



Domestic Violence, Crime and Victims Act 2004

2004 CHAPTER 28

PART 3

VICTIMS ETC

CHAPTER 3

OTHER MATTERS RELATING TO VICTIMS ETC

Commissioner for Victims and Witnesses

49 General functions of Commissioner

- (1) The Commissioner must—
 - (a) promote the interests of victims and witnesses;
 - (b) take such steps as he considers appropriate with a view to encouraging good practice in the treatment of victims and witnesses;
 - (c) keep under review the operation of the code of practice issued under section 32.
- (2) The Commissioner may, for any purpose connected with the performance of his duties under subsection (1)—
 - (a) make proposals to the Secretary of State [^{F1}for Justice] for amending the code (at the request of the Secretary of State [^{F1}for Justice] or on his own initiative);
 - (b) make a report to the Secretary of State [^{F1}for Justice];
 - (c) make recommendations to an authority within his remit;
 - (d) ^{F2}
 - (e) consult any person he thinks appropriate.

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Section 49 is up to date with all changes known to be in force on or before 13 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

- (3) If the Commissioner makes a report to the Secretary of State [^{F1}for Justice] under subsection (2)(b)—
- (a) the Commissioner must send a copy of the report to the Attorney General and the [^{F3}Secretary of State for the Home Department];
 - (b) ^{F4}
- [^{F5}(4) The Commissioner must prepare in respect of each calendar year a report on the carrying out of the functions of the Commissioner during the year.
- (5) The Commissioner must send a copy of each report prepared under subsection (4) to—
- (a) the Secretary of State for Justice,
 - (b) the Attorney General, and
 - (c) the Secretary of State for the Home Department.
- (6) Reports under subsection (2)(b) or (4) must be published by the Commissioner.
- (7) If section 48 comes into force after the beginning of a calendar year, the first report under subsection (4) may relate to a period beginning with the day on which that section comes into force and ending with the end of the next calendar year.]

Textual Amendments

- F1** Words in s. 49 inserted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), arts. 1(2), 8, **Sch. para. 10(2)**
- F2** S. 49(2)(d) repealed (immediately before 1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 142(3)(a), 178, 182(5), Sch. 23 Pt. 5 (with s. 180); S.I. 2010/145, **art. 2(1)**
- F3** Words in s. 49 substituted (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), arts. 1(2), 8, **Sch. para. 10(3)**
- F4** S. 49(3)(b) repealed (immediately before 1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 142(3)(b), 178, 182(5), Sch. 23 Pt. 5 (with s. 180); S.I. 2010/145, **art. 2(1)**
- F5** S. 49(4)-(7) added (immediately before 1.2.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 142(3)(c), 182(5) (with s. 180); S.I. 2010/145, **art. 2(1)(a)**

Modifications etc. (not altering text)

- C1** S. 49: functions transferred (22.8.2007) by [The Secretary of State for Justice Order 2007 \(S.I. 2007/2128\)](#), **arts. 1(2)**, 4(2)(a), 5(2)(a) (with art. 7)

Changes to legislation:

Domestic Violence, Crime and Victims Act 2004, Section 49 is up to date with all changes known to be in force on or before 13 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):

- Sch. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)