



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 2

VICTIMS OF MAJOR INCIDENTS

PROSPECTIVE

Functions and powers of advocates: general

41 Reports to the Secretary of State

- (1) The standing advocate must, in respect of each calendar year, report to the Secretary of State as to—
 - (a) the exercise of the standing advocate's functions in that year;
 - (b) such matters as the Secretary of State may require in writing;
 - (c) such other matters as the standing advocate considers relevant to their functions or the functions of another advocate.
- (2) A report under [subsection \(1\)](#) must be made by 1 July in the calendar year following the year in respect of which the report is made.
- (3) If the Secretary of State gives notice under [subsection \(4\)](#) to an advocate, the advocate must report to the Secretary of State—
 - (a) if specified in the notice, the advocate's opinions as to the treatment of victims in the course of an investigation, inquest or inquiry referred to in [section 39\(3\)](#);
 - (b) such other matters relating to the advocate's exercise of their functions as the Secretary of State specifies in the notice.
- (4) A notice under this subsection must specify—
 - (a) that the Secretary of State requires a report under [subsection \(3\)](#);
 - (b) the matters the Secretary of State requires the report to address.

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- (5) The notice may require the advocate to report within such reasonable period as may be specified in the notice (or such other period as may be agreed).
- (6) A report made under [subsection \(3\)](#) may include any matters the advocate considers relevant to—
 - (a) a major incident in respect of which they are appointed, or
 - (b) in the case of the standing advocate, any major incident,
 whether or not the matters have been specified in a notice under [subsection \(4\)](#).
- (7) An advocate may, at their discretion and at any time, report to the Secretary of State such matters as the advocate considers relevant to—
 - (a) a major incident in respect of which they are appointed, or
 - (b) in the case of the standing advocate, any major incident.
- (8) If more than one advocate has been appointed in respect of the same major incident—
 - (a) the Secretary of State may give notice under [subsection \(4\)](#) in relation to the incident only to the lead advocate;
 - (b) only the lead advocate may make a report under [subsection \(7\)](#) in relation to the incident.

Commencement Information

II S. 41 not in force at Royal Assent, see [s. 81\(2\)](#)

42 Publication of reports

- (1) The Secretary of State must publish a copy of a report made under [section 41](#) if—
 - (a) it is made by the standing advocate under [section 41\(1\)](#) (annual reports),
 - (b) it is made by an advocate under [section 41\(3\)](#) (reports required by the Secretary of State), or
 - (c) it is made by an advocate under [section 41\(7\)](#) (reports at discretion of advocate), and the advocate making the report requests in writing that the report is published.
- (2) The copy may be published in such manner as the Secretary of State thinks fit.
- (3) But material may be omitted from the copy if the Secretary of State considers that the publication of that material would—
 - (a) risk death or injury to any person,
 - (b) risk damage to national security or international relations,
 - (c) risk damage to the economic interests of the United Kingdom or of any part of the United Kingdom,
 - (d) risk damage caused by disclosure of commercially sensitive information,
 - (e) breach any conditions as to confidentiality subject to which the advocate making the report acquired the material,
 - (f) contravene the data protection legislation (within the meaning given by section 3 of the Data Protection Act 2018), or
 - (g) prejudice—
 - (i) the investigation or prosecution of an offence,
 - (ii) an inquiry under the Inquiries Act 2005,

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- (iii) an inquest under the Coroners and Justice Act 2009, or
 - (iv) any other investigation or inquiry by a person exercising functions of a public nature.
- (4) The Secretary of State must lay a copy of a report as published under this section before Parliament.

Commencement Information

I2 S. 42 not in force at Royal Assent, see [s. 81\(2\)](#)

43 Information sharing and data protection

- (1) An advocate may, to the extent the advocate considers appropriate, share information received in the exercise of their functions with—
- (a) the standing advocate;
 - (b) any other advocate appointed in respect of the same major incident;
 - (c) the Secretary of State;
 - (d) any other person exercising functions of a public nature;
 - (e) a victim of a major incident in respect of which the advocate is appointed.
- (2) A person exercising functions of a public nature may share such information as the person considers appropriate with an advocate for the purposes of the advocate exercising their functions.
- (3) An advocate may use information received in the exercise of their functions only for the purpose of exercising their functions.
- (4) The information referred to in this section may comprise or include personal data.
- (5) This section does not limit the circumstances in which information may be disclosed apart from this Part.
- (6) Except as provided by [subsection \(7\)](#), a disclosure of information under this Part does not breach—
- (a) any obligation of confidence owed by the person disclosing the information, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (7) 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, the powers conferred by this Part are to be taken into account).
- (8) In this section, “personal data”, “processing” and “the data protection legislation” have the meanings given by section 3 of the Data Protection Act 2018.

Commencement Information

I3 S. 43 not in force at Royal Assent, see [s. 81\(2\)](#)

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