

Victims (Bill of Rights) Bill

CONTENTS

- 1 Victims' rights framework
- 2 Annual report
- 3 Victims' Regulatory Body
- 4 Orders and regulations
- 5 Financial provisions
- 6 Short title, commencement and extent

Schedule – Victims' Bill of Rights

A
B I L L

TO

Establish a framework for victims of crime; to provide for the training of criminal justice staff on the impact of crime on victims; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Victims’ rights framework

- (1) The Secretary of State shall within one year of this Bill coming into force make an order containing a framework setting out the rights of victims of crime, to be known as the “Victims’ Bill of Rights”.
- (2) An order under subsection 1 must include provisions of a kind set out in the Schedule to this Act. 5

2 Annual report

- (1) The Secretary of State must publish a report on the effect of the provisions of this Act on victims of crime at the end of each financial year.
- (2) The Secretary of State must lay a copy of the annual report prepared under subsection 1 before each House of Parliament. 10

3 Victims’ Regulatory Body

- (1) The Secretary of State shall establish a regulatory body, to be known as the Victims’ Regulatory Body (VRB).
- (2) The functions of the VRB are — 15
 - (a) to ensure that all the rights of victims of crime set out in the Victims’ Bill of Rights are enforced;
 - (b) to investigate complaints from victims of crime, or from other members of the public, that a right contained in the Victims’ Bill of Rights has been breached; 20

- (c) to prepare and publish quality standards for the provision of victims' services.
- (3) An investigation carried out under subsection (2)(b) must be completed within 28 days of the complaint being received and the VRB must present the findings of its investigation to the victim of crime concerned and to the person making the complaint, where they are not the victim of crime concerned. 5
- (4) Where the VRB upholds a complaint, the person or body which is the subject of the complaint must respond to the complaint within 28 days.
- (5) The VRB may impose a fine on a person or body if that person or body – 10
- (a) fails to provide a response under subsection (4) within 28 days; or
- (b) is found by the VRB to have breached the victim's rights under the Victims' Bill of Rights.
- (6) An agency or individual fined under subsection (5) shall be liable to pay such compensation as the VRB shall determine to the victim concerned or to a victim's fund. 15
- (7) The Secretary of State shall by regulations make further provision about the appointment, responsibilities and accountability of the VRB.
- 4 Orders and regulations**
- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument. 20
- (2) A statutory instrument containing an order or regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- 5 Financial provisions**
- (1) *There is to be paid out of money provided by Parliament – 25*
- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*
- (2) *There is to be paid into the Consolidated Fund any sums received by the Secretary of State by virtue of this Act. 30*
- 6 Short title, commencement and extent**
- (1) This Act may be cited as the Victims (Bill of Rights) Act 2015.
- (2) This Act comes into force on such a day as the Secretary of State may by statutory instrument appoint, and different days may be appointed for different provisions or for different purposes. 35
- (3) This Act extends to England, Wales and Northern Ireland.

SCHEDULE

Section 1

VICTIMS’ BILL OF RIGHTS

Overarching rights

- 1 A victim of crime shall be entitled to receive—
- (a) accurate and timely information from all the agencies of the criminal justice system concerned with the detection and prosecution of the relevant crime and with the support of victims of crime; 5
 - (b) adequate notice of all relevant court and other legal proceedings, including information about decisions by and discussions between agencies of the criminal justice system relating to the person convicted of the crime concerned (“the perpetrator”), including— 10
 - (i) information about any prison sentence previously served by the perpetrator,
 - (ii) information about relevant changes to the perpetrator’s circumstances whilst on parole or in custody, and 15
 - (iii) information about any crimes committed by the perpetrator outside the UK where the victim of the crime concerned is a British national;
 - (c) access, where required, to adequate interpretation and translation services; and 20
 - (d) information about the direct contact details of the criminal justice agencies and individuals involved in the court or other legal proceedings concerned.
- 2 Police and Crime Commissioners must provide effective and safe ways to for victims to report a crime in the relevant police area. 25
- 3 The Victims’ Regulatory Body must review the arrangements referred to in paragraph 2 on an annual basis and publish the results of such reviews.

Right to review of decisions not to prosecute

- 4 In the event of a criminal prosecution being discontinued by the investigating police force or the Crown Prosecution Service, a person affected by the alleged crime shall be entitled to request a review of that decision by the Crown Prosecution Service. 30

Treatment of victims of crime during court proceedings

- 5 During criminal justice proceedings, HM Courts and Tribunal Service must ensure that victims of crime— 35
- (a) are not subjected to unnecessary delay by any other party to the proceedings;
 - (b) are treated with dignity and respect by all parties involved; and
 - (c) do not experience discriminatory behaviour from any other party to the proceedings. 40

- 6 Children and vulnerable adults must be able to give evidence to a court from a location away from that court or from behind a protective screen.
- 7 The investigating police force concerned must ensure the safety and protection of victims of crime during proceedings, including but not restricted to – 5
- (a) a presumption that victims of crime may remain domiciled at their home with adequate police protection if required; and
 - (b) ensuring that the victim and those accompanying them are provided with access to discreet waiting areas during the relevant court proceedings. 10

Representation

- 8 All victims of crime shall have access to an appropriate person to liaise with relevant agencies on their behalf and to inform them about, and explain the progress, outcomes and impact of, their case.
- 9 Witnesses under the age of 18 shall have access to a trained communications expert, to be known as a Registered Intermediary, to help them understand as necessary what is happening in the criminal proceedings. 15
- 10 Any relevant criminal or civil proceedings must be provided with the victim's account of the crime, and the victim must be given the opportunity to attend the proceedings where possible. 20

Disclosure

- 11 The relevant court and public authorities must ensure that the personal data of any victim is not publicly disclosed, if that disclosure would put the victim at risk of harm.
- 12 Victims of crime shall have access to transcripts of any relevant legal proceedings at no cost to themselves. 25
- 13 Victims of crime shall have access, prior to proceedings, to any electronic footage or evidence which may cause alarm or distress to them.
- 14 Information about any crime committed against a victim of crime for which a person on trial in a case which involves that victim has been found guilty must be disclosed to the court in proceedings in that case. 30
- 15 Victims of crime shall have the right to attend and make representations to a pre-court hearing to determine the nature of the court proceedings.

Compensation and costs

- 16 The Secretary of State must take steps to ensure that victims of crime – 35
- (a) have access to financial compensation from public funds for any detriment arising from the criminal case concerned;
 - (b) have restored to them any of their property or personal belongings which have been seized for use as evidence at a trial;
 - (c) are given the right to approve or refuse the payment of any compensation order made by a court against a person convicted of a crime against them; 40

- (d) have reimbursed to them, from public funds, any expenses incurred by them in attending in court and in any related legal process, whether in the UK or overseas; and
- (e) access to legal advice at no cost to themselves throughout the legal process.

5

Training

17 The Secretary of State shall ensure that judges, barristers and solicitors involved in criminal cases involving sexual and domestic violence undertake specialist training.

18 The Secretary of State shall publish and implement a strategy for providing training on the impact of crime on victims and their rights for staff of the following organisations –

10

- (a) the Crown Prosecution Service;
- (b) victim support services;
- (c) probation services;
- (d) the Foreign and Commonwealth Office;
- (e) health and social services;
- (f) maintained and independent schools and colleges of further education; and
- (g) such other bodies as the Secretary of State deems appropriate.

15

20

19 The Secretary of State shall publish an agreed timetable for the delivery and completion of the training set out in paragraph 18 above.

Victims (Bill of Rights) Bill

A

B I L L

To establish a framework for victims of crime; to provide for the training of criminal justice staff on the impact of crime on victims; and for connected purposes.

*Ordered to be brought in by Mr Elfyn Llwyd,
Sir Edward Garnier, Zac Goldsmith,
Sandra Osborne, Mr Barry Sheerman,
John McDonnell, Annette Brooke,
Caroline Lucas, Ms Margaret Ritchie,
Hywel Williams, Jeremy Corbyn
and Dr Julian Huppert.*

*Ordered, by The House of Commons,
to be Printed, 4 March 2015.*

© Parliamentary copyright House of Commons 2015

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright.*

PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

Bill 181

(xxxxxx)

55/4

xxxbarxxx