

2016 No. 431

JUSTICE

The Victim Statement Regulations (Northern Ireland) 2016

Made - - - - - *7th December 2016*

Coming into operation - - - - - *1st February 2017*

The Department of Justice, in exercise of the powers conferred by sections 33(6), 34(1), 34(2), 35(1) and 102(8) of the Justice Act (Northern Ireland) 2015(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Victim Statement Regulations (Northern Ireland) 2016 and shall come into operation on 1st February 2017.

Interpretation

2. In these Regulations—

“chief clerk” includes such other civil servant in the Department of Justice as may be authorised to act on his behalf for the purpose in question;

“clerk of petty sessions” includes persons appointed as assistant or deputy clerks of petty sessions;

“public prosecutor” has the same meaning as in section 29(5) of the Justice (Northern Ireland) Act 2002(b); and

“writing” includes writing delivered by means of electronic mail.

Application

3. These Regulations apply to cases where the Director of Public Prosecutions for Northern Ireland has the conduct of criminal proceedings.

Making a victim statement

4.—(1) A member of staff of the Public Prosecution Service for Northern Ireland is to afford a person the opportunity to make a victim statement.

(2) The opportunity to make a victim statement shall be afforded, either orally or in writing, as soon as reasonably practicable, after a decision to prosecute the accused for an offence is made.

(a) 2015 c. 9 (N.I.).

(b) 2002 c. 26.

Making a supplementary victim statement

5.—(1) A person who has made a victim statement may on request be afforded, either orally or in writing, an opportunity to make a statement supplementary to, or in amplification of, the victim statement unless, in all the circumstances of the case, it is impracticable to do so.

(2) A statement made under paragraph (1) is referred to in these Regulations as a supplementary victim statement.

(3) The opportunity to make a supplementary victim statement is to be afforded by—

- (a) a member of staff of Victim Support Northern Ireland;
- (b) a member of staff of the National Society for the Prevention of Cruelty to Children; or
- (c) a family liaison officer of the Police Service of Northern Ireland.

Use of victim statement

6.—(1) A victim personal statement, or any supplementary victim statement, is to be considered by the court to be evidence of the facts and matters therein.

(2) If not served at an earlier stage in accordance with any obligation to disclose, a public prosecutor shall serve a copy of the victim statement and any supplementary victim statement on the defence a reasonable time before the court determines sentence.

(3) A public prosecutor shall serve a copy of the victim statement and any supplementary victim statement on the chief clerk or, as the case may be, the clerk of petty sessions a reasonable time before the court determines sentence.

Sealed with the Official Seal of the Department of Justice on 7th December 2016



Claire Sugden
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 33 to 35 of the Justice Act (Northern Ireland) 2015 make provision for a victim to be afforded an opportunity to make a written victim statement. This includes a family member where a person cannot act on their own behalf or where the victim has died. An opportunity to make a written supplementary statement may also be afforded on request.

These Regulations apply to cases where the Director of Public Prosecutions for Northern Ireland has conduct of criminal proceedings and provide when, how and by whom the opportunity to make a statement and supplementary statement is to be afforded. The Regulations prescribe a member of staff of the Public Prosecution Service for Northern Ireland as the person that will afford the opportunity to make a victim statement. The opportunity to make a supplementary statement is to be afforded, on request, by a Family Liaison Officer of the Police Service of Northern Ireland, a member of staff of Victim Support Northern Ireland or a member of staff of the National Society for the Prevention of Cruelty to Children.

The Regulations provide for the use of the statement including serving of a copy of the statement on the defence and the chief clerk or, as the case may be, the clerk of petty sessions a reasonable time before the court determines sentence.

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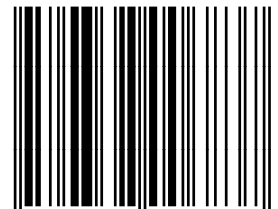
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