EXPLANATORY MEMORANDUM TO

THE DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004 (VICTIMS' CODE OF PRACTICE) ORDER 2006

2006 No. 629

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The purpose of this Order is to bring the Code of Practice for Victims of Crime under the Domestic Violence, Crime and Victims Act 2004 ("the 2004 Act") into operation. The Code of Practice will give victims of crime the right to receive a minimum standard of service from all of the criminal justice agencies.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 Under section 32 of the 2004 Act the Secretary of State must issue a Code of Practice as to the services to be provided to a victim of criminal conduct by persons appearing to him to have functions relating to victims of criminal conduct or any aspect of the criminal justice system. A draft of the Code was published on 7 March 2005 and there followed a three month consultation period, in accordance with section 33(4) of the 2004 Act. Representations on the draft were then considered in consultation with the Attorney General and the Lord Chancellor and the draft was modified in light of these representations as the Secretary of State thought appropriate , as set out in section 33 (5) of the 2004 Act. The relevant sections of the 2004 Act were commenced on 20th October 2005 and the final version of the Code of Practice was laid before Parliament on 19th October 2005 under section 33(6) of the 2004 Act.

4.2 This Order is to come into force on 3rd April 2006 and the Code of Practice for Victims of Crime is to come into operation on the same day.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The aim behind the 2004 Act is to place victims at the heart of the criminal justice system.

7.2 The Code of Practice for Victims of Crime is intended to ensure that all victims of crime are entitled to the same standard of service from the criminal justice system no matter where they live. The Code places obligations on all of the criminal justice agencies to deliver certain services to victims of crime within set timescales.

7.3 The Code will give victims a right of appeal, for the first time, if they do not receive the standard of service set out in the Code. The Parliamentary Ombudsman has been given the power, in section 47 of the Domestic Violence, Crime and Victims Act 2004, to investigate complaints under the Code of Practice.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen as a result of the Code of Practice. All the obligations fall on public bodies. A number of the burdens falling on public bodies reflect existing statutory requirements or minimum standards. The Office for Criminal Justice Reform has been assisting agencies over the last two years to implement the Code.

9. Contact

9.1 Lisa Vernon at the Home Office Tel: 020 7035 4951 or e-mail: lisa.vernon@cjs.gsi.gov.uk can answer any queries regarding the instrument.