STATUTORY RULES OF NORTHERN IRELAND

2005 No. 432

CRIMINAL JUSTICE

The Probation Board for Northern Ireland Victim Information Scheme 2005

Made - - - -	*24th September 2005*
Laid before Parliament	*4th October 2005*
Coming into operation	*25th October 2005*

The Secretary of State in exercise of the powers conferred on him by Article 25 of the Criminal Justice (Northern Ireland) Order 2005(**1**) hereby makes the following scheme:

Citation and commencement

1. This scheme may be cited as the Probation Board for Northern Ireland Victim Information Scheme 2005 and shall come into operation on 25th October 2005.

Interpretation

2. In this scheme "the Board" means the Probation Board for Northern Ireland and "supervised offender" means a person subject to supervision in accordance with Article 25(2) of the Criminal Justice (Northern Ireland) Order 2005.

Application of Scheme

3.—(1) The following persons, not being the actual victim of an offence, are to be regarded as the victim of that 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.

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

(3) References to the victim of an 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:

(**1**) S.I. 2005 No. 1965 (N.I. 15)

(a) the actual victim's spouse;

(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 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 Board considers that it is reasonable in all the circumstances for a person listed in (1)(b) to receive the information instead.

Notification by Victim

4. A victim must indicate that he wishes to receive information under the scheme by applying in writing to the Board with the information specified in the Schedule to the scheme.

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 the following paragraphs in relation to a relevant supervised offender.

(2) The information, in relation to a relevant supervised offender is:

(a) the type of supervision the supervised offender is subject to in accordance with Article 25(2) of the Criminal Justice (Northern Ireland) Order 2005;

(b) the general requirements of the supervision;

(c) the length of the period of supervision;

(d) information on any additional requirements or conditions;

(e) in the case of a Community Service Order the number of hours;

(f) the outcome of any breach proceedings resulting in a court order;

(g) information on any variation of the terms or conditions of supervision by a court.

(3) "A relevant supervised offender", in relation to a victim of an offence, means a supervised offender subject to a sentence or licence in respect of the commission of that offence.

(4) The victim will be provided with the information to be provided under this Article within a reasonable time of the application for information being made, or if later, of the information being available.

Grounds for refusal to release information

6.—(1) The following circumstances are specified for the purposes of Article 25(6) of the Criminal Justice (Northern Ireland) Order 2005 (circumstances in which the Board is not required to make information available under the scheme).

(2) The circumstances are that—

(a) it appears to the Board that to make the information available under this scheme—

(i) would be punishable as a contempt of court;

(ii) would be contrary to any enactment; or

(iii) would constitute an unwarranted interference regarding the rights of the supervised offender;