STATUTORY RULES OF NORTHERN IRELAND

2008 No. 457

JUSTICE

Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008

Made - - - -	*17th November 2008*
To be laid before Parliament	
Coming into operation	*15th December 2008*

The Secretary of State makes the following scheme in exercise of the powers conferred by section 69A of the Justice (Northern Ireland) Act 2002(**1**).

Citation and commencement

1. This scheme may be cited as the Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008 and shall come into operation on 15th December 2008.

Interpretation

2. In this scheme—

"relevant mentally disordered offender" means, in relation to the victim of an offence, a person in respect of whom—

(a) a hospital order with a restriction order has been made by a court dealing with that person for that offence, or

(b) a transfer direction and a restriction direction have been given in respect of that person while that person is serving a sentence of imprisonment in respect of that offence.

Application of scheme

3.—(1) The following persons, not being the actual victim of an offence, are to be regarded as the victim of an offence for the purposes of this scheme instead of the actual victim:

(a) if the actual victim has died, a close family member; and

(b) if the actual victim is a vulnerable person, a close family member or a legal guardian.

(**1**) 2002 c.26 as inserted by section 46 of the Domestic Violence, Crime and Victims Act 2004 (c.28)

(2) In particular circumstances in which the Secretary of State considers it appropriate, a person other than the actual victim of an offence is to be regarded for the purposes of this scheme as a victim of an offence (instead of the actual victim).

(3) References to the victim of the offence in this scheme shall be construed in accordance with paragraphs (1) and (2).

(4) In paragraph (1) "a close family member" means one of the following persons:

(a) the actual victim's spouse or civil partner;

(b) a person with whom the actual victim is living, or as the case may be, lived, as the actual victim's spouse, or civil partner;

(c) the actual victim's parent;

(d) the actual victim's adult child;

(e) the actual victim's adult sibling;

(f) the actual victim's grandparent.

(5) In paragraph (1) "a vulnerable person" means a person under the age of eighteen or a person whose physical or mental state is such that the Secretary of State considers that it is reasonable in all the circumstances for a person listed in paragraph (1) (b) to receive the information instead.

Notification by victim

4. The victim of an offence shall indicate a wish to receive information under this scheme by applying in writing to the Secretary of State with the information specified in the Schedule.

Information to be made available and timing

5.—(1) The victim of an offence shall be entitled to receive under this scheme the information specified in paragraph (2) in relation to a relevant mentally disordered offender.

(2) The information is:

(a) information about discharge from hospital, including where the Secretary of State considers it appropriate, the date on which it is anticipated that the mentally disordered offender shall be discharged from hospital;

(b) information about grant of leave of absence from hospital, including where the Secretary of State considers it appropriate, the date on which it is anticipated that the mentally disordered offender shall be granted leave of absence from hospital; and

(c) information as to any relevant conditions to which the mentally disordered offender is to be made subject in the event of the mentally disordered offender's discharge from hospital or the mentally disordered offender's grant of leave of absence from hospital.

(3) A condition is relevant for the purposes of paragraph (2) (c) if it appears to the Secretary of State that it might affect the victim of the offence.

(4) The victim of the offence shall be provided with the information specified in paragraph (2) within a reasonable time of the application for information being made, or if later, of the information being available.

Representations to the Secretary of State

6.—(1) The victim of an offence may make representations to the Secretary of State about the matters specified below:

(a) whether the relevant mentally disordered offender should be subject to any conditions in the event of discharge from hospital or grant of leave of absence from hospital; and