

# Victims and Witnesses of Crime

[AS INTRODUCED]

## LEGISLATIVE COMPETENCE

At Introduction the Minister of Justice had made the following statement under section 9 of the Northern Ireland Act 1998:

*“In my view the Victims and Witnesses of Crime would be within the legislative competence of the Northern Ireland Assembly.”*

## SECRETARY OF STATE'S CONSENT

The following statement is for the purpose of section 10(3)(b) of the Northern Ireland Act 1998:

The Secretary of State has consented to the Assembly considering this Bill.



# Victims and Witnesses of Crime

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## CONTENTS

### PART 1

COMMISSIONER FOR VICTIMS AND WITNESSES OF CRIME FOR NORTHERN IRELAND

#### *The Commissioner*

1. Establishment
2. Principal aim

#### *Functions of the Commissioner*

3. General duties
4. General powers
5. Review of Victim Charter and Witness Charter
6. Guidance
7. Advisory groups
8. Restriction on exercise of functions

#### *Charter service providers*

9. Meaning of “charter service provider”
10. Compliance with the Victim Charter
11. Statistics relating to the Victim Charter
12. Power to extend sections 10 and 11 to the Witness Charter
13. Co-operation with Commissioner
14. Complaints
15. Disclosure of information

#### *Strategic plan, business plans and annual reports*

16. Strategic plan
17. Business plans
18. Annual reports
19. Duty to respond to annual reports

#### *Supplementary*

20. Privilege for certain publications
21. Meaning of “victim”
22. Interpretation of this Part
23. Minor and consequential amendments

### PART 2

CRIMINAL EVIDENCE AND PROCEDURE

24. Special measures in cases involving aggravation by hostility
25. Protection from cross-examination in cases involving aggravation by hostility
26. Protection of complainants in proceedings for sexual offences
27. Limitation of power to dismiss charges involving death or serious physical harm of a vulnerable person

## PART 3

## GENERAL

- 28. Regulations and orders
- 29. Commencement
- 30. Short title

## SCHEDULES:

- Schedule 1 — Commissioner for Victims and Witnesses of Crime for Northern Ireland
- Schedule 2 — Minor and consequential amendments

A

## **BILL**

TO

Provide for the appointment and functions of the Commissioner for Victims and Witnesses of Crime for Northern Ireland; to amend the law relating to criminal evidence and procedure in cases involving aggravation by hostility, sexual offences and death or serious physical harm of a vulnerable person; and for connected purposes.

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by His Majesty as follows:

### PART 1

COMMISSIONER FOR VICTIMS AND WITNESSES OF CRIME FOR NORTHERN IRELAND

#### *The Commissioner*

##### **Establishment**

- 5     **1.**—(1) The Commissioner for Victims and Witnesses of Crime for Northern Ireland is established (“the Commissioner”).
- (2) The Commissioner is to be appointed by the Department of Justice.
- (3) Schedule 1 makes further provision about the Commissioner.

##### **Principal aim**

- 10    **2.** The principal aim of the Commissioner in exercising the Commissioner’s functions under this Act is to promote the interests of victims and witnesses.

#### *Functions of the Commissioner*

##### **General duties**

- 3.**—(1) The Commissioner must promote—

- (a) an understanding of the rights of victims and witnesses, and
- (b) an awareness of matters relating to the interests of victims and witnesses.
- (2) The Commissioner must keep under review the adequacy and effectiveness of the law and practice relating to the interests of victims and witnesses.
- 5 (3) The Commissioner must advise a Northern Ireland department or the Executive Committee of the Assembly on matters concerning the interests of victims and witnesses—
  - (a) as soon as reasonably practicable after receipt of a request for advice, and
  - (b) on such other occasions as the Commissioner thinks appropriate.
- 10 (4) The Commissioner must take reasonable steps to ensure that—
  - (a) victims and witnesses are made aware of—
    - (i) the functions of the Commissioner,
    - (ii) the location of the Commissioner’s office, and
    - (iii) the ways in which victims and witnesses may communicate with the
  - 15 Commissioner;
  - (b) victims and witnesses are encouraged to communicate with the Commissioner; and
  - (c) the views of victims and witnesses are sought concerning the exercise by the Commissioner of the Commissioner’s functions.

## 20 **General powers**

- 4.—(1) The Commissioner may undertake, commission or provide financial or other assistance for research or educational activities concerning the interests of victims and witnesses or the exercise of the Commissioner’s functions.
- (2) The Commissioner may—
  - 25 (a) compile information concerning the interests of victims and witnesses;
  - (b) provide advice or information on any matter concerning the interests of victims and witnesses;
  - (c) publish any matter concerning the interests of victims and witnesses, including—
    - 30 (i) the outcome of any research or activities mentioned in subsection (1);
    - (ii) any advice provided by the Commissioner.
- (3) The Commissioner may make representations or recommendations to any body or person concerning the interests of victims and witnesses.

## **Review of Victim Charter and Witness Charter**

- 35 5.—(1) The Commissioner must review the operation and effectiveness of the Victim Charter and the Witness Charter—
  - (a) at least once every 3 years, and
  - (b) at such times as the Department may direct.
- (2) The Department may issue a direction under subsection (1)(b) in respect of
- 40 the Victim Charter, the Witness Charter or both.

(3) Where the Commissioner carries out a review under subsection (1), the Commissioner must prepare a report on the review.

(4) In preparing a report on the review, the Commissioner must consult—

(a) the Department;

5 (b) such other persons as the Commissioner considers appropriate.

(5) As soon as reasonably practicable after preparing a report under this section, the Commissioner must—

(a) publish the report, and

(b) send a copy of the report to the Department.

## 10 **Guidance**

6.—(1) The Commissioner may issue guidance on best practice in relation to any matter concerning the interests of victims and witnesses.

(2) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions.

15 (3) The Commissioner may revise any guidance issued under this section.

(4) Before issuing or revising any guidance under this section the Commissioner must consult such persons as the Commissioner thinks appropriate.

(5) The Commissioner must publish any guidance issued or revised under this section.

20 (6) Nothing in this section permits the Commissioner to issue guidance to a court or tribunal.

## **Advisory groups**

7.—(1) The Commissioner may establish one or more advisory groups to give advice and information to the Commissioner about matters relating to the Commissioner's functions.

(2) The members of any advisory group established under subsection (1) are to be such persons as the Commissioner may determine.

(3) The Commissioner may reimburse the members of an advisory group for such expenses as the Commissioner may determine.

30 (4) The procedure of any advisory group established under subsection (1) is to be such as the Commissioner may determine.

## **Restriction on exercise of functions**

8.—(1) The Commissioner may not exercise any function in relation to an individual case.

35 (2) But subsection (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.

(3) For the purposes of subsection (1), “individual case” includes—

(a) a particular victim or witness;

40 (b) the bringing or conduct of particular proceedings;

- (c) anything done or omitted to be done by a person acting in a judicial capacity or on the instructions of or on behalf of such a person.

*Charter service providers*

**Meaning of “charter service provider”**

5       **9.**—(1) In this Part, “charter service provider” means any of the following criminal justice agencies—

- (a) the Department, but only in respect of functions exercised—
- (i) by the Northern Ireland Prison Service;
  - (ii) by the Youth Justice Agency;
  - 10       (iii) under relevant compensation legislation;
  - (iv) by the Northern Ireland Courts and Tribunals Service;
- (b) the Police Service of Northern Ireland;
- (c) the Public Prosecution Service for Northern Ireland;
- (d) the Probation Board for Northern Ireland;
- 15       (e) the Belfast Harbour Police;
- (f) the Belfast International Airport Constabulary;
- (g) such other criminal justice agencies as the Department may by regulations specify.

20       (2) Before making regulations under subsection (1)(g), the Department must consult—

- (a) the Commissioner, and
- (b) such criminal justice agencies as the Department considers appropriate.

(3) In this section—

25       “criminal justice agency” means a body or person which has any functions relating to—

- (a) victims,
- (b) witnesses in criminal investigations or criminal proceedings, or
- (c) any other aspect of the criminal justice system.

30       “relevant compensation legislation” means—

- (a) the Criminal Damage (Compensation) (Northern Ireland) Order 1977, and
- (b) the Criminal Injuries Compensation (Northern Ireland) Order 2002.

**Compliance with the Victim Charter**

35       **10.**—(1) The Commissioner must monitor compliance with the Victim Charter by any charter service provider specified in it.

(2) For that purpose, the Commissioner may request a charter service provider to disclose to the Commissioner any information that the Commissioner considers necessary.

(3) A charter service provider must, so far as is appropriate and reasonably practicable, comply with a request made to it under subsection (2).

### **Statistics relating to the Victim Charter**

11.—(1) A charter service provider specified in the Victim Charter must—

- 5 (a) provide to the Commissioner such statistics relating to the provision of relevant services as may be determined under subsection (3);
- (b) collect and retain, or arrange for the collection and retention of, any data that is reasonably required for that purpose.

10 (2) “Relevant services” are services that are set out in the Victim Charter to be provided to victims by charter service providers specified in the charter.

(3) For the purposes of subsection (1)(a), the Department must by regulations make provision setting out how the particular statistics, or category of statistics, to be provided to the Commissioner are to be determined.

(4) Regulations made by the Department may specify—

- 15 (a) the form and manner in which the statistics must be provided;
- (b) the intervals at which the statistics must be provided.

20 (5) Regulations made by the Department 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.

(6) Before making regulations under this section, the Department must consult—

- (a) the Commissioner;
- (b) such charter service providers as the Department considers appropriate.

### **Power to extend sections 10 and 11 to the Witness Charter**

25 12.—(1) The Department may by regulations amend sections 10 and 11 for the purpose of extending any provision that applies in relation to the Victim Charter to the Witness Charter.

(2) Before making regulations under this section the Department must consult—

- 30 (a) the Commissioner;
- (b) such charter service providers as the Department considers appropriate.

### **Co-operation with Commissioner**

13.—(1) The Commissioner may request a charter service provider to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.

35 (2) A charter service provider which receives a request under subsection (1) must respond to that request—

- (a) confirming that it will comply with the request so far as reasonably practicable, or
- 40 (b) stating that it will not comply with the request and the reason for that non-compliance.

**Complaints**

- 14.—(1) Each charter service provider must maintain a record of—
- (a) any complaint falling within subsection (2), and
  - (b) the outcome of any such complaint.
- 5 (2) A complaint falls within this subsection if it—
- (a) is made by a person who is, or appears to be, a victim or witness,
  - (b) is made against the charter service provider, and
  - (c) relates to an alleged breach of the charter service provider’s obligations under the Victim Charter or the Witness Charter.
- 10 (3) As soon as reasonably practicable after the end of each financial year, each charter service provider must prepare and send to the Commissioner a report—
- (a) summarising any complaints received in that year and falling within subsection (2),
  - (b) summarising the outcome of any such complaints that have been resolved, and
  - 15 (c) recording the status of any such complaints that have not been resolved.

**Disclosure of information**

- 15.—(1) A charter service provider may disclose any information to the Commissioner if the disclosure is made for the purposes of enabling or assisting the Commissioner to exercise any function.
- 20 (2) A disclosure of information authorised by this section does not breach—
- (a) any obligation of confidence owed by the person making the disclosure in relation to that information, or
  - (b) any other restriction on the disclosure of information (however imposed).
- 25 (3) But nothing in this Part requires or authorises any of the following—
- (a) the disclosure of any patient information (see subsection (4));
  - (b) the making of a disclosure which, although made in the exercise of a function under this Part, would contravene the data protection legislation (see subsection (5));
  - 30 (c) the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (4) “Patient information” means information (however recorded) which—
- (a) relates to, or is (to any extent) derived directly or indirectly from information relating to—
  - 35 (i) the physical or mental health or condition of an individual,
  - (ii) the diagnosis of an individual's condition, or
  - (iii) an individual's care or treatment, and
  - (b) identifies the individual or enables the individual to be identified (either by itself or in combination with other information).
- 40 (5) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(6) This section does not affect any power to disclose that exists apart from this section.

*Strategic plan, business plans and annual reports*

**Strategic plan**

- 5       **16.**—(1) The Commissioner must prepare a strategic plan as soon as reasonably practicable after the Commissioner's appointment.
- (2) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner's functions during the Commissioner's term of office.
- (3) A strategic plan must in particular set out—
- 10       (a) the Commissioner's objectives and priorities for the Commissioner's term of office,
- (b) how the Commissioner proposes to achieve them, and
- (c) the outcomes by reference to which the achievement of the objectives and priorities is to be measured.
- 15       (4) In setting out the objectives and priorities, the Commissioner must—
- (a) specify one or more groups of victims or witnesses to whom the Commissioner will have particular regard, and
- (b) give clear reasons for specifying the group or groups in question.
- (5) In deciding which group or groups to specify, the Commissioner must—
- 20       (a) seek the views of the Department,
- (b) take those views into account, and
- (c) if the Commissioner decides to depart from those views, give clear reasons for doing so.
- (6) The Commissioner may review and revise the strategic plan at any time during the Commissioner's term of office.
- 25       (7) In preparing or revising a strategic plan, the Commissioner must consult—
- (a) the Department;
- (b) such other persons as the Commissioner considers appropriate.
- (8) The Commissioner must—
- 30       (a) publish any plan prepared or revised under this section, and
- (b) send a copy of any such plan to the Department.
- (9) The Department must lay a copy of any plan sent to it under this section before the Assembly.

**Business plans**

- 35       **17.**—(1) The Commissioner must prepare and send to the Department a business plan in respect of each financial year.
- (2) A business plan is a plan setting out how the Commissioner proposes to exercise the Commissioner's functions during the year to which it relates.
- (3) A business plan must in particular set out—

- (a) the actions the Commissioner proposes to take during the year to which it relates to achieve the Commissioner’s objectives and priorities,
  - (b) what the timetable is for doing so,
  - (c) what the estimated costs are of doing so, and
  - 5 (d) what, if any, the expected outcomes are.
- (4) The Commissioner may review and revise any business plan prepared under this section.
- (5) The first business plan of the Commissioner’s term of office must be prepared and sent to the Department as soon as reasonably practicable after the  
 10 Commissioner's appointment.
- (6) Each successive business plan must be prepared and sent to the Department at least 1 month before the beginning of the financial year to which it relates.
- (7) In subsection (3)(a), “objectives and priorities” means the objectives and priorities set out in the strategic plan prepared under section 16.

### 15 **Annual reports**

- 18.**—(1) As soon as reasonably practicable after the end of each financial year, the Commissioner must prepare and publish an annual report on the exercise of the Commissioner's functions during that year.
- (2) The annual report must include—
- 20 (a) an assessment of the extent to which the Commissioner's objectives and priorities were met in the financial year;
  - (b) a review of—
    - (i) the steps taken by the Commissioner in that year to fulfil each of the  
 25 Commissioner’s functions;
    - (ii) issues identified by the Commissioner in that year as being relevant to victims and witnesses;
    - (iii) any statistics provided to the Commissioner in that year under section 11;
    - (iv) any reports on complaints sent to the Commissioner under section 14  
 30 and relating to that year;
  - (c) any recommendations made by the Commissioner in connection with—
    - (i) the exercise of the Commissioner's monitoring function under section 10 in that year;
    - (ii) any other matter relating to the Commissioner’s functions.
- 35 (3) The Commissioner must, as soon as reasonably practicable after preparing an annual report, send a copy to—
- (a) the Department;
  - (b) any charter service provider named in the report.
- (4) The Department must lay a copy of any report sent to it under this section  
 40 before the Assembly.
- (5) In subsection (2)(a), “objectives and priorities” means the objectives and priorities set out in the strategic plan prepared under section 16.

### **Duty to respond to annual reports**

19.—(1) This section applies where the Commissioner publishes a report under section 18(1) containing a recommendation in relation to a charter service provider.

(2) The charter service provider must prepare comments on the report.

5 (3) The comments must include, in respect of each recommendation made in the report and relating to the charter service provider, an explanation of—

(a) the action which the charter service provider has taken, or proposes to take, in response to the recommendation, or

10 (b) why the charter service provider has not taken, or does not propose to take, any action in response.

(4) The charter service provider must arrange for the comments to be published in such manner as the provider considers appropriate.

(5) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published.

15 (6) Where the comments are not published in accordance with subsection (5) the charter service provider must provide the Commissioner with an explanation as to the delay.

(7) The charter service provider must send a copy of anything published under subsection (4) to—

20 (a) the Commissioner, and

(b) the Department.

### *Supplementary*

### **Privilege for certain publications**

25 20. For the purposes of the law of defamation, publication by the Commissioner of any matter which the Commissioner is required or authorised to publish under this Act is absolutely privileged.

### **Meaning of “victim”**

30 21.—(1) Section 29 of the Justice Act (Northern Ireland) 2015 (meaning of victim) applies for the purposes of this Part as it applies for the purposes of section 28 of that Act; but this is subject to subsections (2) and (3).

(2) Section 29(5) of that Act has effect as if the reference to “a criminal justice agency” were a reference to “the Commissioner”.

35 (3) Where the Victim Charter makes provision under section 29(6)(b) of that Act for criminal justice agencies, in circumstances specified in the Charter, to treat a person as if that person were the victim, the Commissioner must also treat that person as the victim in the circumstances so specified.

### **Interpretation of this Part**

22. In this Part—

“charter service provider” has the meaning given by section 9(1);

“the Commissioner” means the Commissioner for Victims and Witnesses of Crime for Northern Ireland;

“criminal justice agency” has the meaning given by section 9(3);

“the Department” means the Department of Justice;

5 “financial year” means—

(a) the period beginning with the day on which the first Commissioner takes office and ending on the next 31 March following that date, and

(b) each successive period of 12 months ending on 31 March;

10 “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“victim” has the meaning given by section 21;

“Victim Charter” means the charter issued under section 28 of the Justice Act (Northern Ireland) 2015;

15 “witness” has the meaning given by section 30(9) of the Justice Act (Northern Ireland) 2015;

“Witness Charter” means the charter issued under section 30 of the Justice Act (Northern Ireland) 2015.

### **Minor and consequential amendments**

20 **23.** Schedule 2 makes minor and consequential amendments in connection with this Part.

## **PART 2**

### **CRIMINAL EVIDENCE AND PROCEDURE**

#### **Special measures in cases involving aggravation by hostility**

25 **24.—**(1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.

(2) In Article 3 (meaning of “sexual offence” and other references to offences), after paragraph (1A) insert—

30 “(1B) In this Order “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 charge of the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027.”.

35 (3) In Article 5(5) (offences where witnesses are eligible for assistance with giving evidence), after sub-paragraph (d) add—

“(e) an offence involving aggravation by hostility (see Article 3(1B)).”.

**Protection from cross-examination in cases involving aggravation by hostility**

**25.**—(1) The Criminal Evidence (Northern Ireland) Order 1999 is amended as follows.

(2) After Article 22B (complainants in proceedings involving stalking) insert—

5           **“Complainants in proceedings involving aggravation by hostility**

**22C.** No person charged with an offence involving aggravation by hostility (see Article 3(1B)) may in any criminal proceedings cross-examine in person a witness who is the complainant, either—

- 10           (a) in connection with the offence, or  
             (b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.”

(3) In Article 23 (child complainants and other child witnesses)—

- 15           (a) in paragraph (3), after sub-paragraph (ce) insert—  
             “(cf) an offence involving aggravation by hostility (see Article 3(1B));”;  
             (b) in paragraph (4)(a), for “or (ce)” substitute “, (ce) or (cf)”.

(4) In Article 24 (direction prohibiting accused from cross-examining particular witnesses)—

- 20           (a) in paragraph (1), after “22B” insert “, 22C”;  
             (b) in paragraph (3)(e), after “22B”, in both places it occurs, insert “, 22C”.

(5) In Article 26(1) (defence representation for purposes of cross-examination), after “22B,” insert “22C,”.

(6) In Article 27(1) (warning to jury), after “22B,” insert “22C,”.

**Protection of complainants in proceedings for sexual offences**

25           **26.**—(1) After Article 27F of the Criminal Evidence (Northern Ireland) Order 1999 insert—

*“Sexual offences: witness summons*

**Complainant participation on application for witness summons**

**27G.**—(1) This Article applies where—

- 30           (a) a person is to be tried on indictment for a sexual offence,  
             (b) for the purpose of proceedings relating to the offence, an application is made to the Crown Court for a witness summons to be issued under section 51A of the Judicature (Northern Ireland) Act 1978, and  
35           (c) the evidence, document or thing whose giving or production is proposed to be required by the witness summons is or contains information—  
             (i) which relates to the complainant, and

(ii) which the complainant could have a reasonable expectation of privacy in relation to.

(2) The complainant—

- 5 (a) must be given an opportunity to make oral or written representations to the court about the application;
- (b) is entitled to be present at any hearing of the application;
- (c) is entitled to be legally represented at any hearing of the application, whether the complainant is present or not.

(3) Rules of court may—

- 10 (a) in such cases as the rules may specify, require the service of notice of the application on the complainant, together with any accompanying documents;
- (b) make provision for the manner in which the service of notice of the application on the complainant may be effected;
- 15 (c) make provision for the manner in which confidential or sensitive information is to be treated in connection with the application, and in particular as to its being disclosed to, or withheld from, parties to the proceedings.

20 (4) In paragraphs (2) and (3), references to the application are to the application described in paragraph (1).”.

(2) Article 30 of the Criminal Evidence (Northern Ireland) Order 1999 (procedure on applications relating to complainant’s sexual history) is amended as follows.

(3) In paragraph (1), for “and in the absence of the complainant” substitute “(but this is subject to paragraph (1A))”.

25 (4) After that paragraph insert—

“(1A) The complainant—

- (a) must be given an opportunity to make oral or written representations to the court about the application;
- (b) is entitled to be present at any hearing of the application;
- 30 (c) is entitled to be legally represented at any hearing of the application, whether the complainant is present or not.”.

(5) In paragraph (3), after sub-paragraph (c) insert—

- 35 “(d) in such cases as the rules may specify, require the service of notice of an application for leave on the complainant, together with any accompanying documents;
- (e) make provision for the manner in which the service of notice of an application for leave on the complainant may be effected.”.

**Limitation of power to dismiss charges involving death or serious physical harm of a vulnerable person**

27.—(1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.

5 (2) In section 7 (evidence and procedure in cases of death: Northern Ireland), after subsection (3A) insert—

“(3B) Where the defendant has been committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015, the charge of murder or manslaughter is not to be dismissed under section 14(2) of that Act unless  
10 the charge of the section 5 offence is also dismissed.”.

(3) In section 7A (evidence and procedure in cases of serious physical harm: Northern Ireland)—

(a) in subsection (1) for “(5)” substitute “(5A)”;

(b) after subsection (5) insert—

15 “(5A) Where the defendant has been committed for trial under Chapter 2 of Part 2 of the Justice Act (Northern Ireland) 2015, the charge of the relevant offence is not to be dismissed under section 14(2) of that Act unless the charge of the section 5 offence is also dismissed.”.

PART 3

20 GENERAL

**Regulations and orders**

28.—(1) Subject to subsection (2), regulations may not be made under this Act unless a draft of the regulations has been laid before, and approved by a resolution, of the Assembly.

25 (2) Regulations made under section 9 are subject to negative resolution.

(3) Regulations and orders made by the Department under this Act may contain such incidental, supplementary, transitional, transitory or saving provisions as appear to the Department to be necessary or expedient.

**Commencement**

30 29.—(1) This Part comes into operation on the day after the day on which this Act receives Royal Assent.

(2) The other provisions of this Act come into operation on such day or days as the Department of Justice may by order appoint.

**Short title**

35 30. This Act may be cited as the Victims and Witnesses of Crime Act (Northern Ireland) 2027.

## SCHEDULES

### SCHEDULE 1

Section 1.

#### COMMISSIONER FOR VICTIMS AND WITNESSES OF CRIME FOR NORTHERN IRELAND

5

#### *Status*

1.—(1) The person for the time being holding the office of the Commissioner is by that name a corporation sole.

(2) The Commissioner is not to be regarded—

- (a) as the servant or agent of the Crown, or  
 10 (b) as enjoying any status, immunity or privilege of the Crown.

(3) The property of the Commissioner is not to be regarded as property of, or held on behalf of, the Crown.

#### *Tenure of office*

15 2.—(1) A person holds and vacates office as the Commissioner in accordance with the terms of the person's appointment; but this is subject to the provisions of this Act and any other statutory provision.

(2) An appointment as the Commissioner is for such period, not exceeding 5 years, as may be specified in the terms of appointment.

20 (3) A person who ceases to be the Commissioner on the expiration of that person's first term of office is eligible for appointment under section 1(2).

(4) A person may not be appointed under section 1(2) more than twice.

(5) The Commissioner may resign by giving notice in writing to the Department.

(6) The Department may remove a person from office as Commissioner by giving notice in writing if satisfied that the person—

- 25 (a) has been convicted of a criminal offence,  
 (b) has become bankrupt, is the subject of a bankruptcy restrictions order, has had a debt relief order or debt relief restrictions order made in respect of that person, or has made a voluntary or composition arrangement with that person's creditors,  
 30 (c) has without reasonable excuse, failed to discharge the functions of the Commissioner for a continuous period of 3 months,  
 (d) has become unable, unfit or unwilling to exercise the functions of the Commissioner, or  
 (e) has failed to comply with the terms of appointment.

35 (7) Each of the expressions used in sub-paragraph (6)(b) has the same meaning as the Insolvency (Northern Ireland) Order 1989.

*Commissioner's salary, etc.*

3.—(1) The Department may pay to or in respect of the Commissioner such of the following as the Department may determine—

- (a) remuneration,
- 5 (b) allowances, and
- (c) sums for the provision of a pension.

(2) Where a person ceases to hold office as Commissioner otherwise than on the expiration of that person's term of office and the Department determines that special circumstances justify compensation, the Department may pay to, or in respect of, the person such amount as the Department may determine.

(3) A determination of the Department under this paragraph requires the approval of the Department of Finance.

*Staff*

4.—(1) The Commissioner may appoint such number of staff as the Commissioner may determine.

(2) The terms of a person's appointment are to be determined by the Commissioner; but this is subject to the provisions of this Act and any other statutory provision.

(3) The Commissioner may pay to or in respect of a member of staff such remuneration, allowances, and sums for the provision of a pension as the Commissioner may determine.

(4) Where a person ceases to be a member of staff otherwise than on expiration of a term of appointment and the Commissioner determines that special circumstances justify compensation, the Commissioner may pay to or in respect of the person such amount as the Commissioner may determine.

(5) A determination by the Commissioner under this paragraph requires the approval of the Department and of the Department of Finance.

*Seconded staff*

5.—(1) The Commissioner may make arrangements with a Northern Ireland department for persons employed in the Northern Ireland civil service to be seconded to the office of the Commissioner.

(2) Arrangements made with a Department other than the Department of Finance require the approval of that Department.

(3) A period of secondment does not affect a person's continuity of service in the Northern Ireland civil service.

*Delegation of functions of Commissioner*

6.—(1) Any function of the Commissioner may be exercised by a member of the Commissioner's staff who has been authorised (whether generally or specifically) by the Commissioner for that purpose.

(2) The giving of authority under sub-paragraph (1) to exercise a function does not—

(a) affect the Commissioner’s responsibility to exercise the function;

(b) prevent the exercise of the function by the Commissioner.

(3) In sub-paragraph (1), “staff” includes—

(a) staff appointed as mentioned in paragraph 4(1), and

5 (b) staff seconded as mentioned in paragraph 5(1).

#### *Seal*

7.—(1) The application of the seal of the Commissioner must be authenticated by the signature of—

(a) the Commissioner, or

10 (b) any person authorised under paragraph 6 for that purpose.

(2) Any document which, if executed by an individual, would not require to be executed as a deed may be executed on behalf of the Commissioner by any person generally or specifically authorised by the Commissioner for that purpose.

#### *Evidence*

15 8. A document purporting to be an instrument issued by the Commissioner and to be duly executed under the Commissioner’s seal or signed by or on behalf of the Commissioner is to be received in evidence and, unless the contrary is proved, taken to be such an instrument.

#### *Property*

20 9.—(1) Any real and personal property vested in the Commissioner must (unless and until disclaimed or disposed of) vest in the Commissioner’s successor in office.

(2) Where there is a vacancy in the office of Commissioner at the time when real or personal property would otherwise have vested, the property must vest in  
 25 the successor on that person’s appointment.

#### *Funding*

10.—(1) The Department may make grants to the Commissioner of such amounts as it determines.

30 (2) The Commissioner must pay to the Department all sums received by the Commissioner in the course of, or in connection with, the exercise of the Commissioner’s functions.

(3) But sub-paragraph (2) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance, direct.

35 (4) Any sums received by the Department under this paragraph must be paid into the Consolidated Fund.

#### *Accounts*

11.—(1) The Commissioner must—

- (a) keep proper accounts and proper records in relation to the accounts, and
  - (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts must—
- (a) be in such form, and
  - (b) contain such information,
- 5 as the Department may, with the approval of the Department of Finance, direct.
- (3) The Commissioner must, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—
- (a) the Department, and
  - (b) the Comptroller and Auditor General.
- 10 (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on every statement of accounts received under sub-paragraph (3)(b), and
  - (b) send a copy of that report to the Department.
- 15 (5) The Department must lay before the Assembly a copy of—
- (a) the statement of accounts, and
  - (b) the Comptroller and Auditor General's report.
- 20 (6) In this paragraph, "Comptroller and Auditor General" means the Comptroller and Auditor General for Northern Ireland.

#### *Supplementary powers*

- 12.—(1) The Commissioner may do anything which the Commissioner considers to be appropriate for facilitating, or to be incidental or conducive to, the exercise of the Commissioner's functions.
- 25 (2) The power in sub-paragraph (1) includes in particular—
- (a) co-operating with other bodies exercising functions relating to victims and witnesses or their rights (whether in Northern Ireland or elsewhere);
  - (b) acquiring, holding and disposing of real or personal property;
  - (c) entering into contracts.
- 30 (3) The power in sub-paragraph (1) does not include the power to borrow money.

## SCHEDULE 2

Section 23.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Superannuation (Northern Ireland) Order 1972*

- 35 1. In Schedule 1 to the Superannuation (Northern Ireland) Order 1972 (kinds of employment referred to in Article 3), at the appropriate place insert—





# **Victims and Witnesses of Crime**

[AS INTRODUCED]

A Bill to provide for the appointment and functions of the Commissioner for Victims and Witnesses of Crime for Northern Ireland; to amend the law relating to criminal evidence and procedure in cases involving aggravation by hostility, sexual offences and death or serious physical harm of a vulnerable person; and for connected purposes.

Introduced by: Mrs Naomi Long, Minister of Justice

On: 22 June 2026

Bill Type: Executive Bill

## **ACCOMPANYING DOCUMENTS**

**An Explanatory and Financial Memorandum is printed separately as  
NIA Bill 39/22-27 EFM.**









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