

## **EXPLANATORY MEMORANDUM TO**

### **The Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) (Amendment) Regulations (Northern Ireland) 2021**

**SR 2021 No. 173**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 36 of, and paragraph 6(1) of Schedule 3 to, the Justice Act (Northern Ireland) 2015 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. The Statutory Rule prescribes Victim Support Northern Ireland and Advocacy Support Safety Information Services Together Northern Ireland (to be known as ASSIST NI) for the purpose of enabling relevant information about victims and witnesses of crime to be disclosed. The information will be disclosed to these bodies by the police. The purpose is to ensure that victims and witnesses of crime are provided with information, at the appropriate time, about available services and can make an informed decision about whether or not to avail of those services.

#### **3. Background**

- 3.1. The current regulations provide for relevant information, about victims and witnesses of crime, to automatically be shared with Victim Support Northern Ireland, so that victims and witnesses can be advised about, offered or provided support services. The decision as to whether or not to avail of services will continue to be their choice. The amendment to the regulations will provide that relevant information about victims of domestic or sexual abuse can be shared with Advocacy Support Safety Information Services Together Northern Ireland (ASSIST NI) so that qualifying victims can be advised of, and have access to, a new advocacy support.

#### **4. Consultation**

- 4.1. Consultation was undertaken on the five-year victim and witness strategy, which included the issue of improved sharing of information between criminal justice system agencies. There was support for the victim and witness strategy and improved information sharing provisions. Discussions were previously held with the Information Commissioner's Office and the Human Rights Commission on the disclosure of information regulations.
- 4.2. Consultation was also undertaken on the seven year 'Stopping Domestic and Sexual Violence and Abuse strategy' and which made reference to the provision of advocacy services.

## **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The Department considers that this matter will not have a differential impact on any of the section 75 categories and, on this basis, the measure was screened out.

## **6. Regulatory Impact**

- 6.1. This measure will ensure that the sharing of information from the police to Victim Support Northern Ireland and Advocacy Support Safety Information Services Together Northern Ireland (ASSIST NI) (for the purposes of the advocacy support service) can automatically be provided for. A regulatory impact assessment was not considered necessary. Any impact on the voluntary sector will be dealt with as part of their business processes.

## **7. Financial Implications**

- 7.1. There are no departmental spend implications associated with the regulations. Victim Support Northern Ireland, Advocacy Support Safety Information Services Together Northern Ireland (ASSIST NI) and the police will meet any implementation costs from within their existing budgetary provision.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. This measure does not replicate, nor is there a requirement to maintain parity with, legislation in other administrations.

## **11. Additional Information**

- 11.1. Not applicable.