



## 2015 CHAPTER 9

### PART 4

#### VICTIMS AND WITNESSES

##### *The Victim Charter and the Witness Charter*

##### **Meaning of victim**

**29.—**(1) Subject to subsections (3) to (6), in section 28 “victim” means an individual who is a victim of criminal conduct; and, in relation to a victim, references to “the criminal conduct concerned” are to be construed accordingly.

(2) In determining whether an individual is a victim of criminal conduct, it is immaterial that no person has been charged with or convicted of an offence in respect of the conduct.

(3) If (whether as a result of the criminal conduct concerned or not)—

- (a) the physical or mental state of a victim is such that it is unreasonable to expect the victim to act on his or her own behalf, or
- (b) a victim has died,

references in section 28 to the victim are to be read as references to a member of the family of the victim.

(4) If a victim is under the age of 18, references in section 28 to the victim are to be read as including references to a parent of the victim.

(5) Subsection (3)(a) and subsection (4) do not apply in any case where a criminal justice agency determines that it would not be in the best interests of the victim for that provision to apply.

(6) The Victim Charter may make provision—

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**Changes to legislation:** *Justice Act (Northern Ireland) 2015, Section 29 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) as to the persons who are to be treated as members of the family of the victim for the purposes of subsection (3) and the identification of the person who is to act for the purposes of that subsection;
- (b) for criminal justice agencies, in circumstances specified in the Charter, to treat any other person as if that person were the victim (either instead of or in addition to the actual victim or a person who would fall to be treated as the victim under subsection (3) or (4)).

(7) Nothing in this section enables or requires an individual to be treated as a victim if that individual is under investigation for, or has been charged with, an offence arising from the criminal conduct concerned.

(8) In this section—

“criminal conduct” means conduct constituting an offence;

“criminal justice agency” has the meaning given by section 28(8);

“parent”, in relation to a child, includes a person who has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995).

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#### **Commencement Information**

**II** S. 29 in operation at 1.9.2015 by S.R. 2015/320, **art. 2(b)**

**Changes to legislation:**

Justice Act (Northern Ireland) 2015, Section 29 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(2A) substituted for s. 13(2) by [2022 c. 4 \(N.I.\) s. 4\(5\)](#)
- s. 13(4)(5) added by [2022 c. 4 \(N.I.\) s. 4\(6\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- s. 13A inserted by [2022 c. 4 \(N.I.\) s. 4\(7\)](#)
- Sch. 2 para. 8(1) Sch. 2 para. 8 renumbered as Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- Sch. 2 para. 8(2) inserted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 2 para. 8(1) words substituted by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)