

FROM THE OFFICE OF THE JUSTICE MINISTER



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

www.justice-ni.gov.uk

Minister's Office
Castle Buildings Block C
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

Kathy O'Hanlon
Committee Clerk
Committee for Justice
Room 345
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

2 July 2026

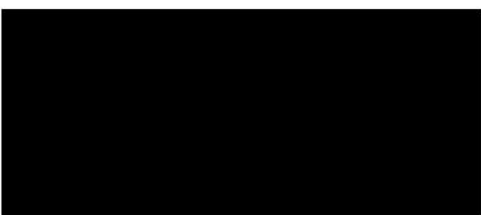
Dear Kathy

**VICTIMS AND WITNESSES OF CRIME BILL: DELEGATED POWERS
MEMORANDUM**

Please find attached a copy of the Delegated Powers Memorandum, as prepared by the Department, to assist the Justice Committee in its consideration of the Victims and Witnesses of Crime Bill.

The Memorandum identifies the provisions of the Bill (as introduced) which confer powers to make delegated legislation. It explains in each case why the power has been taken and the nature of, and reason for, the procedure selected.

The Minister trusts that the Committee finds this useful as it reviews, and takes evidence on, the Bill.



DEPARTMENTAL ASSEMBLY LIAISON OFFICER

ENC.

DELEGATED POWERS MEMORANDUM

VICTIMS AND WITNESSES OF CRIME BILL

INTRODUCTION

1. This Bill gives effect to the Justice Minister's aim of improving victim and witness experience of the criminal justice system. It also includes a provision for a technical fix to the 'No Bill' procedure specifically in relation to causing / allowing death / serious harm of a child / vulnerable adult in preparation for the commencement of Committal Reform.
2. The Bill has 30 clauses in 3 Parts, and 2 Schedules.
3. Part 1 of the Bill makes provision for the establishment of a statutory Victims and Witnesses of Crime Commissioner.
4. Part 2 of the Bill makes provision for special measures in cases involving aggravation by hostility i.e. to add hate crime offences to the list of offences in which there is an automatic eligibility to special measures. It also makes provision for protection for a victim or witness in cases involving aggravation by hostility from being cross-examined in person by the person charged with the offence.
5. In addition, this Part includes provision for the protection of complainants in proceedings for sexual offences. The complainant, in cases where a person is to be tried on indictment for a sexual offence and an application is made for evidence or documents which the complainant could have a reasonable expectation of privacy in relation to or applications relating to a complainant's sexual history, will be entitled to an opportunity to make oral or written representations, to be present at any hearing of the applications, and to be legally represented. Rules of court may require the service of notice of an application on the complainant, the manner in which the service may be effected and the manner in which confidential or sensitive information is to be treated in connection with the application.
6. Lastly, this Part provides for amendments to the Domestic Violence, Crime and Victims Act 2004 so that cases of death and serious physical harm cannot be dismissed unless the charge of the section 5 offence is also dismissed
7. Part 3 is general (commencement, short title etc.)
8. The following provisions for delegated legislation have been identified in the Bill:

Clause	Title	Assembly Procedure
9	Regulations specifying other criminal justice agency(ies) as a charter service provider.	Negative resolution (clause 9(3))
11	Regulations making provision setting out how statistics are to be provided to the Commissioner.	Draft laid before and approved by a resolution of the Assembly (clause 11(7))
12	Regulations for the purpose of extending any provision that applies in relation to the Victim Charter to the Witness Charter.	Draft laid before and approved by a resolution of the Assembly (clause 12(3))
26	Rules of court – Complainant participation on application for a witness summons. In such cases as the rules may specify, require the service of notice of an application on the complainant, the manner in which service may be effected and the manner in which confidential or sensitive information is to be treated in connection with the application.	Rules of Court, s.52 of the Judicature (Northern Ireland) Act 1978 – negative resolution

DELEGATED PROVISIONS

PART 1: COMMISSIONER FOR VICTIMS AND WITNESSES OF CRIME FOR NORTHERN IRELAND

Clause 9: Meaning of charter service provider

Purpose of delegated legislation

9. A power to allow the Department to make regulations specifying other criminal justice agency/agencies as charter service providers.

Reason for delegated legislation

10. The Department considers that, if required and appropriate, other criminal justice agencies can be added in secondary legislation to the list of charter service providers.

Assembly control

11. Any regulations made under this power will be procedural in nature and will be subject to negative resolution.

Clause 11: Statistics relating to the Victim Charter

Purpose of delegated legislation

12. A power to allow the Department to make regulations setting out how particular statistics, or category of statistics, are to be provided to the Commissioner; the form and manner in which the statistics must be provided; specify the intervals at which the statistics must be provided, may require a charter service provider to provide to the Commissioner, along with the statistics, a report setting out how the provider has produced the statistics and the steps taken to ensure that they are accurate.

Reason for delegated legislation

13. The Department considers that categories, form, manner and timing of provision of statistics to the Commissioner can be appropriately dealt with in secondary legislation which can be amended easily should a need arise.

Assembly control

14. Any regulations made under this provision will be subject to draft affirmative resolution. It is considered that this level of scrutiny is appropriate as it allows for Assembly debate on the matter.

Clause 12: Power to extend sections 10 and 11 to the Witness Charter

Purpose of delegated legislation

15. A power to allow the Department to make regulations to amend sections 10 and 11 (Commissioner to monitor compliance with the Charter and provision of statistics by charter service providers) to extend any provision that applies in relation to the Victim Charter to the Witness Charter.

Reason for delegated legislation

16. The Department acknowledges that charter service providers will require some additional time to put in place measures to collect statistics and prepare reports in relation to compliance with the Witness Charter.

Assembly control

17. Clause 12(3) provides that regulations made under subsection (1) will be subject to draft affirmative resolution. It is considered that this level of scrutiny is appropriate as it allows for Assembly debate on the matter.

PART 2: CRIMINAL EVIDENCE AND PROCEDURE

Clause 26: Complainant participation on application for witness summons

Purpose of delegated legislation

18. This power allows Rules of Court to, in such cases as the rules may specify, require the service of notice of an application on the complainant, how service may be effected and the manner in which confidential or sensitive information is to be treated in connection with the application, which will all contribute to enabling complainant participation in the criminal justice process in serious sexual offence cases.

Reason for delegated legislation

19. The Department considers it appropriate that procedural matters relating to applications are prescribed by Rules of Court.

Assembly control

20. Rules of Court are made under section 52 of the Judicature (Northern Ireland) Act 1978 and are subject to negative resolution.