



# Victims and Prisoners Act 2024

## 2024 CHAPTER 21

### PART 1

#### VICTIMS OF CRIMINAL CONDUCT

##### *Meaning of “victim”*

#### **1 Meaning of “victim”**

- (1) In [this Part](#), “victim” means a person who has suffered harm as a direct result of—
  - (a) being subjected to criminal conduct, or
  - (b) one or more of the circumstances mentioned in [subsection \(2\)](#).
- (2) The circumstances are—
  - (a) where the person has seen, heard, or otherwise directly experienced the effects of, criminal conduct at the time the conduct occurred;
  - (b) where the person’s birth was the direct result of criminal conduct;
  - (c) where the death of a close family member of the person was the direct result of criminal conduct;
  - (d) where the person is a child who is a victim of domestic abuse which constitutes criminal conduct.
- (3) The reference in [subsection \(2\)\(d\)](#) to a child who is a victim of domestic abuse is to be read in accordance with Part 1 of the Domestic Abuse Act 2021.
- (4) For the purposes of this Part—
  - (a) “harm” includes physical, mental or emotional harm and economic loss;
  - (b) “criminal conduct” means conduct which constitutes an offence.
- (5) It is immaterial for the purposes of [subsection \(4\)\(b\)](#) that—
  - (a) no person has reported the offence;
  - (b) no person has been charged with or convicted of the offence.

- (6) In section 52(3)(a) of the Domestic Violence, Crime and Victims Act 2004, for “complaint has been made about” substitute “person has reported”.

*Victims’ code*

**2 The victims’ code**

- (1) The Secretary of State must issue a code of practice as to the services to be provided to victims by persons appearing to the Secretary of State to have functions of a public nature relating to—
- (a) victims, or
  - (b) any aspect of the criminal justice system.
- (2) In [this Part](#), the “victims’ code” means the code of practice issued under [this section](#) that is for the time being in operation (but see [subsection \(13\)](#)).
- (3) The victims’ code must make provision for services which reflect the principles that victims require—
- (a) information to help them understand the criminal justice process;
  - (b) access to services which support them (including, where appropriate, specialist services);
  - (c) the opportunity to make their views heard in the criminal justice process;
  - (d) the ability to challenge decisions which have a direct impact on them.
- (4) The Secretary of State may by regulations make further provision about the victims’ code, including about matters that the code must include.
- (5) But the Secretary of State may make regulations under [subsection \(4\)](#) only if satisfied that provision made in the code in compliance with the regulations would not result in—
- (a) a significant reduction in the quality or extent of the services provided in accordance with the victims’ code, or
  - (b) a significant restriction in the description of persons to whom services are provided in accordance with the victims’ code.
- (6) The victims’ code may restrict the application of its provisions to—
- (a) victims of specified descriptions (including those who are victims by virtue of specified conduct or conduct constituting specified offences);
  - (b) specified persons who have functions of a kind mentioned in [subsection \(1\)](#).
- (7) The victims’ code may include provision requiring or permitting the services which are to be provided to a victim to be provided to one or more other persons—
- (a) instead of the victim (for example, where the victim has died);
  - (b) as well as the victim.
- (8) The victims’ code may make different provision for different purposes, including different provision for—
- (a) victims of different descriptions;
  - (b) persons who have different functions of a kind mentioned in [subsection \(1\)](#).
- (9) The victims’ code may make different provision for different areas.

- (10) In considering whether to exercise the power in [subsection \(8\)\(a\)](#), the Secretary of State must have regard to the particular needs of victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.
- (11) The victims’ code may not require anything to be done by—
  - (a) a person acting in a judicial capacity, or on the instructions of or on behalf of such a person;
  - (b) a person acting in the discharge of a prosecution function, if that function involves the exercise of a discretion.
- (12) In [this section](#), “specified” means specified in the victims’ code.
- (13) Until the first code of practice issued under [this section](#) is in operation, references in sections 5 to 12 and 32 to the “victims’ code” are to the code of practice issued under section 32 of the Domestic Violence, Crime and Victims Act 2004 that is for the time being in operation.

### **3 Preparing and issuing the victims’ code**

- (1) [This section](#) applies in relation to the code of practice required to be issued under [section 2](#).
- (2) The Secretary of State must prepare a draft of the code.
- (3) In preparing the draft the Secretary of State must consult—
  - (a) the Attorney General,
  - (b) the Commissioner for Victims and Witnesses, and
  - (c) the Welsh Ministers.
- (4) After preparing the draft the Secretary of State must—
  - (a) publish the draft, and
  - (b) specify a period during which representations about the draft may be made to the Secretary of State.
- (5) The Secretary of State must—
  - (a) consider, in consultation with the Attorney General, any representations about the draft made to the Secretary of State before the end of the period specified in accordance with [subsection \(4\)\(b\)](#), and
  - (b) if the Secretary of State thinks it appropriate, modify the draft in the light of any such representations.
- (6) After carrying out the duties under [subsection \(5\)](#), the Secretary of State must lay the draft code before Parliament.
- (7) When the draft code has been laid before Parliament in accordance with [subsection \(6\)](#), the Secretary of State must bring it into operation on such day as the Secretary of State appoints by regulations.
- (8) A requirement under any of [subsections \(2\) to \(5\)](#) may be met by steps taken before (as well as after) [this section](#) comes into force.

### **4 Revising the victims’ code**

- (1) The Secretary of State may from time to time revise the victims’ code.

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- (2) But the Secretary of State may revise the victims' code only if satisfied that the proposed revisions would not result in—
  - (a) a significant reduction in the quality or extent of the services provided in accordance with the code, or
  - (b) a significant restriction in the description of persons to whom services are provided in accordance with the code.
- (3) The procedure in [section 3](#) applies to a revision of the victims' code, except that if the Secretary of State considers that all of the revisions are minor the procedure in [subsection \(5\)](#) may be used instead.
- (4) Revisions are minor if—
  - (a) they make corrections or clarifications, or
  - (b) they are consequential on changes to the law, practice or procedure relating to any aspect of the criminal justice system.
- (5) The procedure in [this subsection](#) is that the Secretary of State must—
  - (a) consult the Attorney General, the Commissioner for Victims and Witnesses and the Welsh Ministers about the proposed revisions,
  - (b) lay a draft of the revised code before Parliament, and
  - (c) when the draft revised code has been laid before Parliament, bring it into operation on such day as the Secretary of State appoints by regulations.

## 5 Code compliance

- (1) Where the victims' code makes provision about a service to be provided to victims by a person, the person must provide the service in accordance with the code unless the person has good reasons not to.
- (2) Any person who is subject to the duty in [subsection \(1\)](#) and is not an individual must ensure that procedures are in place by which other persons may complain about an alleged failure to comply with the duty.
- (3) If a person fails to act in accordance with the victims' code, the failure does not of itself make that person liable to criminal or civil proceedings.
- (4) But the victims' code is admissible in evidence in criminal or civil proceedings, and a court may take into account a failure to act in accordance with the code in determining a question in the proceedings.

## 6 Code awareness and reviewing compliance: criminal justice bodies

- (1) Each criminal justice body which provides services in a police area must—
  - (a) take reasonable steps to promote awareness of the victims' code among users of those services and other members of the public, and
  - (b) keep under review whether and how those services are provided in accordance with the duty in [section 5\(1\)](#).
- (2) A criminal justice body which provides services in a police area must, in particular, undertake the following activities in such manner as may be prescribed—
  - (a) collect prescribed information about the provision of those services;
  - (b) share prescribed information about the provision of those services with—

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- (i) each other criminal justice body which provides services in the police area, or such of those bodies as may be prescribed, and
    - (ii) the elected local policing body for the police area;
  - (c) review information shared under paragraph (b) with the bodies with whom the information is shared.
- (3) In subsection (2), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under subsection (2) may, in particular—
- (a) prescribe different information to be collected or shared by different bodies;
  - (b) prescribe different information in relation to different services;
  - (c) prescribe information relating to the characteristics or experiences of users of services;
  - (d) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
  - (e) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).
- (6) In this section, “criminal justice body” means—
- (a) the chief officer of police for the police area in question;
  - (b) the Crown Prosecution Service;
  - (c) the Lord Chancellor, in the exercise of functions under section 1 of the Courts Act 2003 or section 39 of the Tribunals, Courts and Enforcement Act 2007;
  - (d) the Secretary of State, in the exercise of functions in relation to prisons;
  - (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
  - (f) the Secretary of State, in the exercise of functions in relation to probation provision within the meaning of Part 1 of the Offender Management Act 2007 (see section 2(1) of that Act).
- (7) In subsection (6)(d), “prison” includes any youth detention accommodation within the meaning given by section 248(1) of the Sentencing Code (detention and training orders).

## 7 Arrangements for collection of victims’ feedback

- (1) This section applies where the Secretary of State has made arrangements with a person for the collection by the person of information which—
- (a) relates to the characteristics or experiences of users of services provided by a relevant criminal justice body in a police area, and
  - (b) is collected for the purposes of assessing whether and how those services are provided in accordance with the duty in section 5(1).

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- (2) The Secretary of State and the Attorney General may by a joint direction require the body to provide specified information to the person for the purposes of enabling or assisting the performance of the arrangements.
- (3) A relevant criminal justice body which is directed to provide information under this section must provide it—
  - (a) in such form and manner as may be specified, and
  - (b) at such times or within such periods as may be specified.
- (4) In this section—
  - “relevant criminal justice body” means a criminal justice body falling within paragraphs (a), (b) or (e) of the definition of “criminal justice body” in [section 6\(6\)](#);
  - “specified” means specified in the direction.

## **8 Reviewing code compliance: elected local policing bodies**

- (1) The elected local policing body for a police area must keep under review whether and how criminal justice bodies which provide services in the police area provide those services in accordance with the duty in [section 5\(1\)](#).
- (2) The elected local policing body for a police area must, in particular, undertake the following activities in such manner as may be prescribed—
  - (a) provide the Secretary of State with information shared with it under [section 6\(2\)\(b\)](#), or such of that information as may be prescribed;
  - (b) participate in any review under [section 6\(2\)\(c\)](#);
  - (c) provide the Secretary of State with such reports, on such matters in connection with a review under [section 6\(2\)\(c\)](#), as may be prescribed.
- (3) In [subsection \(2\)](#), “prescribed” means prescribed in regulations made by the Secretary of State.
- (4) Regulations under [subsection \(2\)](#) may, in particular—
  - (a) prescribe the times at which, or periods within which, information or a report must be provided;
  - (b) prescribe the form in which information or a report must be provided, or require information or a report to be provided in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (5) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).
- (6) In this section, “criminal justice body” has the meaning given by [section 6\(6\)](#).

## **9 Code awareness and reviewing compliance: British Transport Police**

- (1) In this section—
  - “the Authority” is the British Transport Police Authority;
  - “the Chief Constable” is the Chief Constable of the British Transport Police Force;

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“relevant services” are services provided in England and Wales by the Chief Constable.

- (2) The Chief Constable must take reasonable steps to promote awareness of the victims’ code among users of relevant services and other members of the public.
- (3) The Chief Constable and the Authority must keep under review whether and how relevant services are provided in accordance with the duty in [section 5\(1\)](#).
- (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed—
  - (a) collect prescribed information about the provision of relevant services;
  - (b) share with the Authority prescribed information about the provision of relevant services;
  - (c) review with the Authority information shared under [paragraph \(b\)](#).
- (5) The Authority must, in particular, undertake the following activities in such manner as may be prescribed—
  - (a) provide the Secretary of State with the information shared with it under [subsection \(4\)\(b\)](#), or such of that information as may be prescribed;
  - (b) participate in any review under [subsection \(4\)\(c\)](#);
  - (c) provide the Secretary of State with such reports, on such matters in connection with a review under [subsection \(4\)\(c\)](#), as may be prescribed.
- (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State.
- (7) Regulations under this section may, in particular—
  - (a) prescribe different information in relation to different services;
  - (b) prescribe information relating to the characteristics or experiences of users of services;
  - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed, or information or a report must be provided to the Secretary of State;
  - (d) prescribe the form in which information must be collected or shared, or information or a report must be provided to the Secretary of State, or require those things to be done in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (8) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).

## **10 Code awareness and reviewing compliance: Ministry of Defence Police**

- (1) In this section—

“the Chief Constable” is the Chief Constable of the Ministry of Defence Police;

“relevant services” are services provided in England and Wales by the Chief Constable.

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- (2) The Chief Constable must take reasonable steps to promote awareness of the victims' code among users of relevant services and other members of the public.
- (3) The Chief Constable and the Secretary of State must keep under review whether and how relevant services are provided in accordance with the duty in [section 5\(1\)](#).
- (4) The Chief Constable must, in particular, undertake the following activities in such manner as may be prescribed—
  - (a) collect prescribed information about the provision of relevant services;
  - (b) share with the Secretary of State prescribed information about the provision of relevant services;
  - (c) review with the Secretary of State information shared under [paragraph \(b\)](#).
- (5) The Secretary of State must, in particular—
  - (a) participate in any review under [subsection \(4\)\(c\)](#);
  - (b) prepare such reports, on such matters in connection with a review under [subsection \(4\)\(c\)](#), as may be prescribed.
- (6) In this section, “prescribed” means prescribed in regulations made by the Secretary of State.
- (7) Regulations under this section may, in particular—
  - (a) prescribe different information in relation to different services;
  - (b) prescribe information relating to the characteristics or experiences of users of services;
  - (c) prescribe the times at which, or periods within which, information must be collected, shared or reviewed;
  - (d) prescribe the form in which information must be collected or shared, or require information to be collected or shared in such form as may be specified in a notice issued from time to time by the Secretary of State.
- (8) Before making regulations under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes into force).

## **11 Reviewing code compliance: Secretary of State and Attorney General**

- (1) The Secretary of State and the Attorney General, acting jointly, must—
  - (a) keep under review the code compliance of the persons mentioned in [subsection \(6\)](#), and
  - (b) annually, prepare and publish a report about the code compliance of those persons in the period to which the report relates.
- (2) If the Secretary of State and the Attorney General agree that the code compliance of a person mentioned in [subsection \(6\)](#) is unsatisfactory they may—
  - (a) if the person is the chief officer of police for a police area, give the elected local policing body for the area a notice setting out their reasons for being of that view;
  - (b) in any other case, give the person a notice setting out their reasons for being of that view.

- (3) If the Secretary of State and the Attorney General give a notice under [subsection \(2\)](#) they must—
  - (a) if the notice is given under paragraph (a) of that subsection, send a copy of the notice to the chief officer of police to whom the notice relates, and
  - (b) in any case, publish the notice in such form and manner as they consider appropriate.
- (4) The Secretary of State and the Attorney General must consult the Commissioner for Victims and Witnesses before—
  - (a) publishing a report under [subsection \(1\)\(b\)](#);
  - (b) giving a notice under [subsection \(2\)](#).
- (5) The Secretary of State must publish such compliance information as the Secretary of State considers will enable members of the public to assess the code compliance of the persons mentioned in [subsection \(6\)](#) in the period to which the information relates.
- (6) The persons are—
  - (a) each criminal justice body which provides services in a police area;
  - (b) the Chief Constable of the British Transport Police Force;
  - (c) the Chief Constable of the Ministry of Defence Police.
- (7) For the purposes of this section—
  - (a) “compliance information” means information provided to the Secretary of State under [section 8\(2\)\(a\)](#), [9\(5\)\(a\)](#) or [10\(4\)\(b\)](#), or information collected under arrangements mentioned in [section 7](#);
  - (b) the “code compliance” of a person is whether and how the services provided by the person in the relevant area are provided in accordance with the duty in [section 5\(1\)](#).
- (8) In [subsection \(7\)\(b\)](#), “relevant area” means—
  - (a) in relation to a criminal justice body which provides services in a police area, that area;
  - (b) in relation to the Chief Constable of the British Transport Police Force or the Chief Constable of the Ministry of Defence Police, England and Wales.
- (9) The first report under [paragraph \(b\)](#) of [subsection \(1\)](#) may relate to any 12 month period that includes the day on which that paragraph comes into force.
- (10) Subsequent reports must relate to the 12 month period immediately following the 12 month period to which the previous report relates.
- (11) The Secretary of State must lay each report before Parliament.
- (12) Information or a report published under this section—
  - (a) must be published as soon as is reasonably practicable after the end of the period to which it relates;
  - (b) may be published in such form and manner as the Secretary of State considers appropriate.
- (13) Where information published by the Secretary of State under [subsection \(5\)](#) relates to a particular police area, the elected local policing body for the area must take reasonable steps to make members of the public in the area aware of how to access the information.
- (14) In this section, “criminal justice body” has the meaning given by [section 6\(6\)](#).

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## 12 Guidance on code awareness and reviewing compliance

- (1) The Secretary of State must issue guidance about the discharge of duties under sections 6 to 11 (and any person subject to such a duty must have regard to the guidance when discharging the duty).
- (2) The guidance may, in particular, include provision—
  - (a) about ways of promoting awareness of the victims’ code (including different provision in relation to users of services provided by a person and other members of the public);
  - (b) about the way in which information is collected (and in particular, how information in relation to individuals who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010 is collected);
  - (c) about the way in which information is shared and reviewed (including, where meetings are held to review information, about the conduct of such meetings);
  - (d) about the steps that an elected local policing body for a police area must take, where section 11(13) applies, to make members of the public aware of how to access compliance information published by the Secretary of State which relates to the police area.
- (3) Before issuing guidance under this section, the Secretary of State must consult the Commissioner for Victims and Witnesses and such other persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after this section comes in force).

### *Collaboration in exercise of victim support functions*

## 13 Duty to collaborate in exercise of victim support functions

- (1) The relevant authorities for a police area in England must collaborate with each other in the exercise in the area of their functions in relation to relevant victim support services.
- (2) A relevant authority exercises a function in relation to relevant victim support services if it exercises the function in relation to—
  - (a) the provision of such services, or
  - (b) the commissioning of such services provided by another person.
- (3) The “relevant authorities” for a police area in England are—
  - (a) the local policing body for the police area,
  - (b) an integrated care board, established under Chapter A3 of Part 2 of the National Health Service Act 2006, all or part of whose area falls within the police area, and
  - (c) a local authority, all or part of whose area falls within the police area.
- (4) For the purposes of subsection (3)(c), “local authority” means—
  - (a) a county council,
  - (b) a district council for an area for which there is no county council,
  - (c) the Greater London Authority, or
  - (d) the Council of the Isles of Scilly.

- (5) “Relevant victim support service” means a service, other than accommodation-based support, provided to support victims of criminal conduct which constitutes—
  - (a) domestic abuse,
  - (b) conduct of a sexual nature, or
  - (c) serious violence.
- (6) In [subsection \(5\)](#), “accommodation-based support” and “domestic abuse” have the same meanings as in the Domestic Abuse Act 2021 (see sections 1 and 57 of that Act).
- (7) For the purposes of [subsection \(5\)\(c\)](#), “violence” includes—
  - (a) violence against property, and
  - (b) threats of violence,but does not include terrorism within the meaning of the Terrorism Act 2000 (see section 1 of that Act).
- (8) In considering whether violence amounts to serious violence, the relevant authorities must, in particular, take into account—
  - (a) the maximum penalty which could be imposed for any offence which the conduct constitutes, and
  - (b) the impact of the conduct on any victim.
- (9) Collaboration under [this section](#) may include the processing of information within the meaning given by section 3 of the Data Protection Act 2018.

#### **14 Strategy for collaboration in exercise of victim support functions**

- (1) For the purposes of [section 13](#), the relevant authorities for a police area in England must together—
  - (a) prepare a strategy for the exercise in the area of their functions in relation to relevant victim support services,
  - (b) set out in the strategy how they consider they are fulfilling, or intend to fulfil, the duty under [section 13](#), and
  - (c) implement the strategy.
- (2) In preparing the strategy, the relevant authorities must—
  - (a) make reasonable efforts to obtain the views of victims in the police area,
  - (b) consult persons appearing to the relevant authorities to represent persons providing relevant victim support services in the police area, and
  - (c) consult such other persons as the relevant authorities consider appropriate.
- (3) In preparing the strategy, the relevant authorities must—
  - (a) assess the needs of victims in the police area for relevant victim support services,
  - (b) assess whether and how those needs are being met by the services which are available (whether or not provided by the relevant authorities), and
  - (c) have regard to those assessments.
- (4) When making an assessment under [subsection \(3\)](#), the relevant authorities must have regard to the particular needs of victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.
- (5) Once the strategy has been prepared the relevant authorities must—

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- (a) publish the strategy,
  - (b) keep the strategy under review, and
  - (c) from time to time prepare a revised strategy.
- (6) **Subsections (1) to (5)** apply to a revised strategy as they apply to the original strategy.
- (7) In this section, “relevant authority” and “relevant victim support service” have the meanings given by **section 13**.

## **15 Guidance on collaboration in exercise of victim support functions**

- (1) The Secretary of State must issue guidance to assist relevant authorities for police areas in England in the discharge of the duties under **sections 13 and 14** (and such authorities must have regard to the guidance when discharging those duties).
- (2) Before issuing guidance under **this section**, the Secretary of State must consult such persons as the Secretary of State considers appropriate (and it is immaterial for these purposes whether the consultation is carried out before or after **this section** comes in force).
- (3) In this section, “relevant authority” has the meaning given by **section 13(3)**.

### *Guidance about specified victim support roles*

## **16 Guidance about specified victim support roles**

- (1) The Secretary of State must issue guidance about specified victim support roles performed—
- (a) in England, and
  - (b) subject to subsection (2), in Wales.
- (2) Guidance under this section must not relate to a matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006).
- (3) In this section—
- “specified” means specified in regulations made by the Secretary of State;
  - “victim support role” means a role performed by individuals which involves the provision of support to victims of criminal conduct (where the support relates to that conduct).
- (4) A victim support role may be specified by reference to (among other matters)—
- (a) the circumstances in which the role is performed;
  - (b) the type of support provided in connection with the role;
  - (c) the type of criminal conduct in relation to which such support is provided.
- (5) Guidance under this section about a victim support role must include provision about—
- (a) the support provided in connection with the role;
  - (b) training and qualifications for individuals who perform the role;

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- (c) how individuals who perform the role, and other persons who have functions relating to victims or any aspect of the criminal justice system, work together.
- (6) Guidance under this section must (where relevant) make provision in relation to victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.
- (7) Any person who has functions of a public nature relating to victims, or any aspect of the criminal justice system, must have regard to guidance under this section where—
  - (a) the person is exercising such a function, and
  - (b) the guidance is relevant to the exercise of that function.
- (8) **Subsection (7)** does not apply to—
  - (a) anything done by any person acting in a judicial capacity, or on the instructions of or on behalf of such a person;
  - (b) a devolved Welsh authority, within the meaning of the Government of Wales Act 2006 (see section 157A of that Act).

*Disclosures by victims that cannot be precluded by agreement*

**17 Disclosures by victims that cannot be precluded by agreement**

- (1) A provision in an agreement is void in so far as it purports to preclude the making of a disclosure falling within **subsection (2)**.
- (2) A disclosure falls within this subsection if it is a disclosure of information that is made by a victim or a person who reasonably believes they are a victim—
  - (a) to any person who has law enforcement functions, for the purpose of those functions being exercised in relation to relevant conduct;
  - (b) to a qualified lawyer, for the purpose of seeking legal advice about relevant conduct;
  - (c) to any individual who is entitled to practise a regulated profession, for the purpose of obtaining professional support in relation to relevant conduct;
  - (d) to any individual who provides a service to support victims, for the purpose of obtaining support from that service in relation to relevant conduct;
  - (e) to a regulator of a regulated profession for the purpose of co-operating with the regulator in relation to relevant conduct;
  - (f) to a person who is authorised to receive information on behalf of a person mentioned in paragraph (a), (b), (c), (d) or (e), for the purpose mentioned in that paragraph;
  - (g) to a child, parent or partner of the person making the disclosure, for the purpose of obtaining support in relation to relevant conduct.
- (3) But a provision in an agreement is not void by virtue of **subsection (1)** so far as it purports to preclude a disclosure made for the primary purpose of releasing the information into the public domain.
- (4) The Secretary of State may by regulations amend this section—
  - (a) to add, remove or modify a description of disclosure in relation to which **subsection (1)** applies (“a permitted disclosure”);

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- (b) to extend the application of [subsection \(1\)](#) to a provision in an agreement which purports to impose an obligation or liability in connection with a permitted disclosure.
- (5) But regulations under [subsection \(4\)\(a\)](#) must not make any provision which would apply [subsection \(1\)](#) in relation to a disclosure—
- (a) made by a person other than a victim or a person who reasonably believes they are a victim, or
  - (b) that does not relate to relevant conduct.
- (6) In this section—
- “entitled to practise”, in relation to a regulated profession, is to be read in accordance with section 19(2) of the Professional Qualifications Act 2022;
  - “law enforcement functions” means functions for the purposes of the investigation or prosecution of criminal offences or the execution of criminal penalties;
  - “partner”: a person is a “partner” of another person if they are married to each other, in a civil partnership with each other or in an intimate personal relationship with each other which is of significant duration;
  - “qualified lawyer” means a person who is an authorised person in relation to a reserved legal activity for the purposes of the Legal Services Act 2007;
  - “regulated profession” and “regulator” have the same meanings as in the Professional Qualifications Act 2022 (see section 19 of that Act);
  - “relevant conduct” means conduct by virtue of which the person making the disclosure is or reasonably believes they are a victim (see [section 1\(1\)](#) and [\(2\)](#) of this Act).

### *Victims of domestic abuse*

## **18 Restricting parental responsibility where one parent kills the other**

- (1) The Children Act 1989 is amended in accordance with subsections [\(2\)](#) to [\(7\)](#).
- (2) In section 8 (child arrangements orders and other orders with respect to children), in the closing words of subsection [\(3\)](#), after “include” insert “proceedings in the Crown Court under [section 10A](#) or”.
- (3) After section 10 insert—

### **“10A Duty of Crown Court to make prohibited steps order**

- (1) This section applies where—
  - (a) a child has two parents at least one of whom has parental responsibility for the child, and
  - (b) a parent who has parental responsibility for the child (“the offender”) is convicted of the murder or, in the circumstances mentioned in [subsection \(2\)](#), manslaughter of the other parent.
- (2) The circumstances are where, but for section 54 of the Coroners and Justice Act 2009 (loss of control) or section 2 of the Homicide Act 1957 (diminished responsibility), the offender would have been liable to be convicted for murder.

- (3) The Crown Court must make a prohibited steps order when sentencing the offender.
- (4) The order must—
  - (a) specify that no step of any kind which could be taken by a parent in meeting their parental responsibility for a child may be taken by the offender with respect to the child without the consent of the High Court or the family court, and
  - (b) be made to have effect until the order is varied or discharged by the High Court or the family court.
- (5) But the Crown Court must not make a prohibited steps order under this section if—
  - (a) making the order is prohibited by section 29(3) of the Adoption and Children Act 2002,
  - (b) a prohibited steps order is already in force that meets the requirements in [subsection \(4\)](#), or
  - (c) in a case where the offender is convicted of manslaughter, it appears to the Crown Court that it would not be in the interests of justice to do so.
- (6) Sections 1, 7 and 11 do not apply where the Crown Court proceeds under this section.
- (7) A prohibited steps order made under this section does not cease to have effect if the offender is acquitted of the murder or manslaughter on appeal (but see [section 10B\(3\)](#) and [\(4\)](#)).
- (8) A prohibited steps order made under this section is to be treated for the purposes of section 31F(6) of the Matrimonial and Family Proceedings Act 1984 (proceedings and decisions) as if it were made by the family court.
- (9) The Crown Court does not have jurisdiction to entertain any proceedings in connection with the enforcement of a prohibited steps order made under this section.

### **10B Review of orders made under section 10A**

- (1) This section applies where a prohibited steps order is made under [section 10A](#) prohibiting the taking of steps by a parent with respect to a child.
- (2) The local authority that is the relevant local authority at the time the order is made must make an application to the court (see [section 92\(7\)](#)) to review the order.
- (3) [Subsection \(4\)](#) applies if—
  - (a) the application under [subsection \(2\)](#) has been disposed of (whether or not the order was varied), and
  - (b) the parent is acquitted on appeal of the murder or manslaughter that resulted in the making of the order.
- (4) The local authority that is the relevant local authority at the time the verdict of acquittal is entered must make an application to the court to review the order.

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- (5) An application under this section must be made as soon as is reasonably practicable and in any event before the end of the period of 14 days beginning with the day after the day on which—
- (a) in the case of an application under [subsection \(2\)](#), the order was made;
  - (b) in the case of an application under [subsection \(4\)](#), the verdict of acquittal was entered.
- (6) The Secretary of State may by regulations amend the period specified in [subsection \(5\)](#).
- (7) In this section “relevant local authority” means—
- (a) where the child with respect to whom the order was made is ordinarily resident within the area of a local authority in England or Wales, that local authority;
  - (b) where the child with respect to whom the order was made does not fall within [paragraph \(a\)](#) but is present within the area of a local authority in England or Wales, that local authority.”
- (4) In section 9 (restrictions on making section 8 orders)—
- (a) in subsection (1), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
  - (b) in subsection (6A), after “applies” insert “or a prohibited steps order made under [section 10A](#)”;
  - (c) after subsection (7) insert—
    - “(8) Subsection (7) does not apply to a prohibited steps order made under [section 10A](#).”
- (5) In section 33 (effect of care order), after subsection (3) insert—
- “(3A) Where a prohibited steps order made under [section 10A](#) is in force in relation to a parent, the authority may only exercise the power in subsection (3)(b) in relation to the taking of a step by that parent that is not prohibited by that order.”
- (6) In section 91 (effect and duration of orders etc)—
- (a) in subsection (2), after “section 8 order” insert “(other than a prohibited steps order made under [section 10A](#))”;
  - (b) after subsection (5A) insert—
    - “(5B) [Subsection \(5C\)](#) applies where—
      - (a) a prohibited steps order (the “existing order”) is in force prohibiting the taking of steps by a parent (“P”) with respect to a child (“C”), and
      - (b) a prohibited steps order is made under [section 10A](#) in relation to P with respect to C.
    - (5C) The existing order is discharged (except to the extent that it prohibits the taking of steps other than by P with respect to C).”
- (7) In section 104 (regulations and orders)—
- (a) in each of subsections (2) and (3A), after “subsection” insert “[\(3AZA\)](#)”;
  - (b) after subsection (3A) insert—

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“(3AZA) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by [section 10B\(6\)](#).”

(8) In section 50 of the Criminal Appeal Act 1968 (meaning of “sentence”), after subsection (2) insert—

“(2A) A prohibited steps order made under [section 10A](#) of the Children Act 1989 is not a sentence for the purposes of this Act.”

## 19 Domestic abuse related death reviews

(1) The Domestic Violence, Crime and Victims Act 2004 is amended in accordance with subsections (2) to (4).

(2) After section 8 insert—

*“Domestic abuse related death reviews*

### 8A Establishment and conduct of reviews

(1) In this section “domestic abuse related death review” means a review of the circumstances of the death of a person which is held—

- (a) where the death has, or appears to have, resulted from domestic abuse towards the person within the meaning of the Domestic Abuse Act 2021, and
- (b) with a view to identifying the lessons to be learned from the death.

(2) The Secretary of State may in a particular case direct a specified person or body within [subsection \(6\)](#) to establish, or to participate in, a domestic abuse related death review.

(3) It is the duty of any person or body within [subsection \(6\)](#) establishing or participating in a domestic abuse related death review (whether or not held pursuant to a direction under [subsection \(2\)](#)) to have regard to any guidance issued by the Secretary of State as to the establishment and conduct of such reviews.

(4) A person or body within [subsection \(6\)](#) that establishes a domestic abuse related death review (whether or not held pursuant to a direction under [subsection \(2\)](#)) must send a copy of any report setting out the conclusions of the review to the Secretary of State and the Domestic Abuse Commissioner.

(5) The copy must be sent as soon as reasonably practicable after the report is completed.

(6) The persons and bodies within this subsection are—

- chief officers of police for police areas in England and Wales;
- local authorities;
- NHS England;
- integrated care boards established under section 14Z25 of the National Health Service Act 2006;
- providers of probation services;

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Local Health Boards established under section 11 of the National Health Service (Wales) Act 2006;

NHS trusts established under section 25 of the National Health Service Act 2006 or section 18 of the National Health Service (Wales) Act 2006.

- (7) In [subsection \(6\)](#) “local authority” means—
- (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
  - (b) in relation to Wales, the council of a county or county borough.
- (8) The Secretary of State may by order amend [subsection \(6\)](#) or [\(7\)](#).”
- (3) In section 9 (establishment and conduct of domestic homicide reviews)—
- (a) in each of subsections (2) and (3)—
    - (i) for “Secretary of State” substitute “Department of Justice in Northern Ireland”;
    - (ii) for “(4)” substitute “(4)(b)”;
  - (b) omit subsections (3A), (3B), (3C), (4)(a), (5) and (6).
- (4) In section 61 (orders), in subsection (3), for “9(6)” substitute “8A(8)”.
- (5) In section 26 of the Police, Crime, Sentencing and Courts Act 2022 (relationship of offensive weapons homicide reviews with other review requirements), in subsection (1)(b)—
- (a) after “of a” insert “domestic abuse related death review or”;
  - (b) for “section” substitute “sections 8A and”.

## **20 Child victims of domestic abuse**

- (1) The Domestic Abuse Act 2021 is amended as follows.
- (2) After section 49 insert—

*“Notifying schools etc if child is suspected victim of domestic abuse*

### **49A Arrangements to notify schools etc**

- (1) A chief officer of police of a police force maintained for a police area must ensure that arrangements are in place to secure the objective in [subsection \(2\)](#).
- (2) The objective is that, if a member of the force has reasonable grounds to believe that a child who resides in the police area may be a victim of domestic abuse, any relevant educational establishment is notified as soon as is reasonably practicable except in such circumstances as may be specified in regulations made by the Secretary of State.
- (3) For the purposes of this section, each of the following is a relevant educational establishment in relation to a child—
  - (a) a school at which the child is a registered pupil;
  - (b) if the child is not a registered pupil at a school—

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- (i) if the child is receiving education at only one educational establishment, that establishment;
- (ii) if the child is receiving education at more than one educational establishment, such one or more of those establishments as is determined in accordance with the arrangements in place under [subsection \(1\)](#) for the police area in which the child resides.

(4) In this section—

“child” means a person under the age of 18 years;

“educational establishment” means—

- (a) a school in England or Wales;
- (b) an institution within the further education sector, within the meaning given by section 91(3) of the Further and Higher Education Act 1992;
- (c) in relation to England, a 16 to 19 Academy, within the meaning given by section 1B of the Academies Act 2010;

“registered pupil”, in relation to a school, has the meaning given by section 434 of the Education Act 1996;

“school” has the meaning given by section 4 of the Education Act 1996.

#### **49B Power to extend [section 49A](#) to childcare providers**

(1) The Secretary of State may by regulations amend [section 49A](#) so that the objective in [subsection \(2\)](#) of that section applies in relation to childcare providers, or childcare providers of particular descriptions, as it applies in relation to relevant educational establishments.

(2) In this section—

“childcare”—

- (a) in relation to England, has the meaning given by section 18 of the Childcare Act 2006;
- (b) in relation to Wales, means anything that amounts to child minding or day care for children for the purposes of Part 2 of the [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#) (see section 19(2) to (5) of that Measure);

“childcare provider” means—

- (a) in relation to England, a person who provides childcare—
  - (i) in respect of which the person is registered under Part 3 of the Childcare Act 2006,
  - (ii) in respect of which the person would, but for section 34(2) or 53(2) of that Act, be required to be registered under Chapter 2 or 3 of Part 3 of that Act, or
  - (iii) in respect of which the person would, but for section 63(3) of that Act, be able to be registered under Chapter 4 of Part 3 of that Act;
- (b) in relation to Wales, a person who provides childcare in respect of which the person is registered under Part 2 of the [Children and Families \(Wales\) Measure 2010](#).

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- (3) In the italic heading before section 50, for “and orders” substitute “, orders and notification arrangements”.
- (4) In section 56 (interpretation of Part 3), in subsection (4), after paragraph (b) insert—  
“(c) section 3 (children as victims of domestic abuse).”
- (5) In section 87 (regulations), in subsection (6), after paragraph (a) insert—  
“(aa) regulations under [section 49B](#).”

*Victim impact statements to mental health tribunals (restricted patients)*

**21 Victim impact statements to mental health tribunals (restricted patients)**

- (1) Chapter 2 of Part 3 of the Domestic Violence, Crime and Victims Act 2004 (victims’ rights to make representations and receive information) is amended as follows.
- (2) In section 37(8)(c)(i), for “that area” substitute “that local probation board”.
- (3) After section 37 insert—

**“37ZA Victim impact statements where restriction order made**

- (1) This section applies if, in a case where section 37 applies, an application or reference mentioned in subsection (5) of that section is made to the First-tier Tribunal or the Mental Health Review Tribunal for Wales.
- (2) The relevant probation body—
  - (a) must take all reasonable steps to ascertain whether a person who appears to the body to be the victim of the offence or to act for the victim of the offence wishes to provide a victim impact statement to the body, and
  - (b) if the person provides such a statement, must forward it to the tribunal.
- (3) Where a victim impact statement has been forwarded to the tribunal under [subsection \(2\)](#), the tribunal must—
  - (a) allow the person who made the statement to request permission to read the statement to the tribunal at a relevant hearing, and
  - (b) grant such permission unless the tribunal considers that there are good reasons not to.
- (4) The tribunal may have regard to the statement when determining a matter specified in section 36(5)(a) or (b) (but must not have regard to it for any other purpose).
- (5) In this section—
  - “relevant hearing” means any hearing held by the tribunal before making a decision which disposes of proceedings on the application or reference mentioned in [subsection \(1\)](#);
  - “the relevant probation body” has the meaning given in section 37(8);

“victim impact statement” means a statement about the way in which, and degree to which, the offence has affected and (as the case may be) continues to affect the victim or any other person.”

*Victims’ Commissioner*

## **22 Commissioner for Victims and Witnesses**

- (1) The Domestic Violence, Crime and Victims Act 2004 is amended as follows.
- (2) In section 49 (functions of Commissioner for Victims and Witnesses)—
  - (a) in subsection (1)(c), for “section 32” substitute “section 2 of the Victims and Prisoners Act 2024, including the extent to which the duty in [section 5\(1\)](#) of that Act (duty to provide services in accordance with the code) is being complied with”;
  - (b) in subsection (2)(c), after “remit” insert “(whether or not made by way of inclusion in a report prepared under paragraph (b) or subsection (4))”;
  - (c) after subsection (4) insert—

“(4A) A report prepared under subsection (2)(b) or (4) may include provision making recommendations to any authority within the Commissioner’s remit.”;
  - (d) after subsection (5) insert—

“(5A) The Commissioner must arrange for each report prepared under subsection (4) to be laid before Parliament.”
- (3) After section 49 insert—

### **“49A Duty to respond to Commissioner’s recommendations**

- (1) This section applies where the Commissioner publishes a report under section 49(2)(b) or (4) containing recommendations to an authority within the Commissioner’s remit.
- (2) The relevant person must prepare comments on the report.
- (3) The relevant person is—
  - (a) where the authority is a government department in the charge of a Minister of the Crown, the Minister, or
  - (b) in any other case, the authority.
- (4) The comments must include, in respect of each recommendation made in the report, an explanation of—
  - (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or
  - (b) why the relevant person has not taken, or does not propose to take, any action in response.
- (5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate.

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- (6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published.
- (7) The relevant person must send a copy of anything published under subsection (6) to—
  - (a) the Commissioner, and
  - (b) (unless the authority is a government department in the charge of a Minister of the Crown) the Secretary of State.”
- (4) After section 51 insert—

**“51A Duty to co-operate with Commissioner**

- (1) The Commissioner may request a relevant person to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions.
- (2) A relevant person must comply with a request made to the person under this section, so far as it is appropriate and reasonably practicable for the person to do so.
- (3) In this section “relevant person” means a person who is not an individual and is subject to the duty in [section 5\(1\)](#) of the Victims and Prisoners Act 2024 (duty to provide services in accordance with the code issued under section 2 of that Act).”
- (5) In Schedule 9 (authorities within Commissioner’s remit)—
  - (a) for paragraphs 1VA to 8B substitute—
    - “1 A government department in the charge of a Minister of the Crown.”;
  - (b) after paragraph 11 insert—
    - “11A A local policing body.”;
  - (c) after paragraph 16 insert—
    - “16A His Majesty’s Inspectors of Constabulary.”;
  - (d) after paragraph 29 insert—
    - “29A His Majesty’s Chief Inspector of the Crown Prosecution Service.
    - 29B His Majesty’s Chief Inspector of Prisons.
    - 29C His Majesty’s Inspectorate of Probation for England and Wales.”

*Inspections by criminal justice inspectorates*

**23 His Majesty’s Chief Inspector of Prisons**

- (1) Schedule A1 to the Prison Act 1952 (further provision about Chief Inspector) is amended as follows.
- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert—
  - “(ia) the Commissioner for Victims and Witnesses, and”.

(3) In paragraph 5 (joint action), after sub-paragraph (6) insert—

“(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.

(8) In sub-paragraph (7)—

“specified” means specified in the direction;

“victim” has the meaning given by [section 1](#) of the Victims and Prisoners Act 2024.”

## **24 His Majesty’s Chief Inspector of Constabulary**

(1) Schedule 4A to the Police Act 1996 (further provision about inspectors of constabulary) is amended as follows.

(2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert—

“(ia) the Commissioner for Victims and Witnesses, and”.

(3) In paragraph 5 (joint action), after sub-paragraph (6) insert—

“(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.

(8) In sub-paragraph (7)—

“specified” means specified in the direction;

“victim” has the meaning given by [section 1](#) of the Victims and Prisoners Act 2024.”

## **25 His Majesty’s Chief Inspector of the Crown Prosecution Service**

(1) The Schedule to the Crown Prosecution Service Inspectorate Act 2000 (further provision about Chief Inspector) is amended as follows.

(2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert—

“(ia) the Commissioner for Victims and Witnesses, and”.

(3) In paragraph 5 (joint action), after sub-paragraph (6) insert—

“(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.

(8) In sub-paragraph (7)—

“specified” means specified in the direction;

“victim” has the meaning given by [section 1](#) of the Victims and Prisoners Act 2024.”

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## **26 His Majesty’s Chief Inspector of Probation for England and Wales**

- (1) Schedule 1A to the Criminal Justice and Court Services Act 2000 (further provision about the inspectorate) is amended as follows.
- (2) In paragraph 2 (inspection programmes and frameworks), in sub-paragraph (2), omit the “and” at the end of paragraph (i) and insert—
  - “(ia) the Commissioner for Victims and Witnesses, and”.
- (3) In paragraph 5 (joint action), after sub-paragraph (6) insert—
  - “(7) The Secretary of State, the Lord Chancellor and the Attorney General may by a joint direction require a joint inspection programme to include provision for the inspection, at specified times, of specified matters relating to the experiences and treatment of victims.
  - (8) In sub-paragraph (7)—
    - “specified” means specified in the direction;
    - “victim” has the meaning given by [section 1](#) of the Victims and Prisoners Act 2024.”

### *Parliamentary Commissioner for Administration*

## **27 Parliamentary Commissioner for Administration**

- (1) The Parliamentary Commissioner Act 1967 is amended as follows.
- (2) Section 5 (matters subject to investigation) is amended in accordance with subsections (3) to (5).
- (3) In subsection (1)—
  - (a) for paragraph (a) substitute—
    - “(a) a written complaint is duly made by a member of the public, who claims to have sustained injustice in consequence of maladministration in connection with the action so taken, to—
      - (i) the Commissioner, if the complaint relates to the complainant’s experience as a victim, or
      - (ii) in any other case, a member of the House of Commons, and”;
    - (b) in paragraph (b), at the beginning insert “in a case falling within paragraph (a) (ii),”.
- (4) In subsection (1A)—
  - (a) for paragraph (a) substitute—
    - “(a) a written complaint is duly made by a member of the public, who claims that a person has failed to perform a relevant duty owed by that person to the member of the public, to—
      - (i) the Commissioner, if the complaint relates to the complainant’s experience as a victim, or
      - (ii) in any other case, a member of the House of Commons, and”;

- (b) in paragraph (b), at the beginning insert “in a case falling within paragraph (a) (ii).”.
- (5) After subsection (9A) insert—
- “(9B) In this section “victim” has the meaning given by [section 1](#) of the Victims and Prisoners Act 2024.”
- (6) Section 6 (provisions relating to complaints) is amended in accordance with subsections [\(7\)](#) to [\(10\)](#).
- (7) After subsection (1A) insert—
- “(1B) A complaint under section 5(1)(a)(i) or (1A)(a)(i) may also be made by a person who is authorised to act on behalf of the person aggrieved.”
- (8) In subsection (2), for the words from “for himself” to the end substitute “or, where subsection (1B) applies, to authorise another person to act, the complaint may be made by the person’s personal representative, or by a member of the person’s family, or by another individual suitable to represent the person.”
- (9) After subsection (2) insert—
- “(2A) Except as provided by subsections (1B) and (2), a complaint may not be entertained under this Act unless made by the person aggrieved.”
- (10) In subsection (3), omit “to a member of the House of Commons”.
- (11) Section 10 (Commissioner’s reports) is amended in accordance with subsections [\(12\)](#) to [\(14\)](#).
- (12) In subsection (1)—
- (a) for “under this Act” substitute “pursuant to a complaint made to a member of the House of Commons under section 5(1)(a)(ii) or (1A)(a)(ii).”;
- (b) for “the House of Commons” substitute “that House”.
- (13) After subsection (1) insert—
- “(1A) In any case where the Commissioner conducts an investigation pursuant to a complaint made to the Commissioner under section 5(1)(a)(i) or (1A)(a)(i), or decides not to conduct such an investigation, the Commissioner—
- (a) must send to the person who made the complaint a report of the results of the investigation or, as the case may be, a statement of the Commissioner’s reasons for not conducting an investigation, and
- (b) may, with the consent of the person who made the complaint, send the report or statement to such member of the House of Commons as the Commissioner considers appropriate.
- (1B) References in subsection (1A) to the person who made the complaint are, in a case where the complaint is made by a person authorised to act on behalf of the person aggrieved (see section 6(1B)), to that authorised person.”
- (14) In subsection (5)(d), after “subsection” insert “(1A).”.

*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,
  - (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—

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- (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—
- (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.

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(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—

- (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.

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- (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.
- (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;

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- (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.”

## 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—

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- ““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”—
- (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.””

### **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.

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(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.

### 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	A person who the stalking protection order was made to protect from a

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Offence	Data subject
of breaching stalking protection order etc)	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 that section) is an offence specified in entry 1, 2 or 3 of this table	A person specified in column 2 of the entry in which the corresponding offence is specified
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.”

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### *Data protection*

## **32 Data protection**

- (1) Nothing in [this Part](#) requires or authorises the processing of information if the processing would contravene the data protection legislation (but in determining whether it would do so, take into account any duty imposed or power conferred by [this Part](#)).
- (2) For these purposes—
  - (a) references to [this Part](#) include regulations made under [this Part](#), the victims’ code and guidance issued under [this Part](#);
  - (b) “processing” and “the data protection legislation” have the same meanings as in the Data Protection Act 2018 (see section 3 of that Act).

### *Consequential provision*

## **33 Consequential provision**

- (1) Chapter 1 of Part 3 of the Domestic Violence, Crime and Victims Act 2004 (the victims’ code) is repealed (and the code of practice issued under section 32 of that Act ceases to be in operation).
- (2) The following amendments are made in consequence of [subsection \(1\)](#).
- (3) In the Parliamentary Commissioner Act 1967, in section 5(1B)(a), for “section 32 of the Domestic Violence, Crime and Victims Act 2004” substitute “[section 2](#) of the Victims and Prisoners Act 2024”.
- (4) In the Domestic Violence, Crime and Victims Act 2004, in section 54 (disclosure of information)—
  - (a) in subsection (2)(a), for “section 32” substitute “[section 2](#) of the Victims and Prisoners Act 2024”;
  - (b) in subsection (3)(a), for “required to do anything under the code issued under section 32” substitute “who is subject to the duty in [section 5\(1\)](#) of the Victims and Prisoners Act 2024 (duty to provide services in accordance with victims’ code)”.