



Victims and Prisoners Act 2024

2024 CHAPTER 21

PART 2

VICTIMS OF MAJOR INCIDENTS

Meaning of “major incident” etc

34 **Meaning of “major incident” etc**

- (1) This Part concerns advocates for victims of major incidents.
- (2) In this Part, “major incident” means an incident that—
 - (a) occurs in England or Wales after this section comes into force,
 - (b) causes the death of, or serious harm to, a significant number of individuals, and
 - (c) is declared in writing by the Secretary of State to be a major incident for the purposes of this Part.
- (3) Before declaring an incident that occurs in Wales to be a major incident, the Secretary of State must consult the Welsh Ministers.
- (4) For the purposes of this Part, “harm” includes physical, mental or emotional harm.
- (5) In this Part, “victims”, in relation to a major incident, means—
 - (a) individuals who have suffered harm as a direct result of the incident (whether or not that harm is serious harm), and
 - (b) close family members or close friends of individuals who have died or suffered serious harm as a direct result of the incident.
- (6) In this Part, “advocate” means—
 - (a) the standing advocate appointed under [section 35\(1\)](#);
 - (b) an individual appointed as an advocate in respect of a major incident under [section 36\(1\)](#).

Status: This is the original version (as it was originally enacted).

- (7) But a reference in this Part to an advocate appointed in respect of a major incident includes the standing advocate only if the standing advocate has been appointed in respect of that incident under [section 36\(1\)](#).

Appointment of advocates

35 Appointment of standing advocate

- (1) The Secretary of State must appoint an individual as the standing advocate for victims of major incidents (in this Part, “the standing advocate”).
- (2) The functions of the standing advocate are—
- (a) to advise the Secretary of State as to the interests of victims of major incidents, and their treatment by public authorities in response to major incidents;
 - (b) to advise other advocates as to the exercise of the functions of those advocates;
 - (c) to make reports in accordance with [section 41](#).
- (3) The standing advocate may take such steps as the standing advocate considers are—
- (a) appropriate to facilitate the exercise of, or
 - (b) incidental or conducive to,
- the functions of the standing advocate or another advocate.
- (4) An individual may be appointed as the standing advocate only if the Secretary of State considers that the individual is qualified, taking into account—
- (a) the individual’s academic, professional or other qualifications, experience or skills;
 - (b) any other matter the Secretary of State considers relevant.
- (5) For the purposes of [subsection \(2\)\(a\)](#), “public authority” includes—
- (a) a court, tribunal, coroner, or inquiry panel within the meaning of section 3 of the Inquiries Act 2005, and
 - (b) any other person certain of whose functions are functions of a public nature, but does not include the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.

36 Appointment of advocates in respect of major incidents

- (1) The Secretary of State may appoint an individual to act as an advocate for victims of a major incident.
- (2) Before appointing an advocate in respect of a major incident that occurs in Wales, the Secretary of State must consult the Welsh Ministers.
- (3) An individual may be appointed as an advocate in respect of a major incident only if—
- (a) the individual is the standing advocate, or
 - (b) the Secretary of State considers that the individual—
 - (i) is qualified, and
 - (ii) is appropriate to appoint in respect of the incident.
- (4) An individual may be qualified by virtue of—
- (a) their academic, professional or other qualifications, experience or skills;

- (b) their relationship with a geographical or other community;
 - (c) any other matter the Secretary of State considers relevant.
- (5) In determining whether an individual is appropriate to appoint as an advocate in respect of a major incident, the Secretary of State may have regard to—
- (a) the geographical area in which the incident occurs;
 - (b) any community affected by the incident;
 - (c) the relevance of the individual’s qualifications, experience or skills to the incident and the matters in paragraphs (a) and (b);
 - (d) any other matter the Secretary of State considers relevant.

37 Terms of appointment

- (1) Subject to the following provisions of this section, an individual is to be appointed as an advocate on terms agreed between the individual and the Secretary of State.
- (2) The appointment may be terminated—
 - (a) by the Secretary of State on such grounds as the Secretary of State considers appropriate;
 - (b) by the advocate giving notice of their resignation to the Secretary of State;
 - (c) otherwise in accordance with the terms of the advocate’s appointment.
- (3) The Secretary of State may pay to or in respect of an advocate—
 - (a) such remuneration as the Secretary of State considers appropriate;
 - (b) reasonable costs incurred by the advocate in connection with the exercise of their functions, including those incurred in connection with proceedings relating to the exercise (or purported exercise) of those functions;
 - (c) such other sums by way of allowances or gratuities as the Secretary of State considers appropriate.
- (4) The Secretary of State may make provision for an advocate to have secretarial or other support in connection with the exercise of their functions.
- (5) An advocate is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

38 Appointment of more than one advocate in respect of same major incident

- (1) This section applies where the Secretary of State appoints more than one advocate in respect of the same major incident.
- (2) The Secretary of State must appoint one of the advocates as the lead advocate in respect of that incident.
- (3) An advocate appointed in respect of the incident must have regard to any directions given by the lead advocate as to how they are to exercise their functions in respect of the incident.

Status: This is the original version (as it was originally enacted).

Functions and powers of advocates in respect of major incidents

39 Functions of advocates appointed in respect of major incidents

- (1) This section applies where an advocate is appointed in respect of a major incident.
- (2) Where more than one advocate is appointed in respect of the incident, references in this section to “the advocate” are to each advocate individually and any number of them (including all of them) acting jointly.
- (3) Subject to the terms of their appointment, the advocate may provide such support to victims of the incident as the advocate considers appropriate in relation to—
 - (a) the aftermath of the incident;
 - (b) an investigation by a public authority into the incident;
 - (c) an inquest under the Coroners and Justice Act 2009 into a death the incident may have caused or contributed to;
 - (d) an inquiry into the incident under the Inquiries Act 2005.
- (4) The support provided under subsection (3) may include, for example—
 - (a) helping victims understand the actions of public authorities in relation to the incident, and how the views of victims may be taken into account;
 - (b) informing victims about other sources of support and advice, and services, that may be available in connection with the incident;
 - (c) communicating with public authorities on behalf of victims in relation to the incident;
 - (d) assisting victims to access documents or other information in relation to an investigation, inquest or inquiry referred to in subsection (3) (to the extent that victims are, or a particular victim is, entitled to such access).
- (5) The advocate may provide support to victims by providing support to such persons as the advocate considers represent one or more victims, including where those persons are not victims themselves.
- (6) Where the advocate provides support to victims under the age of 18, the advocate may do so only by providing support to such persons as the advocate considers represent those victims.
- (7) A person may not represent victims for the purposes of this Part if the person—
 - (a) is an individual under the age of 18, or
 - (b) would, in representing victims, carry on a legal activity.
- (8) The advocate may not, in supporting victims—
 - (a) carry on a legal activity;
 - (b) provide financial support to any person;
 - (c) provide health care to any person.
- (9) Nothing in this Part confers a right on any person to require the advocate to provide support, or support of a particular type, to that person or any other person.
- (10) In this section—

“health care” includes all forms of health care, whether relating to physical or mental health;

“legal activity” has the meaning given by section 12(3) of the Legal Services Act 2007;

“public authority” has the same meaning as in section 35(2)(a) (see section 35(5)).

40 Role of advocates under Part 1 of the Coroners and Justice Act 2009

In section 47(2) of the Coroners and Justice Act 2009 (interested persons in relation to a deceased person or investigation or inquest into a death), after paragraph (ka) insert—

- “(kb) where an advocate has been appointed under [section 36\(1\)](#) of the Victims and Prisoners Act 2024 in respect of an incident which may have caused or contributed to the death of the deceased—
- (i) each advocate that has been appointed under that section in respect of that incident, and
 - (ii) the standing advocate appointed under [section 35\(1\)](#) of that Act;”.

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.
- (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 \(4\)](#).

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- (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.

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,
 - (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.

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.

Guidance for advocates

44 Guidance for advocates

- (1) The Secretary of State may issue guidance as to the matters to which an advocate appointed in respect of a major incident must have regard in exercising their functions.
- (2) Guidance under this section—
- (a) must not be directed at any specific advocate or relate to a specific major incident;
 - (b) may be withdrawn or revised at any time.
- (3) An advocate appointed in respect of a major incident must, to the extent relevant to the terms of their appointment and to the incident in respect of which they are appointed, have regard to the matters stated in guidance under this section.

Consequential amendments

45 Consequential amendments

- (1) In paragraph 3 of Schedule 1 to the Public Records Act 1958 (establishments and organisations whose records are public records), in Part 2 of the Table, at the appropriate place insert—

Status: This is the original version (as it was originally enacted).

“An advocate for victims of major incidents appointed under [Part 2](#) of the Victims and Prisoners Act 2024.”

- (2) In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc subject to investigation), at the appropriate place insert—

“An advocate for victims of major incidents appointed under [Part 2](#) of the Victims and Prisoners Act 2024.”
- (3) In Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying from membership of the House of Commons), in Part 3, at the appropriate place insert—

“An advocate for victims of major incidents appointed under [Part 2](#) of the Victims and Prisoners Act 2024.”
- (4) In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 6, at the appropriate place insert—

“An advocate for victims of major incidents appointed under [Part 2](#) of the Victims and Prisoners Act 2024.”
- (5) In Schedule 19 to the Equality Act 2010 (public authorities), in Part 1, after “A government department other than the Security Service, the Secret Intelligence Service or the Government Communications Headquarters.” insert—

“Advocates for victims of major incidents

An advocate for victims of major incidents appointed under [Part 2](#) of the Victims and Prisoners Act 2024.”

Reviews

46 Review of duty of candour in relation to major incidents

- (1) The Secretary of State or the Minister for the Cabinet Office must, before 1 January 2025, carry out a review to determine the extent to which additional duties of transparency and candour should be imposed on public servants in relation to major incidents.
- (2) The Secretary of State or the Minister for the Cabinet Office may discharge the duty in subsection (1) by arranging for another person to carry out the review.
- (3) The Secretary of State or the Minister for the Cabinet Office must, as soon as reasonably practicable after the completion of the review—
 - (a) prepare, or arrange for another person to prepare, a report about the review,
 - (b) publish the report, and
 - (c) lay the report before Parliament.
- (4) In this section, “public servant” means—
 - (a) a public authority within the meaning given by [section 35\(2\)\(a\)](#) (see [section 35\(5\)](#));
 - (b) any person exercising the functions of a public authority (including as an employee of a public authority or as a person in the civil service of the State).

47 Review of operation of Part 2

- (1) The Secretary of State must, as soon as reasonably practicable after the end of the review period—
 - (a) prepare and publish a report about the operation in the review period of this Part, and
 - (b) lay the report before Parliament.
- (2) The “review period” is the period of 18 months beginning with the day on which the power in [section 36\(1\)](#) (appointment of advocate in respect of major incident) is first exercised.