

## STATUTORY INSTRUMENTS

# 2006 No. 2953

## The Victims and Survivors (Northern Ireland) Order 2006

### *Introductory*

#### **Title and commencement** **N.I.**

1.—(1) This Order may be cited as the Victims and Survivors (Northern Ireland) Order 2006.

(2) The following provisions of this Order come into operation two weeks after the day on which this Order is made—

- (a) this Article; and
- (b) Articles 2 and 3.

(3) The other provisions of this Order come into operation on such day or days as the Office may by order appoint.

(4) An order under paragraph (3) may contain such transitional provisions as appear to the Office to be appropriate.

#### **Subordinate Legislation Made**

P1 [Art. 1\(3\)](#) power fully exercised: 15.2.2007 appointed by [{S.R. 2007/96}](#), art. 2

#### **Interpretation: general** **N.I.**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the [<sup>F1</sup>Commission]” means the [<sup>F1</sup>Commission] for Victims and Survivors for Northern Ireland;

“conflict-related incident” means an incident appearing to the [<sup>F2</sup>Commission] to be a violent incident occurring in or after 1966 in connection with the affairs of Northern Ireland;

“information” includes information recorded in any form;

“the Office” means the Office of the First Minister and deputy First Minister;

“practice” includes policy.

#### **Textual Amendments**

F1 Word in [art. 2\(2\)](#) in definition of "Commission" substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

F2 Word in [art. 2\(2\)](#) in definition of "conflict-related incident" substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

**Interpretation: “victim and survivor”** **N.I.**

3.—(1) In this Order references to “victim and survivor” are references to an individual appearing to the [<sup>F3</sup>Commission] to be any of the following—

- (a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident;
- (b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or
- (c) someone who has been bereaved as a result of or in consequence of a conflict-related incident.

(2) Without prejudice to the generality of paragraph (1), an individual may be psychologically injured as a result of or in consequence of—

- (a) witnessing a conflict-related incident or the consequences of such an incident; or
- (b) providing medical or other emergency assistance to an individual in connection with a conflict-related incident.

**Textual Amendments**

- F3** Word in [art. 3\(1\)](#) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

*The [<sup>F4</sup>Commission]*

**Textual Amendments**

- F4** Word in [art. 4](#) cross-heading substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

**The [<sup>F5</sup>Commission] for Victims and Survivors for Northern Ireland** **N.I.**

4.—<sup>F6</sup>(1) There shall be a body corporate to be known as the Commission for Victims and Survivors for Northern Ireland.

(2) The Schedule has effect in relation to the Commission.]

(4) This Article shall cease to have effect on such day as the First Minister and deputy First Minister acting jointly may by order appoint.

(5) An order under paragraph (4) may include such transitional provisions as appear to the First Minister and deputy First Minister to be appropriate.

(6) No order may be made under paragraph (4) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

**Textual Amendments**

- F5** Word in [art. 4](#) heading substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F6** [Art. 4\(1\)\(2\)](#) substituted (23.5.2008) for [art. 4\(1\)-\(3\)](#) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(2\)](#)

## Principal aim of the [F7Commission] **N.I.**

5. The principal aim of the [F8Commission] in exercising [F9its] functions under this Order is to promote the interests of victims and survivors.

### Textual Amendments

- F7 Word in art. 5 heading substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F8 Word in art. 5 substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F9 Word in art. 5 substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)

## Duties of the [F10Commission] **N.I.**

6.—(1) The [F11Commission] shall promote an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests.

(2) The [F12Commission] shall keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors.

(3) The [F13Commission] shall keep under review the adequacy and effectiveness of services provided for victims and survivors by bodies or persons.

(4) The [F14Commission] shall advise the Secretary of State, the Executive Committee of the Assembly and any body or person providing services for victims and survivors on matters concerning the interests of victims and survivors—

- (a) as soon as reasonably practicable after receipt of a request for advice; and
- (b) on such other occasions as the [F15Commission] thinks appropriate.

(5) The [F16Commission] shall take reasonable steps to ensure that the views of victims and survivors are sought concerning the exercise by the [F16Commission] of [F17its] functions.

(6) The [F18Commission] shall make arrangements for a forum for consultation and discussion with victims and survivors.

### Textual Amendments

- F10 Word in art. 6 heading substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F11 Word in art. 6(1) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F12 Word in art. 6(2) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F13 Word in art. 6(3) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F14 Word in art. 6(4) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F15 Word in art. 6(4)(b) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F16 Word in art. 6(5) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

- F17** Word in art. 6(5) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)
- F18** Word in art. 6(6) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

### General powers of the <sup>F19</sup>Commission] **N.I.**

7.—(1) The <sup>F20</sup>Commission] may undertake, commission or provide financial or other assistance for research or educational activities concerning the interests of victims and survivors or the exercise of <sup>F21</sup>its] functions.

(2) The <sup>F22</sup>Commission] may, after consultation with such bodies or persons as <sup>F23</sup>it] thinks fit, issue guidance on best practice in relation to any matter concerning the interests of victims and survivors.

(3) The <sup>F24</sup>Commission] may—

- (a) compile information concerning the interests of victims and survivors;
- (b) provide advice or information on any matter concerning the interests of victims and survivors;
- (c) publish any matter concerning the interests of victims and survivors, including—
  - (i) the outcome of any research or activities mentioned in paragraph (1);
  - (ii) any advice provided by the <sup>F25</sup>Commission].

(4) The <sup>F26</sup>Commission] may make representations or recommendations to any body or person concerning the interests of victims and survivors.

#### Textual Amendments

- F19** Word in art. 7 heading substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F20** Word in art. 7(1) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F21** Word in art. 7(1) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)
- F22** Word in art. 7(2) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F23** Word in art. 7(2) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)
- F24** Word in art. 7(3) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F25** Word in art. 7(3)(c)(ii) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F26** Word in art. 7(4) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

### Work programmes **N.I.**

8.—(1) The <sup>F27</sup>Commission] shall, at such time, in such form and in respect of such period as the First Minister and deputy First Minister acting jointly may direct, prepare and submit to the First Minister and deputy First Minister a programme of <sup>F28</sup>its] proposed activities in exercise of <sup>F28</sup>its] functions (referred to in this Article as “a work programme”).

(2) A work programme submitted to the First Minister and deputy First Minister under this Article shall include—

- (a) in respect of each activity mentioned in the programme, an estimate of the [<sup>F29</sup>Commission's] expenditure and receipts;
- (b) such other matters as the First Minister and deputy First Minister acting jointly may direct.

(3) Before submitting a work programme under this Article, the [<sup>F30</sup>Commission] shall consult such bodies or persons as [<sup>F31</sup>it] thinks fit.

(4) The First Minister and deputy First Minister acting jointly may request the [<sup>F32</sup>Commission] to furnish such information in connection with any work programme submitted to them as they may require, including information as to the results of any consultations under paragraph (3).

(5) The First Minister and deputy First Minister acting jointly may, after making such modifications, if any, in the work programme as, after consultation with the [<sup>F33</sup>Commission], they consider necessary, approve any work programme submitted under this Article.

(6) The [<sup>F34</sup>Commission] may at any time, and shall if the First Minister and deputy First Minister acting jointly so direct, prepare and submit to the First Minister and deputy First Minister a revised work programme or an amendment to an existing work programme and paragraphs (2) to (5) shall apply in relation to any such revised work programme or amendment as they apply in relation to the original work programme.

(7) It shall be the duty of the [<sup>F35</sup>Commission]—

- (a) to carry out the activities in the work programme approved under this Article in accordance with that programme;
- (b) not to carry out any activities or incur any expenditure in any period except in accordance with the work programme approved under this Article in respect of that period.

#### **Textual Amendments**

- F27** Word in art. 8(1) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F28** Word in art. 8(1) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)
- F29** Word in art. 8(2)(a) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F30** Word in art. 8(3) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F31** Word in art. 8(3) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(b\)](#)
- F32** Word in art. 8(4) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F33** Word in art. 8(5) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F34** Word in art. 8(6) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)
- F35** Word in art. 8(7) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

### *Supplementary provisions*

#### **Privilege for certain publications** **N.I.**

9. For the purposes of the law of defamation, publication by the [<sup>F36</sup>Commission] of any matter which the [<sup>F36</sup>Commission] is required or authorised to publish under this Order shall be absolutely privileged.

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#### **Textual Amendments**

**F36** Word in art. 9 substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

#### **Payment of grants by the Office** **N.I.**

10.—(1) The Office may, with the approval of the Department of Finance and Personnel, pay such grants to such bodies or persons as it considers appropriate in connection with measures which appear to the Office to be intended to assist victims and survivors.

(2) Grants under this Article may be subject to such terms and conditions as the Office may, with the approval of the Department of Finance and Personnel, determine.

(3) For the purposes of this Article, the definition of “victim and survivor” shall have effect as if for the word “ [<sup>F37</sup>Commission]” there were substituted the word “Office”.

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#### **Textual Amendments**

**F37** Word in art. 10(3) substituted (23.5.2008) by [Commission for Victims and Survivors Act \(Northern Ireland\) 2008 \(c. 6\), s. 1\(4\)\(a\)](#)

*Christine Cook*  
Deputy Clerk of the Privy Council

**Changes to legislation:**

There are currently no known outstanding effects for the The Victims and Survivors (Northern Ireland) Order 2006.