns raised about the use of references in recent cases, the Minister has requested that their use is included for consideration as part of the Department's Review of Sentencing Policy, with a view to legislating in the next mandate if appropriate. However, the Minister has not ruled out using the Victims and Witnesses of Crime Bill as a vehicle if a simple legislative change that would have an impact in this space is identified. Officials have been asked to give this matter urgent consideration.

21. I trust this is helpful to Members of the Committee. The Bill Team looks forward to engaging with the Committee and supporting its scrutiny of the Bill.



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