



# Justice (Northern Ireland) Act 2002

## 2002 CHAPTER 26

### PART 5

#### MISCELLANEOUS

##### *Victims of crime*

#### **[<sup>F1</sup>69A Information about discharge and leave of absence of mentally disordered persons**

- (1) The [<sup>F2</sup>Department of Justice] must make a scheme requiring the [<sup>F2</sup>Department of Justice] to make available to persons falling within subsection (2) information about—
  - (a) the discharge from hospital of, or
  - (b) the grant of leave of absence from hospital to,persons in respect of whom relevant determinations have been made.
- (2) The persons referred to in subsection (1) are victims of the offences in respect of which the determinations were made who wish to receive the information.
- (3) A relevant determination is made in respect of a person if—
  - (a) a hospital order with a restriction order is made in respect of him by a court dealing with him for an offence, or
  - (b) a transfer direction and a restriction direction are given in respect of him while he is serving a sentence of imprisonment in respect of an offence.
- (4) The [<sup>F3</sup>Department of Justice] may from time to time make a new scheme or alterations to a scheme.
- (5) The information to be made available under a scheme must include information as to any relevant conditions to which a person in respect of whom a relevant determination has been made is to be subject in the event of—
  - (a) his discharge from hospital, or
  - (b) the grant of leave of absence from hospital to him.

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- (6) A condition is relevant for the purposes of subsection (5) if it appears to the [<sup>F4</sup>Department of Justice] that it might affect a victim of an offence in respect of which the determination was made.
- (7) A scheme may require the [<sup>F5</sup>Department of Justice] to take all reasonable steps to ascertain whether a person who appears to [<sup>F6</sup>it] to be the victim of an offence in respect of which a relevant determination has been made wishes to make representations about the matters specified in subsection (8).
- (8) The matters are—
  - (a) whether the person in respect of whom the determination has been made should be subject to any conditions in the event of his discharge from hospital or the grant of leave of absence from hospital to him;
  - (b) if so, what conditions.
- (9) A scheme that includes provision such as is mentioned in subsection (7) must specify how the representations are to be made.
- (10) A scheme may require other information in relation to the discharge of, or the grant of leave of absence to, persons in respect of whom relevant determinations are made to be made available under the scheme.
- (11) The other information may include, in cases of a description specified by the scheme or in which the [<sup>F7</sup>Department of Justice] considers it appropriate, the date on which it is anticipated that a person in respect of whom a relevant determination has been made will be discharged or granted leave of absence from hospital.
- (12) Subsections (5) to (8) of section 68 apply in relation to a scheme made under this section as they apply in relation to a scheme made under that section.
- (13) A scheme may make different provision in relation to different descriptions of persons in respect of whom a relevant determination is made.]

#### Textual Amendments

- F1** Ss. 69A, 69B inserted (14.12.2008) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 46\(2\)](#), 60; [S.I. 2008/3065](#), [art. 2](#)
- F2** Words in s. 69A(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(2\)](#) (with arts. 28-31)
- F3** Words in s. 69A(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(2\)](#) (with arts. 28-31)
- F4** Words in s. 69A(6) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(2\)](#) (with arts. 28-31)
- F5** Words in s. 69A(7) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(3\)\(a\)](#) (with arts. 28-31)
- F6** Word in s. 69A(7) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(3\)\(b\)](#) (with arts. 28-31)
- F7** Words in s. 69A(11) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), [Sch. 13 para. 15\(4\)](#) (with arts. 28-31)

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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. 31(1A) inserted by [2023 c. 41 Sch. 13 para. 5\(2\)](#)
- s. 31(7) inserted by [2023 c. 41 Sch. 13 para. 5\(4\)](#)