STATUTORY RULES OF NORTHERN IRELAND

2003 No. 293

CRIMINAL JUSTICE

The Prisoner Release Victim Information (Northern Ireland) Scheme 2003

Made - - - -	*5th June 2003*
Laid before Parliament	*9th June 2003*
Coming into operation	*1st July 2003*

The Secretary of State in exercise of the powers conferred by section 68 of the Justice (Northern Ireland) Act 2002(**1**) hereby makes the following scheme:

Citation and commencement

1. This scheme may be cited as the Prisoner Release Victim Information (Northern Ireland) Scheme 2003 and shall come into operation on 1st July 2003.

Application of scheme

2.—(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 legal guardian.

(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 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:

(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;

(c) the actual victim's parent;

(**1**) 2002 c. 26

(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 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

3. A victim must indicate that he wishes to receive information under this scheme by applying in writing to the Secretary of State with the information specified in the Schedule to the scheme.

Information to be made available and timing

4.—(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 imprisoned offender.

(2) The information, in relation to the temporary release of a relevant imprisoned offender, is –

(a) the month and year when he will be eligible to be considered for temporary release;

(b) that his temporary release is being considered;

(c) any decision taken in relation to his temporary release, either in response to an application by the prisoner or otherwise; and

(d) if he is granted temporary release, any conditions imposed on that temporary release.

(3) The information in relation to the discharge of a relevant imprisoned offender, is –

(a) the month and year in which it is anticipated that he will be discharged;

(b) any licence conditions or probation conditions, or any other conditions imposed under legislation relating to sex offenders, that it is known will be imposed on discharge; and

(c) if he is returned to custody as a result of a breach of any of the conditions referred to in paragraph (b), the fact that this has occurred.

(4) The information in relation to the discharge of a relevant imprisoned offender sentenced to life imprisonment or detention at the Secretary of State's pleasure, is –

(a) the minimum period which he must serve in custody before he can be considered for discharge as set under article 5, 10 or 11 of the Life Sentences (Northern Ireland) Order 2001(**2**); and

(b) if his charge is being considered, that fact;

(c) that he has been discharged;

(d) any license conditions, or other conditions imposed under legislation relating to sex offenders, that is known will be imposed on discharge; and

(e) if he is returned to custody as a result of the revocation of his licence or a breach of any of the conditions referred to in paragraph (d), the fact that this has occurred.

(5) "A relevant imprisoned offender", in relation to a victim of an offence, means an imprisoned offender serving a sentence or sentences of imprisonment in whole or part in respect of the commission of that offence.

(6) (a) Subject to sub-paragraph (b), 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.

(**2**) S.I. 2001/2564 (N.I. 2)