



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 1

VICTIMS OF CRIMINAL CONDUCT

Victims' code

2 The victims' code

- (1) The Secretary of State must issue a code of practice as to the services to be provided to victims by persons appearing to the Secretary of State to have functions of a public nature relating to—
 - (a) victims, or
 - (b) any aspect of the criminal justice system.
- (2) In [this Part](#), the “victims’ code” means the code of practice issued under [this section](#) that is for the time being in operation (but see [subsection \(13\)](#)).
- (3) The victims’ code must make provision for services which reflect the principles that victims require—
 - (a) information to help them understand the criminal justice process;
 - (b) access to services which support them (including, where appropriate, specialist services);
 - (c) the opportunity to make their views heard in the criminal justice process;
 - (d) the ability to challenge decisions which have a direct impact on them.
- (4) The Secretary of State may by regulations make further provision about the victims’ code, including about matters that the code must include.
- (5) But the Secretary of State may make regulations under [subsection \(4\)](#) only if satisfied that provision made in the code in compliance with the regulations would not result in—
 - (a) a significant reduction in the quality or extent of the services provided in accordance with the victims’ code, or

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- (b) a significant restriction in the description of persons to whom services are provided in accordance with the victims' code.
- (6) The victims' code may restrict the application of its provisions to—
 - (a) victims of specified descriptions (including those who are victims by virtue of specified conduct or conduct constituting specified offences);
 - (b) specified persons who have functions of a kind mentioned in [subsection \(1\)](#).
- (7) The victims' code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons—
 - (a) instead of the victim (for example, where the victim has died);
 - (b) as well as the victim.
- (8) The victims' code may make different provision for different purposes, including different provision for—
 - (a) victims of different descriptions;
 - (b) persons who have different functions of a kind mentioned in [subsection \(1\)](#).
- (9) The victims' code may make different provision for different areas.
- (10) In considering whether to exercise the power in [subsection \(8\)\(a\)](#), the Secretary of State must have regard to the particular needs of victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.
- (11) The victims' code may not require anything to be done by—
 - (a) a person acting in a judicial capacity, or on the instructions of or on behalf of such a person;
 - (b) a person acting in the discharge of a prosecution function, if that function involves the exercise of a discretion.
- (12) In [this section](#), “specified” means specified in the victims' code.
- (13) Until the first code of practice issued under [this section](#) is in operation, references in sections 5 to 12 and 32 to the “victims' code” are to the code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 that is for the time being in operation.

3 Preparing and issuing the victims' code

- (1) [This section](#) applies in relation to the code of practice required to be issued under [section 2](#).
- (2) The Secretary of State must prepare a draft of the code.
- (3) In preparing the draft the Secretary of State must consult—
 - (a) the Attorney General,
 - (b) the Commissioner for Victims and Witnesses, and
 - (c) the Welsh Ministers.
- (4) After preparing the draft the Secretary of State must—
 - (a) publish the draft, and
 - (b) specify a period during which representations about the draft may be made to the Secretary of State.

- (5) The Secretary of State must—
 - (a) consider, in consultation with the Attorney General, any representations about the draft made to the Secretary of State before the end of the period specified in accordance with [subsection \(4\)\(b\)](#), and
 - (b) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (6) After carrying out the duties under [subsection \(5\)](#), the Secretary of State must lay the draft code before Parliament.
- (7) When the draft code has been laid before Parliament in accordance with [subsection \(6\)](#), the Secretary of State must bring it into operation on such day as the Secretary of State appoints by regulations.
- (8) A requirement under any of [subsections \(2\) to \(5\)](#) may be met by steps taken before (as well as after) [this section](#) comes into force.

4 Revising the victims' code

- (1) The Secretary of State may from time to time revise the victims' code.
- (2) But the Secretary of State may revise the victims' code only if satisfied that the proposed revisions would not result in—
 - (a) a significant reduction in the quality or extent of the services provided in accordance with the code, or
 - (b) a significant restriction in the description of persons to whom services are provided in accordance with the code.
- (3) The procedure in [section 3](#) applies to a revision of the victims' code, except that if the Secretary of State considers that all of the revisions are minor the procedure in [subsection \(5\)](#) may be used instead.
- (4) Revisions are minor if—
 - (a) they make corrections or clarifications, or
 - (b) they are consequential on changes to the law, practice or procedure relating to any aspect of the criminal justice system.
- (5) The procedure in [this subsection](#) is that the Secretary of State must—
 - (a) consult the Attorney General, the Commissioner for Victims and Witnesses and the Welsh Ministers about the proposed revisions,
 - (b) lay a draft of the revised code before Parliament, and
 - (c) when the draft revised code has been laid before Parliament, bring it into operation on such day as the Secretary of State appoints by regulations.

5 Code compliance

- (1) Where the victims' code makes provision about a service to be provided to victims by a person, the person must provide the service in accordance with the code unless the person has good reasons not to.
- (2) Any person who is subject to the duty in [subsection \(1\)](#) and is not an individual must ensure that procedures are in place by which other persons may complain about an alleged failure to comply with the duty.

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- (3) If a person fails to act in accordance with the victims' code, the failure does not of itself make that person liable to criminal or civil proceedings.
- (4) But the victims' code is admissible in evidence in criminal or civil proceedings, and a court may take into account a failure to act in accordance with the code in determining a question in the proceedings.

6 Code awareness and reviewing compliance: criminal justice bodies

- (1) Each criminal justice body which provides services in a police area must—
 - (a) take reasonable steps to promote awareness of the victims' code among users of those services and other members of the public, and
 - (b) keep under review whether and how those services are provided in accordance with the duty in [section 5\(1\)](#).
- (2) A criminal justice body which provides services in a police area must, in particular, undertake the following activities in such manner as may be prescribed—
 - (a) collect prescribed information about the provision of those services;
 - (b) share prescribed information about the provision of those services with—
 - (i) each other criminal justice body which provides services in the police area, or such of those bodies as may be prescribed, and
 - (ii) the elected local policing body for the police area;
 - (c) review information shared under paragraph (b) with the bodies with whom the information is shared.
- (3) In [subsection \(2\)](#), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under [subsection \(2\)](#) may, in particular—
 - (a) prescribe different information to be collected or shared by different bodies;
 - (b) prescribe different information in relation to different services;
 - (c) prescribe information relating to the characteristics or experiences of users of services;
 - (d) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
 - (e) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after [this section](#) comes into force).
- (6) In this section, “criminal justice body” means—
 - (a) the chief officer of police for the police area in question;
 - (b) the Crown Prosecution Service;
 - (c) the Lord Chancellor, in the exercise of functions under section 1 of the Courts Act 2003 or section 39 of the Tribunals, Courts and Enforcement Act 2007;
 - (d) the Secretary of State, in the exercise of functions in relation to prisons;

- (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
 - (f) the Secretary of State, in the exercise of functions in relation to probation provision within the meaning of Part 1 of the Offender Management Act 2007 (see section 2(1) of that Act).
- (7) In [subsection \(6\)\(d\)](#), “prison” includes any youth detention accommodation within the meaning given by section 248(1) of the Sentencing Code (detention and training orders).

7 Arrangements for collection of victims’ feedback

- (1) This section applies where the Secretary of State has made arrangements with a person for the collection by the person of information which—
- (a) relates to the characteristics or experiences of users of services provided by a relevant criminal justice body in a police area, and
 - (b) is collected for the purposes of assessing whether and how those services are provided in accordance with the duty in [section 5\(1\)](#).
- (2) The Secretary of State and the Attorney General may by a joint direction require the body to provide specified information to the person for the purposes of enabling or assisting the performance of the arrangements.
- (3) A relevant criminal justice body which is directed to provide information under this section must provide it—
- (a) in such form and manner as may be specified, and
 - (b) at such times or within such periods as may be specified.
- (4) In this section—
- “relevant criminal justice body” means a criminal justice body falling within paragraphs (a), (b) or (e) of the definition of “criminal justice body” in [section 6\(6\)](#);
 - “specified” means specified in the direction.

8 Reviewing code compliance: elected local policing bodies

- (1) The elected local policing body for a police area must keep under review whether and how criminal justice bodies which provide services in the police area provide those services in accordance with the duty in [section 5\(1\)](#).
- (2) The elected local policing body for a police area must, in particular, undertake the following activities in such manner as may be prescribed—
- (a) provide the Secretary of State with information shared with it under [section 6\(2\)\(b\)](#), or such of that information as may be prescribed;
 - (b) participate in any review under [section 6\(2\)\(c\)](#);
 - (c) provide the Secretary of State with such reports, on such matters in connection with a review under [section 6\(2\)\(c\)](#), as may be prescribed.
- (3) In [subsection \(2\)](#), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under [subsection \(2\)](#) may, in particular—

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- (a) prescribe the times at which, or periods within which, information or a report must be provided;
 - (b) prescribe the form in which information or a report must be provided, or require information or a report to be provided in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).
- (6) In this section, “criminal justice body” has the meaning given by [section 6\(6\)](#).

9 Code awareness and reviewing compliance: British Transport Police

- (1) In this section—
- “the Authority” is the British Transport Police Authority;
 - “the Chief Constable” is the Chief Constable of the British Transport Police Force;
 - “relevant services” are services provided in England and Wales by the Chief Constable.
- (2) The Chief Constable must take reasonable steps to promote awareness of the victims’ code among users of relevant services and other members of the public.
- (3) The Chief Constable and the Authority must keep under review whether and how relevant services are provided in accordance with the duty in [section 5\(1\)](#).
- (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed—
- (a) collect prescribed information about the provision of relevant services;
 - (b) share with the Authority prescribed information about the provision of relevant services;
 - (c) review with the Authority information shared under [paragraph \(b\)](#).
- (5) The Authority must, in particular, undertake the following activities in such manner as may be prescribed—
- (a) provide the Secretary of State with the information shared with it under [subsection \(4\)\(b\)](#), or such of that information as may be prescribed;
 - (b) participate in any review under [subsection \(4\)\(c\)](#);
 - (c) provide the Secretary of State with such reports, on such matters in connection with a review under [subsection \(4\)\(c\)](#), as may be prescribed.
- (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State.
- (7) Regulations under this section may, in particular—
- (a) prescribe different information in relation to different services;
 - (b) prescribe information relating to the characteristics or experiences of users of services;
 - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed, or information or a report must be provided to the Secretary of State;

- (d) prescribe the form in which information must be collected or shared, or information or a report must be provided to the Secretary of State, or require those things to be done in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (8) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).

10 Code awareness and reviewing compliance: Ministry of Defence Police

- (1) In this section—
 - “the Chief Constable” is the Chief Constable of the Ministry of Defence Police;
 - “relevant services” are services provided in England and Wales by the Chief Constable.
- (2) The Chief Constable must take reasonable steps to promote awareness of the victims’ code among users of relevant services and other members of the public.
- (3) The Chief Constable and the Secretary of State must keep under review whether and how relevant services are provided in accordance with the duty in [section 5\(1\)](#).
- (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed—
 - (a) collect prescribed information about the provision of relevant services;
 - (b) share with the Secretary of State prescribed information about the provision of relevant services;
 - (c) review with the Secretary of State information shared under [paragraph \(b\)](#).
- (5) The Secretary of State must, in particular—
 - (a) participate in any review under [subsection \(4\)\(c\)](#);
 - (b) prepare such reports, on such matters in connection with a review under [subsection \(4\)\(c\)](#), as may be prescribed.
- (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State.
- (7) Regulations under this section may, in particular—
 - (a) prescribe different information in relation to different services;
 - (b) prescribe information relating to the characteristics or experiences of users of services;
 - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
 - (d) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (8) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).

11 Reviewing code compliance: Secretary of State and Attorney General

- (1) The Secretary of State and the Attorney General, acting jointly, must—
 - (a) keep under review the code compliance of the persons mentioned in [subsection \(6\)](#), and
 - (b) annually, prepare and publish a report about the code compliance of those persons in the period to which the report relates.
- (2) If the Secretary of State and the Attorney General agree that the code compliance of a person mentioned in [subsection \(6\)](#) is unsatisfactory they may—
 - (a) if the person is the chief officer of police for a police area, give the elected local policing body for the area a notice setting out their reasons for being of that view;
 - (b) in any other case, give the person a notice setting out their reasons for being of that view.
- (3) If the Secretary of State and the Attorney General give a notice under [subsection \(2\)](#) they must—
 - (a) if the notice is given under paragraph (a) of that subsection, send a copy of the notice to the chief officer of police to whom the notice relates, and
 - (b) in any case, publish the notice in such form and manner as they consider appropriate.
- (4) The Secretary of State and the Attorney General must consult the Commissioner for Victims and Witnesses before—
 - (a) publishing a report under [subsection \(1\)\(b\)](#);
 - (b) giving a notice under [subsection \(2\)](#).
- (5) The Secretary of State must publish such compliance information as the Secretary of State considers will enable members of the public to assess the code compliance of the persons mentioned in [subsection \(6\)](#) in the period to which the information relates.
- (6) The persons are—
 - (a) each criminal justice body which provides services in a police area;
 - (b) the Chief Constable of the British Transport Police Force;
 - (c) the Chief Constable of the Ministry of Defence Police.
- (7) For the purposes of this section—
 - (a) “compliance information” means information provided to the Secretary of State under [section 8\(2\)\(a\)](#), [9\(5\)\(a\)](#) or [10\(4\)\(b\)](#), or information collected under arrangements mentioned in [section 7](#);
 - (b) the “code compliance” of a person is whether and how the services provided by the person in the relevant area are provided in accordance with the duty in [section 5\(1\)](#).
- (8) In [subsection \(7\)\(b\)](#), “relevant area” means—
 - (a) in relation to a criminal justice body which provides services in a police area, that area;
 - (b) in relation to the Chief Constable of the British Transport Police Force or the Chief Constable of the Ministry of Defence Police, England and Wales.
- (9) The first report under [paragraph \(b\)](#) of [subsection \(1\)](#) may relate to any 12 month period that includes the day on which that paragraph comes into force.

- (10) Subsequent reports must relate to the 12 month period immediately following the 12 month period to which the previous report relates.
- (11) The Secretary of State must lay each report before Parliament.
- (12) Information or a report published under this section—
 - (a) must be published as soon as is reasonably practicable after the end of the period to which it relates;
 - (b) may be published in such form and manner as the Secretary of State considers appropriate.
- (13) Where information published by the Secretary of State under [subsection \(5\)](#) relates to a particular police area, the elected local policing body for the area must take reasonable steps to make members of the public in the area aware of how to access the information.
- (14) In this section, “criminal justice body” has the meaning given by [section 6\(6\)](#).

12 Guidance on code awareness and reviewing compliance

- (1) The Secretary of State must issue guidance about the discharge of duties under [sections 6 to 11](#) (and any person subject to such a duty must have regard to the guidance when discharging the duty).
- (2) The guidance may, in particular, include provision—
 - (a) about ways of promoting awareness of the victims’ code (including different provision in relation to users of services provided by a person and other members of the public);
 - (b) about the way in which information is collected (and in particular, how information in relation to individuals who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010 is collected);
 - (c) about the way in which information is shared and reviewed (including, where meetings are held to review information, about the conduct of such meetings);
 - (d) about the steps that an elected local policing body for a police area must take, where [section 11\(13\)](#) applies, to make members of the public aware of how to access compliance information published by the Secretary of State which relates to the police area.
- (3) Before issuing guidance under [this section](#), the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after [this section](#) comes in force).