

These notes refer to the Domestic Violence, Crime and Victims Act 2004 (c.28) which received Royal Assent on 15 November 2004

DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Victims Etc

Transfer directions

Section 52: Victims and Witnesses

145. *Section 52* provides definitions of “victim” and “witness”, for the purpose of *sections 48 to 51*. These definitions are wide enough to include: victims of offences in respect of which no offence was reported to the police or no suspect was charged or convicted (subsection (3)); witnesses who are not actually called to give evidence (subsection (4)); and the victims or witnesses of anti-social behaviour. The effect is that the Commissioner is not excluded from considering the position of those victims who, for whatever reason, choose not to report crime or anti-social behaviour, or those witnesses who do not come forward to make statements or give evidence.
146. Under *subsections (4) and (6)*, the definition of witness does not include witnesses who are or would be defendants in criminal proceedings or any anti-social behaviour proceedings.