

2005 No. 432

CRIMINAL JUSTICE

**The Probation Board for Northern Ireland Victim
Information Scheme 2005**

Made - - - - - *24th September 2005*

Coming into operation *25th October 2005*

Laid before Parliament *4th October 2005*

The Secretary of State in exercise of the powers conferred on him by Article 25 of the Criminal Justice (Northern Ireland) Order 2005(a) hereby makes the following scheme:

Citation and commencement

1. This scheme may be cited as the Probation Board for Northern Ireland Victim Information Scheme 2005 and shall come into operation on 25th October 2005.

Interpretation

2. In this scheme “the Board” means the Probation Board for Northern Ireland and “supervised offender” means a person subject to supervision in accordance with Article 25(2) of the Criminal Justice (Northern Ireland) Order 2005.

Application of Scheme

3.—(1) The following persons, not being the actual victim of an offence, are to be regarded as the victim of that offence for the purposes of this scheme instead of the actual victim:

- (a) if the actual victim has died, a close family member; and
- (b) if the actual victim is a vulnerable person, a close family member or a legal guardian.

(2) In particular circumstances in which the Board considers it appropriate, a person other than the actual victim of an offence is to be regarded for the purposes of this scheme as a victim of the offence (instead of the actual victim).

(3) References to the victim of an offence in this scheme shall be construed in accordance with paragraphs (1) and (2).

(4) In paragraph (1) “a close family member” means one of the following persons:

- (a) the actual victim’s spouse;
- (b) a person with whom the actual victim is living, or as the case may be lived, as the actual victim’s spouse, or civil partner;
- (c) the actual victim’s parent;
- (d) the actual victim’s adult child;

(a) S.I. 2005 No. 1965 (N.I. 15)

- (e) the actual victim's sibling;
- (f) the actual victim's grandparent.

(5) In paragraph (1) "a vulnerable person" means a person under the age of eighteen or a person whose physical or mental state is such that the Board considers that it is reasonable in all the circumstances for a person listed in (1)(b) to receive the information instead.

Notification by Victim

4. A victim must indicate that he wishes to receive information under the scheme by applying in writing to the Board with the information specified in the Schedule to the scheme.

Information to be made available and timing

5.—(1) The victim of an offence shall be entitled to receive under this scheme the information specified in the following paragraphs in relation to a relevant supervised offender.

- (2) The information, in relation to a relevant supervised offender is:
 - (a) the type of supervision the supervised offender is subject to in accordance with Article 25(2) of the Criminal Justice (Northern Ireland) Order 2005;
 - (b) the general requirements of the supervision;
 - (c) the length of the period of supervision;
 - (d) information on any additional requirements or conditions;
 - (e) in the case of a Community Service Order the number of hours;
 - (f) the outcome of any breach proceedings resulting in a court order;
 - (g) information on any variation of the terms or conditions of supervision by a court.

(3) "A relevant supervised offender", in relation to a victim of an offence, means a supervised offender subject to a sentence or licence in respect of the commission of that offence.

(4) The victim will be provided with the information to be provided under this Article within a reasonable time of the application for information being made, or if later, of the information being available.

Grounds for refusal to release information

6.—(1) The following circumstances are specified for the purposes of Article 25(6) of the Criminal Justice (Northern Ireland) Order 2005 (circumstances in which the Board is not required to make information available under the scheme).

- (2) The circumstances are that—
 - (a) it appears to the Board that to make the information available under this scheme—
 - (i) would be punishable as a contempt of court;
 - (ii) would be contrary to any enactment; or
 - (iii) would constitute an unwarranted interference regarding the rights of the supervised offender;
 - (b) the actual victim of the offence is not a natural person;
 - (c) the Board has received an application for information under this scheme from a person acting instead of the actual victim under Article 3 and it has accepted that application, and that a subsequent application is made under Article 3 in relation to the same actual victim.

Northern Ireland Office
24th September 2005

David Hanson
Minister of State

1. The information to be provided by the victim is as follows:
 - (a) The name, address and date of birth of the actual victim.
 - (b) Details of the offence.
 - (c) Where the applicant is acting as a representative of the actual victim, who is deceased, details of the applicant's name, address, date of birth and relationship to the victim.
 - (d) Where the applicant is acting as a representative of the actual victim, who is a vulnerable person, details of the applicant's name, address, date of birth and relationship to the victim.
 - (e) In the case of (d), confirmation by the actual victim of consent to the representative acting on his behalf, and any additional relevant information in support of the application.

EXPLANATORY NOTE

(This note is not part of the Scheme)

This scheme is made under Article 25 of the Criminal Justice (Northern Ireland) Order 2005. The purpose of the scheme is to put in place a mechanism whereby if a crime results in the statutory supervision of an offender by the Probation Board for Northern Ireland, the victim of that crime should have access to information about the supervision of the offender.

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