



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 1

#### VICTIMS OF CRIMINAL CONDUCT

PROSPECTIVE

#### *Information relating to victims*

#### **28 Information relating to victims**

In Part 2 of the Police, Crime, Sentencing and Courts Act 2022 (prevention, investigation and prosecution of crime), after Chapter 3 insert—

#### “CHAPTER 3A

#### REQUESTS FOR INFORMATION RELATING TO VICTIMS

#### **44A Requests for information relating to victims**

- (1) A victim information request must be made in accordance with this Chapter.
- (2) In this Chapter, a “victim information request” means a request by an authorised person to another person to provide information which relates to a third person who the authorised person has reason to believe is or may be—
  - (a) a victim, or
  - (b) at risk of being a victim.
- (3) A victim information request may be made only if the authorised person—
  - (a) has reason to believe that the person to whom the request is made holds the information sought,

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*Changes to legislation: There are currently no known outstanding effects for the Victims and Prisoners Act 2024, Cross Heading: Information relating to victims. (See end of Document for details)*

- (b) has reason to believe that the information sought is relevant to a reasonable line of enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, and
  - (c) is satisfied that the request is necessary and proportionate to achieve the purpose of preventing, detecting, investigating or prosecuting crime.
- (4) A counselling information request may be made only if the authorised person has reason to believe that the information sought is likely to have substantial probative value to a reasonable line of enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person.
- (5) For the purposes of [subsection \(4\)](#), a “counselling information request” means a victim information request to a person who provides counselling services of a description specified in regulations made by the Secretary of State by statutory instrument.
- (6) The reference in [subsection \(3\)\(c\)](#) to crime is a reference to—
- (a) conduct which constitutes one or more criminal offences in England and Wales, or
  - (b) conduct which, if it took place in England and Wales, would constitute one or more criminal offences.
- (7) [Subsection \(8\)](#) applies if the authorised person thinks that, in making the request, there is a risk of obtaining information other than information necessary to achieve a purpose within [subsection \(3\)\(c\)](#).
- (8) The authorised person must, to be satisfied that the request is proportionate, be satisfied that—
- (a) there are no other means of obtaining the information sought, or
  - (b) there are such other means, but it is not reasonably practicable to use them.
- (9) In making a victim information request or deciding whether to make such a request (including giving notice under [section 44B](#) or deciding whether to give such notice) an authorised person must have regard to the code of practice for the time being in force under [section 44D](#).
- (10) In this section “victim” has the meaning given by section 1 of the Victims and Prisoners Act 2024.
- (11) This section is subject to sections [44B](#) (notice requirements for victim information requests) and [44C](#) (content of victim information requests).
- (12) A statutory instrument containing regulations under [subsection \(5\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **44B Notice requirements for victim information requests**

- (1) The authorised person must (subject to [subsection \(5\)](#)) give notice of a victim information request to the person to whom the information sought relates (“V”).
- (2) Notice under this section must be in writing—

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- (a) specifying or describing the information sought by the victim information request,
  - (b) specifying the reason why the information is sought, and
  - (c) specifying how the information will be dealt with once it has been obtained.
- (3) Notice under this section must be given—
- (a) on or before the date on which the victim information request is made, or
  - (b) if that is not reasonably practicable, as soon as is reasonably practicable after that date.
- (4) If V is a child or an adult without capacity, notice under this section is given to V by giving it to—
- (a) a parent or guardian of V or, if V is in the care of a relevant authority or voluntary organisation, a person representing that authority or organisation, or
  - (b) if no person described in [paragraph \(a\)](#) is available, any adult who the authorised person considers appropriate.
- (5) The authorised person need not give notice under this section, or specify a particular matter when giving notice, if the authorised person considers that doing so—
- (a) is not reasonably practicable in the circumstances,
  - (b) might interfere with the investigation or enquiry for which the information is sought or any other investigation or enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, or
  - (c) might risk causing serious harm to V or another person.
- (6) In this section—
- “adult” means a person aged 18 or over;
  - “adult without capacity” means an adult who, within the meaning of the Mental Capacity Act 2005, lacks capacity in relation to a notice under this section;
  - “child” means a person aged under 18;
  - “harm” includes physical, mental or emotional harm and economic loss;
  - “relevant authority”—
- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London in its capacity as a local authority;
  - (b) in relation to Wales, means a county council or a county borough council;
- “voluntary organisation” means a body (other than a public authority) whose activities are not carried on for profit.

#### **44C Content of victim information requests**

- (1) A victim information request must be in writing—

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- (a) specifying or describing the information sought,
  - (b) specifying the reason why the information is sought, and
  - (c) specifying how the information will be dealt with once it has been obtained.
- (2) The authorised person need not specify the matters mentioned in [subsection \(1\)\(b\)](#) or [\(c\)](#) if the authorised person considers that doing so—
- (a) is not reasonably practicable in the circumstances,
  - (b) might interfere with the investigation or enquiry for which the information is sought or any other investigation or enquiry which is being pursued, or is to be pursued, by the authorised person or another authorised person, or
  - (c) might risk causing serious harm to the person to whom the information sought relates or another person.

#### **44D Code of practice**

- (1) The Secretary of State must prepare a code of practice for authorised persons about victim information requests and compliance with this Chapter.
- (2) The code must in particular—
  - (a) provide that an authorised person must, when considering whether they are satisfied as required by paragraph (c) of section 44A(3) in relation to a counselling information request, start from the presumption that the request is not necessary and proportionate to achieve a purpose in that paragraph, and
  - (b) set out the steps that must be taken by an authorised person when deciding whether that presumption is rebutted.
- (3) For the purposes of [subsection \(2\)](#), a “counselling information request” has the meaning given by section 44A(5).
- (4) The code may make different provision for different purposes or areas.
- (5) In preparing the code, the Secretary of State must consult—
  - (a) the Information Commissioner,
  - (b) the Commissioner for Victims and Witnesses,
  - (c) the Domestic Abuse Commissioner, and
  - (d) such other persons as the Secretary of State considers appropriate.
- (6) After preparing the code, the Secretary of State must lay it before Parliament and publish it.
- (7) The code is to be brought into force by regulations made by statutory instrument.
- (8) A statutory instrument containing regulations under [subsection \(7\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) After the code has come into force the Secretary of State may from time to time revise it.
- (10) A failure on the part of an authorised person to act in accordance with the code does not of itself render the person liable to any criminal or civil proceedings.

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- (11) But the code is admissible in evidence in criminal or civil proceedings and a court may take into account a failure to act in accordance with it in determining a question in the proceedings.
- (12) References in subsections (2) to (11) to the code include a revised code, subject to subsection (13).
- (13) The duty to consult in subsection (5) does not apply in relation to the preparation of a revised code if the Secretary of State considers that the proposed revisions are insubstantial.

#### **44E Authorised persons**

- (1) In this Chapter, each of the following is an “authorised person”—
  - (a) a constable of a police force in England and Wales;
  - (b) a member of staff appointed by the chief officer of police of a police force in England and Wales;
  - (c) an employee of the Common Council of the City of London who is under the direction and control of a chief officer of police;
  - (d) a constable of the British Transport Police Force;
  - (e) an employee of the British Transport Police Authority appointed under section 27 of the Railways and Transport Safety Act 2003;
  - (f) a constable of the Ministry of Defence police;
  - (g) a National Crime Agency officer;
  - (h) a person designated by the Director General of the Independent Office for Police Conduct under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002;
  - (i) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in any of paragraphs (a) to (h).
- (2) The Secretary of State may by regulations made by statutory instrument amend subsection (1)—
  - (a) so as to add a reference to a person;
  - (b) so as to remove a reference to a person;
  - (c) so as to modify a description of a person mentioned.
- (3) Regulations under subsection (2) may contain transitional, transitory or saving provision.
- (4) A statutory instrument containing regulations under subsection (2)(a) or (b) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (5) Any other statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

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### Commencement Information

**II** S. 28 not in force at Royal Assent, see **s. 81(2)**

## 29 Information relating to victims: service police etc

After section 44E of the Police, Crime, Sentencing and Courts Act 2022 (inserted by [section 28](#) of this Act), insert—

### “44F Application of this Chapter to service police etc

- (1) This Chapter applies in relation to a person mentioned in [subsection \(2\)](#) as it applies in relation to an authorised person, with the modifications specified in [subsections \(3\)](#) and [\(4\)](#).
- (2) The persons are—
  - (a) a member of the Royal Navy Police, the Royal Military Police or the Royal Air Force Police;
  - (b) a person designated by the Service Police Complaints Commissioner under regulation 36(2) of the Service Police (Complaints etc) Regulations 2023 ([S.I. 2023/624](#));
  - (c) a person who has been engaged to provide services consisting of or including the obtaining of information for the purposes of the exercise of functions by a person mentioned in paragraph [\(a\)](#) or [\(b\)](#).
- (3) [Section 44A](#) applies as if for [subsection \(6\)](#) there were substituted—
 

“(6) The reference in [subsection \(3\)\(c\)](#) to crime is a reference to conduct which constitutes one or more—

  - (a) service offences within the meaning of the Armed Forces Act 2006, or
  - (b) SDA offences within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 ([S.I. 2009/1059](#)).”
  - (4) [Section 44B](#) applies as if, in [subsection \(6\)](#)—
    - (a) for the definition of “adult without capacity” there were substituted—
 

““adult without capacity”—

      - (a) in relation to England and Wales, means an adult who, within the meaning of the Mental Capacity Act 2005, lacks capacity in relation to a notice under this section;
      - (b) in relation to Scotland, means an adult (within the meaning of this section) who is incapable, within the meaning of the Adults with Incapacity (Scotland) Act 2000, in relation to a notice under this section;
      - (c) in relation to Northern Ireland, means an adult who, within the meaning of the Mental Capacity Act (Northern Ireland) 2016, lacks capacity in relation to a notice under this section;”;
    - (b) for the definition of “relevant authority” there were substituted—
 

““relevant authority”—

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- (a) in relation to England, means a county council, a district council for an area for which there is no county council, a London borough council or the Common Council of the City of London in its capacity as a local authority;
  - (b) in relation to Wales, means a county council or a county borough council;
  - (c) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994;
  - (d) in relation to Northern Ireland, means an authority within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));”;
- (c) for the definition of “voluntary organisation” there were substituted—
- ““voluntary organisation”—
  - (a) in relation to England and Wales, has the same meaning as in the Children Act 1989;
  - (b) in relation to Scotland, has the same meaning as in Part 2 of the Children (Scotland) Act 1995;
  - (c) in relation to Northern Ireland, has the same meaning as in the Children (Northern Ireland) Order 1995.””

#### Commencement Information

I2 S. 29 not in force at Royal Assent, see s. 81(2)

### 30 Review of provisions relating to counselling information requests

- (1) The Secretary of State must prepare a report about the operation in the review period of Chapter 3A of the Police, Crime, Sentencing and Courts Act 2022 (requests for information relating to victims) (inserted by [section 28](#) of this Act) in relation to counselling information requests.
- (2) The Secretary of State may discharge the duty in [subsection \(1\)](#) by arranging for another person to prepare a report about those matters.
- (3) As soon as is reasonably practicable after the end of the review period, the Secretary of State must—
  - (a) arrange for the report prepared under [subsection \(1\)](#) (or under arrangements under [subsection \(2\)](#)) to be published, and
  - (b) lay the report before Parliament.
- (4) In this section—
  - “counselling information request” has the meaning given by section 44A(5) of the Police, Crime, Sentencing and Courts Act 2022;
  - “review period” means the period of three years beginning with the day on which [section 28](#) of this Act comes into force.

#### Commencement Information

I3 S. 30 not in force at Royal Assent, see s. 81(2)

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### 31 Right to erasure of personal data in the UK

(1) Article 17 of [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (right to erasure) is amended in accordance with subsections (2) and (3).

(2) In paragraph 1, after point (f) insert—

“(g) the personal data have been processed as a result of an allegation about the data subject—

(i) which was made by a person who is a malicious person in relation to the data subject (whether they became such a person before or after the allegation was made),

(ii) which has been investigated by the controller, and

(iii) in relation to which the controller has decided that no further action is to be taken.”

(3) After paragraph 3 insert—

“4. For the purposes of paragraph 1(g), a person who has made an allegation about a data subject is a “malicious person” in relation to the data subject if the person—

(a) has been convicted of an offence specified in column 1 of the table in [paragraph 5](#) in relation to which the data subject is a person specified in the corresponding entry in column 2 of that table, or

(b) is subject to a stalking protection order under section 2 of the Stalking Protection Act 2019 or section 8 of the Protection from Stalking Act (Northern Ireland) 2022 (c. 17 (N.I.)) made to protect the data subject from a risk associated with stalking (see section 2(1)(c) of the 2019 Act and section 8(2)(c) of the 2022 Act).

5. The table is as follows—

	Offence	Data subject
1.	An offence under section 2 of the Protection from Harassment Act 1997 (offence of harassment: England and Wales)	A person mentioned in section 1(1)(a) or 1(1A)(a) of that Act
2.	An offence under section 2A, 4 or 4A of the Protection from Harassment Act 1997 (other harassment and stalking offences: England and Wales)	The person against whom the offence is committed
3.	An offence under section 8 of the Stalking Protection Act 2019 (offence of breaching stalking protection order etc)	A person who the stalking protection order was made to protect from a risk associated with stalking (see section 2(1)(c) of that Act)
4.	An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by	A person specified in column 2 of the entry in which the corresponding offence is specified



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	Offence	Data subject
	that section) is an offence specified in entry 1, 2 or 3 of this table	
5.	An offence under section 70 of the Army Act 1955 or Air Force Act 1955 as respects which the corresponding civil offence (within the meaning of that Act) is an offence specified in entry 1 or 2 of this table	A person specified in column 2 of the entry in which the corresponding civil offence is specified
6.	An offence under section 42 of the Naval Discipline Act 1957 as respects which the civil offence (within the meaning of that section) is an offence specified in entry 1 or 2 of this table	A person specified in column 2 of the entry in which the civil offence is specified
7.	An offence under section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (stalking offences: Scotland)	The person against whom the offence is committed
8.	An offence under section 1 of the Protection from Stalking Act (Northern Ireland) 2022 (stalking offences: Northern Ireland)	The person against whom the offence is committed
9.	An offence under section 13 of the Protection from Stalking Act (Northern Ireland) 2022 (offence of breaching order: Northern Ireland)	A person who the stalking protection order was made to protect from a risk associated with stalking (see section 8(2)(c) of that Act)
10.	An offence under Article 4 or 6 of the Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9)) (harassment offences: Northern Ireland)	The person against whom the offence is committed”

(4) After section 13 of the Data Protection Act 2018 insert—

**“13A Meaning of “relevant offence” for purpose of right to erasure**

- (1) The Secretary of State may by regulations amend the table in Article 17(5) of the UK GDPR.
- (2) Regulations under this section are subject to the affirmative resolution procedure.”

**Commencement Information**

**I4** S. 31 not in force at Royal Assent, see **s. 81(2)**

**Status:**

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**Changes to legislation:**

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