Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

The Victims and Survivors (Northern Ireland) Order 2006

Made - - - - 2006
Coming into operation in accordance with Article 1(2) to (4)

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Introductory

Title and commencement

1.—(1) This Order may be cited as the Victims and Survivors (Northern Ireland) Order 2006.

(2) The following provisions of this Order come into operation two weeks after the day on which this Order is made—

(a) this Article; and

(b) Articles 2 and 3.

(3) The other provisions of this Order come into operation on such day or days as the Office may by order appoint.

(4) An order under paragraph (3) may contain such transitional provisions as appear to the Office to be appropriate.

Interpretation: general

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"the Commissioner" means the Commissioner for Victims and Survivors for Northern Ireland;

"conflict-related incident" means an incident appearing to the Commissioner to be a violent incident occurring in or after 1966 in connection with the affairs of Northern Ireland;

"information" includes information recorded in any form;

"the Office" means the Office of the First Minister and deputy First Minister;

"practice" includes policy.

Interpretation: "victim and survivor"

3.—(1) In this Order references to "victim and survivor" are references to an individual appearing to the Commissioner to be any of the following—

(a) someone who is or has been physically or psychologically injured as a result of or in consequence of a conflict-related incident;

(b) someone who provides a substantial amount of care on a regular basis for an individual mentioned in paragraph (a); or

(c) someone who has been bereaved as a result of or in consequence of a conflict-related incident.

(2) Without prejudice to the generality of paragraph (1), an individual may be psychologically injured as a result of or in consequence of—

(a) witnessing a conflict-related incident or the consequences of such an incident; or

(b) providing medical or other emergency assistance to an individual in connection with a conflict-related incident.

The Commissioner

The Commissioner for Victims and Survivors for Northern Ireland

4.—(1) There shall be an officer known as the Commissioner for Victims and Survivors for Northern Ireland.

(2) The Commissioner shall be appointed by the First Minister and deputy First Minister acting jointly.

(3) The Schedule has effect in relation to the Commissioner.

(4) This Article shall cease to have effect on such day as the First Minister and deputy First Minister acting jointly may by order appoint.

(5) An order under paragraph (4) may include such transitional provisions as appear to the First Minister and deputy First Minister to be appropriate.

(6) No order may be made under paragraph (4) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

Principal aim of the Commissioner

5. The principal aim of the Commissioner in exercising his functions under this Order is to promote the interests of victims and survivors.

Duties of the Commissioner

6.—(1) The Commissioner shall promote an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests.

(2) The Commissioner shall keep under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors.

(3) The Commissioner shall keep under review the adequacy and effectiveness of services provided for victims and survivors by bodies or persons.

(4) The Commissioner shall advise the Secretary of State, the Executive Committee of the Assembly and any body or person providing services for victims and survivors on matters concerning the interests of victims and survivors—

(a) as soon as reasonably practicable after receipt of a request for advice; and

(b) on such other occasions as the Commissioner thinks appropriate.

(5) The Commissioner shall take reasonable steps to ensure that the views of victims and survivors are sought concerning the exercise by the Commissioner of his functions.

(6) The Commissioner shall make arrangements for a forum for consultation and discussion with victims and survivors.

General powers of the Commissioner

7.—(1) The Commissioner may undertake, commission or provide financial or other assistance for research or educational activities concerning the interests of victims and survivors or the exercise of his functions.

(2) The Commissioner may, after consultation with such bodies or persons as he thinks fit, issue guidance on best practice in relation to any matter concerning the interests of victims and survivors.

(3) The Commissioner may—

(a) compile information concerning the interests of victims and survivors;

(b) provide advice or information on any matter concerning the interests of victims and survivors;

(c) publish any matter concerning the interests of victims and survivors, including—

(i) the outcome of any research or activities mentioned in paragraph (1);

(ii) any advice provided by the Commissioner.

(4) The Commissioner may make representations or recommendations to any body or person concerning the interests of victims and survivors.

Work programmes

8.—(1) The Commissioner shall, at such time, in such form and in respect of such period as the First Minister and deputy First Minister acting jointly may direct, prepare and submit to the First Minister and deputy First Minister a programme of his proposed activities in exercise of his functions (referred to in this Article as "a work programme").

(2) A work programme submitted to the First Minister and deputy First Minister under this Article shall include—

(a) in respect of each activity mentioned in the programme, an estimate of the Commissioner's expenditure and receipts;

(b) such other matters as the First Minister and deputy First Minister acting jointly may direct.

(3) Before submitting a work programme under this Article, the Commissioner shall consult such bodies or persons as he thinks fit.

(4) The First Minister and deputy First Minister acting jointly may request the Commissioner to furnish such information in connection with any work programme submitted to them as they may require, including information as to the results of any consultations under paragraph (3).

(5) The First Minster and deputy First Minister acting jointly may, after making such modifications, if any, in the work programme as, after consultation with the Commissioner, they consider necessary, approve any work programme submitted under this Article.

(6) The Commissioner may at any time, and shall if the First Minister and deputy First Minister acting jointly so direct, prepare and submit to the First Minister and deputy First Minister a revised work programme or an amendment to an existing work programme and paragraphs (2) to (5) shall apply in relation to any such revised work programme or amendment as they apply in relation to the original work programme.

(7) It shall be the duty of the Commissioner—

(a) to carry out the activities in the work programme approved under this Article in accordance with that programme;

(b) not to carry out any activities or incur any expenditure in any period except in accordance with the work programme approved under this Article in respect of that period.

Supplementary provisions

Privilege for certain publications

9. For the purposes of the law of defamation, publication by the Commissioner of any matter which the Commissioner is required or authorised to publish under this Order shall be absolutely privileged.

Payment of grants by the Office

10.—(1) The Office may, with the approval of the Department of Finance and Personnel, pay such grants to such bodies or persons as it considers appropriate in connection with measures which appear to the Office to be intended to assist victims and survivors.

(2) Grants under this Article may be subject to such terms and conditions as the Office may, with the approval of the Department of Finance and Personnel, determine.

(3) For the purposes of this Article, the definition of "victim and survivor" shall have effect as if for the word "Commissioner" there were substituted the word "Office".

A.K. Galloway
Clerk of the Privy Council