

Response ID ANON-3H8X-9N8V-Z

Submitted to Victims and Witnesses of Crime Bill
Submitted on 2026-09-24 13:52:31

Introduction

Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.:

Yes

What is your name?

Name:

Jennifer Lamont

What is your email address?

Email:

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

Police Ombudsman for Northern Ireland

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clauses 1 and 2 - The Commissioner

Clause 1 establishes the Commissioner for Victims and Witnesses of Crime for Northern Ireland, who will be appointed by the Department of Justice. It introduces Schedule 1 which relates to the constitution and operation of the Commissioner and the office. Do you agree with Clause 1 and Schedule 1 of the Bill?

Yes

Please provide information to support your answer here::

Clause 2 provides that the principal aim of the Commissioner is to promote the interests of victims and witnesses. Do you agree with Clause 2 of the Bill?

Yes

Please provide information to support your answer here::

Do you have anything further to add on Clause 1 or 2 or Schedule 1 of the Bill?

No

Please provide any further information relating to Clause 1 here::

Clauses 3 to 8 - Functions of the Commissioner

Clause 3 provides that the Commissioner must: promote an understanding of the rights of victims and witnesses and an awareness of matters relating to their interest; keep the law and practice relating to victims and witnesses under review to ensure adequacy and effectiveness; advise the Northern Ireland Executive or Departments on issues concerning victims and witnesses; and must take steps to raise awareness of the role and functions of the Commissioner, encourage victims and witnesses to engage with their office and seek the views of victims and witnesses regarding the exercise of the Commissioner's functions. Do you agree with these as suitable for the general duties for the role of Commissioner?

Yes

Please provide information to support your answer here::

Clause 4 provides the general powers of the Commissioner including the power to conduct, fund or support research or education activities; to compile information; provide advice and information; publish any matter concerning the interests of victims or witnesses of crime; and to make representations and recommendations to any body or person concerning the interest of victims or witnesses. Do you agree with the general powers as outlined in Clause 4?

Yes

Please provide information to support your answer here::

PONI would welcome further information on the standing of recommendations referred to in 4.3 of the Bill (whereby the Commissioner may make representations or recommendations to any body or person concerning the interests of victims and witnesses).

Are there any other powers that you believe the Commissioner should have?

No

If yes, what should they be?:

Clause 5 stipulates that the Commissioner must review the operation and the effectiveness of the Victim and the Witness Charters at least every 3 years or as directed by the Department; prepare a report and, in doing so, consulting the Department and any other person the Commissioner considers appropriate; and publish a report. . Do you agree with the provisions at Clause 5?

Yes

Please provide information to support your answer here::

Clause 6 provides that the Commissioner may issue guidance on best practice in relation to any matter concerning the interests of victims and witnesses and that this must be taken into regard by persons exercising public functions; and makes provision in respect of revision, consultation and publication of the guidance. It also prohibits the Commissioner from issuing guidance to a court or tribunal. Do you agree with Clause 6 of the Bill?

Yes

Please provide information to support your answer here::

PONI agrees with and welcomes these provisions and would request more detail on the how “regard” would be assessed and reported.

Clause 7 grants the Commissioner the power to establish advisory groups to provide support and information to the Commissioner on matters related to the Commissioners functions . The Commissioner will determine membership of the group(s) and how expenses will be reimbursed. The Commissioner may also determine the procedure of any advisory group. Do you agree that the Commissioner should have the power to establish advisory groups?

Yes

Please provide information to support your answer here::

PONI agrees with and welcomes these provisions and would participate as required by the Commissioner.

Do you agree that the Commissioner should have the power to determine the membership of advisory groups?

Yes

Please provide information to support your answer here::

Clause 8 provides that the Commissioner cannot become involved in an individual case or intervene in criminal or related proceedings. Do you support the restriction proposed in Clause 8?

Yes

Please provide information to support your answer here::

PONI is of the view that it is appropriate that the Commissioner does not exercise any function in relation to individual cases but is able to include them as part of more general considerations. The Police Ombudsman operates under a general duty of confidentiality as set out in the Police (Northern Ireland) Act 2000.

Do you have anything further to add in relation to Clauses 3 to 8 of the Bill?

No

Please provide information to support your answer here::

Clauses 9 to 15 - Charter service providers

Clause 9 lists the criminal justice agencies which are specified as "charter service providers". Do you agree with the list of bodies specified in Clause 9?

Yes

Please provide information to support your answer here::

PONI agrees with and welcomes these provisions and would participate as required by the Commissioner.

Do you believe that there are any other criminal justice agencies that should be added to the list?

Yes

Please provide information to support your answer here::

PONI notes that we may become a provider in due course

Do you believe that any of the agencies listed should be removed from the list?

No

Please provide information to support your answer here::

Clause 10 requires the Commissioner to monitor compliance with the Victim Charter and enables the Commissioner to request information from a charter service provider. It requires charter service providers to comply with such a request as far as is practical. Do you agree with the purpose stated for Clause 10?

Yes

Please provide information to support your answer here::

PONI agrees that it is appropriate that the Commissioner should oversee and monitor compliance with the Victim Charter. Consideration of PONI's inclusion as a named Charter service provider is under consideration and there are a number of issues we need to consider before that could be commenced, including how we operate under a duty of confidentiality as set out in the Police (Northern Ireland) Act 2000 and therefore any disclosure of information will have to be carefully considered

Clause 11 provides that charter service providers must collect and retain data in relation to the provision of services set out in the Victims Charter and to provide statistical information to the Commissioner. The Department must make regulations setting out how the particular statistics, or category of statistics to be provided to the Commissioner are to be determined. The Department must consult with the Commissioner and charter services providers it considers appropriate before making regulations, which will be subject to the draft affirmative procedure. Do you agree with the intent behind Clause 11?

Yes

Please provide information to support your answer here::

PONI understands and agrees that the Commissioner should require data and statistics on provision of services under the Charter. Consideration is underway as to including PONI under its remit and we would expect DoJ to consult with PONI in a timely way on any draft regulations as to the content and format of such data.

Clause 12 allows the Department to extend the provisions regarding the Victim Charter at Clauses 10 and 11 to the Witness Charter. Are you content with Clause 12?

Yes

Please provide information to support your answer here::

Clause 13 relates to co-operation with the Commissioner and states a charter service provider must comply or provide the reasons for non-compliance. Do you have any comments on Clause 13?

Yes

Please provide information to support your answer here::

PONI agrees with and welcomes this provision which allows for explaining why a request from the Commissioner may not always be possible due to other legislative requirements

Clause 14 relates to the duty to record and report on complaints received in each financial year that relate to alleged breaches of Victim or Witness Charter entitlements and the outcome of each complaint. Do you agree with Clause 14 of the Bill?

Yes

Please provide information to support your answer here::

PONI understands the value in this requirement. However, there are resource implications should PONI become a charter service provider that require due consideration.

Clause 15 relates to the disclosure of information between charter service providers and the Commissioner if the information would assist or enable the Commissioner to carry out their functions. These disclosure powers are subject to restrictions set out in subsections (3) to (5) – namely, they do not override patient confidentiality, data protection legislation or prohibitions on disclosure in the Investigatory Powers Act 2016. The sharing of information does not affect any other power that exists to disclose information. Do you support the intention behind Clause 15?

Yes

Please provide information to support your answer here::

PONI notes and welcomes that a charter service provider may disclose information to the Commissioner under this provision. The disclosure of information from PONI is a complex issue governed by a range of legislation including Regulatory Powers as referenced in this clause.

Do you believe that there should be other restrictions to the disclosure of information other than those set out in subsections (3) to (5)?

No

If yes, what other restrictions should be placed on the disclosure of information between charter service providers and the Commissioner?

Please provide information to support your answer here::

Do you have anything further to add in relation to Clauses 9 to 15 of the Bill?

No

Please provide information to support your answer here::

Clauses 16 to 19 - Strategic plan, business plans and annual reports

Clauses 16 requires the Commissioner to prepare a strategic plan setting out objectives and priorities, how they will be achieved and how the outcomes will be monitored. The Commissioner must specify groups of victims and witnesses to whom they will have particular regard and why. The Commissioner may review the strategic plan at any time during their tenure. Clause 17 requires the Commissioner to send an annual business plan to the Department of Justice setting out how they propose to carry out the Commissioner's functions. Do you agree with the provisions at Clauses 16 and 17?

Yes

Please provide information to support your answer here::

Clause 18 requires the Commissioner to produce an annual report and sets out what it must include. Do you agree with Clause 18?

Yes

Please provide information to support your answer here::

Clause 19 places a duty on charter service providers to respond to recommendations made in the Commissioner's annual report and state how they will be addressed, or provide reasons why a charter service provider does not propose to act on a recommendation. The response must be published within 56 days of the publication of the Commissioner's report. Do you agree with the intent and purposes of Clause 19 of the Bill?

Yes

Please provide information to support your answer here::

PONI believes that it is proper and appropriate that the Commissioner can hold charter service providers to account in this way. Should PONI become a service provider, compliance will carry resource implications.

Do you have anything further to add on Clauses 16 to 19 of the Bill regarding strategic plans, business plans and annual reports?

No

Please provide information to support your answer here::

Clauses 20 to 23 - Supplementary

Clause 20 provides that publications made by the Commissioner under the Act are privileged and exempt from challenge under the law of defamation. Do you support Clause 20 of the Act?

Yes

Please provide information to support your answer here::

Clauses 21 sets out the meaning of “victim” for the purposes of Part 1 of the Bill. Do you agree with Clause 21?

Not Answered

Please provide information to support your answer here::

In the Justice Act “victim” means an individual who is a victim of criminal conduct. Criminal conduct is defined as “conduct constituting an offence”.

The Act also states that in determining whether an individual is a victim of criminal conduct, it is immaterial that no person has been charged with or convicted of an offence in respect of the conduct.

PONI would welcome further guidance on the definition of a “victim” for the purposes of Act compliance should we become a charter service provider as this will impact the resource required to fulfil the functions under the Charter and the Act when commenced.

Clause 22 defines the terms used in Part 1; and Clause 23 introduces Schedule 2 which makes minor and consequential amendments in connection with Part 1 of the Bill. Do you have any comments to make on Clauses 22 or 23?

No

Please provide information to support your answer here::

Do you have anything further to add in relation to the supplementary provisions at Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Clauses 24 to 27 - Criminal evidence and procedure

Clause 24 of the Bill provides that witnesses are eligible for assistance with giving evidence in cases dealing with an offence involving aggravation by hostility. It inserts into the Criminal Evidence (Northern Ireland) Order 1999 Order that the definition of “an offence involving aggravation by hostility” means an offence of any kind in respect of which an allegation that the offence is aggravated by hostility is specified alongside the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027 [see more information]. Do you agree with the provisions in Clause 24?

No

Please provide information to support your answer here::

Clause 25 provides that no person charged with an offence involving aggravation by hostility may cross examine in person a witness, including a child, who is the complainant in connection with the offence or any other offence with which that person is charged in the proceedings. Do you support the inclusion of Clause 25 in the Bill?

No

Please provide information to support your answer here::

Clause 26 introduces provisions for complainants in sexual offence cases in the Crown Court, to make oral or written representations to the court, be legally represented and entitled to be present at any hearing of an application for documents or records which relate to the complainant and which they could have a reasonable expectation of privacy in relation to. It makes similar provisions in relation to applications made to the court relating to the complainant's sexual history. Do you agree with the inclusion of Clause 26 in the Bill?

No

Please provide information to support your answer here::

Clause 27 is a technical fix required for the forthcoming introduction of committal reform provisions. It provides that, in cases involving death or serious harm of a child or vulnerable person, charges cannot be dismissed unless the charge of an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 is also dismissed. Do you agree with Clause 27 being included in the Bill?

No

Please provide information to support your answer here::

Do you have anything further to add on Clauses 24 to 27 of the Bill relating to Criminal Evidence and Procedure?

No

Please provide information to support your answer here::

Clauses 28 to 30 - General

Clauses 28 to 30 provide for regulation making powers, the commencement of the parts of the Bill and the short title. Do you have any comments on Clauses 28 to 30 of the Bill?

No

Please provide information to support your answer here::