STATUTORY INSTRUMENTS

2025 No. 95 (C. 4)

CRIMINAL LAW, ENGLAND AND WALES

PARLIAMENTARY COMMISSIONER

The Victims and Prisoners Act 2024 (Commencement No. 4) Regulations 2025

Made - - - - 21st January 2025

The Secretary of State makes these Regulations in exercise of the powers conferred by section 81(2) of the Victims and Prisoners Act 2024(**a**).

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the Victims and Prisoners Act 2024 (Commencement No. 4) Regulations 2025.

(2) These Regulations extend to England and Wales only, except for regulation 2(i) which also extends to Scotland and Northern Ireland.

(3) In these Regulations, "the 2024 Act" means the Victims and Prisoners Act 2024.

Provisions coming into force on 29th January 2025

2. The following provisions in Part 1 of the 2024 Act (victims of criminal conduct) come into force on 29th January 2025—

(a) Section 1 (meaning of "victim");

(b) Section 2(2) and (13) (the victims' code);

(c) Section 5 (code compliance);

(d) Section 22(1), 2(b) to (d), (3), (4), and (5) (Commissioner for Victims and Witnesses);

(e) Section 23(1) and (2) (His Majesty's Chief Inspector of Prisons);

(f) Section 24(1) and (2) (His Majesty's Chief Inspector of Constabulary);

(g) Section 25(1) and (2) (His Majesty's Chief Inspector of the Crown Prosecution Service);

(h) Section 26(1) and (2) (His Majesty's Chief Inspector of Probation for England and Wales);

(i) Section 27 (Parliamentary Commissioner for Administration).

(**a**) 2024 c. 21.

Provisions coming into force on 3rd February 2025

3. The following provisions of the 2024 Act come into force on 3rd February 2025—

(a) Section 58(1) to (4) (public protection decisions: life prisoners);

(b) Section 59(1) to (4), and (7) to (12) (public protection decisions: fixed-term prisoners);

(c) Section 65 (assessing etc risks posed by controlling or coercive offenders);

(d) Section 74 (Parole Board membership).

21st January 2025

James Timpson
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Victims and Prisoners Act 2024 (c. 21) ("the 2024 Act"). These are the fourth commencement Regulations made under the 2024 Act.

Regulation 2 brings certain provisions from Part 1 of the 2024 Act (victims of criminal conduct) into force on 29th January 2025.

Regulation 2(a) brings into force section 1 of the 2024 Act. Section 1 provides a definition of "victim" for the purposes of Part 1 of the 2024 Act.

Regulation 2(b) brings into force section 2(2) and (13) of the 2024 Act. These provisions relate to the victims' code: section 2(2) provides a definition of "victims' code" for the purposes of Part 1 of the 2024 Act; section 2(13) provides that, until the first code of practice issued under section 2 of the 2024 Act is in operation, references in sections 5 to 12 and 32 to the "victims' code" should be interpreted as references to the code that is currently in operation (as issued under section 32 of the Domestic Violence, Crime and Victims Act 2004).

Regulation 2(c) brings into force section 5 of the 2024 Act. Section 5 places a duty on service providers under the victims' code to comply with the code unless they have good reasons not to.

Regulation 2(d) brings into force section 22(1), (2)(b) to (d), (3), (4) and (5) of the 2024 Act. These provisions make amendments to Part 3 of the Domestic Violence, Crime and Victims Act 2004 ("the 2004 Act"), the legislation underpinning the work of the Commissioner for Victims and Witnesses in England and Wales ("the Victims' Commissioner"). Sections 22(b) to (d) make clear that the Commissioner can include recommendations in their reports, whether this be their annual report (issued pursuant to section 49(4) of the 2004 Act) or an ad-hoc report made to the Secretary of State (pursuant to section 49(2)(b) of the 2004 Act). Section 22(3) places a duty on authorities within the Commissioner's remit (see Schedule 9 to the 2004 Act) to respond to relevant recommendations made in the Commissioner's reports within 56 days. Section 22(4) gives the Commissioner the power to make requests to those subject to the duty in section 5(1) of the 2024 Act to co-operate with them in any way they consider necessary for the purposes of their functions, and places a duty on persons in receipt of such requests to comply with them so far as it is appropriate and reasonably practicable to do so. Section 22(5) makes amendments to Schedule 9 to the 2004 Act to add the criminal justice inspectorates to the Commissioner's remit, as well as those ministerial government departments not already within the Commissioner's remit; it also consolidates mentions of government departments within Schedule 9 - rather than being listed individually, they are now referred to collectively.

Regulation 2(e) brings into force section 23(1) and (2) of the 2024 Act which make amendments to Schedule A1 to the Prison Act 1952, the legislation underpinning the work of HM Inspectorate of Prisons. Regulation 2(f) brings into force section 24(1) and (2) of the 2024 Act which make amendments to Schedule 4A to the Police Act 1996, the legislation underpinning the work of HM Inspectorate of Constabulary. In 2017, this became HM Inspectorate of Constabulary and Fire and Rescue Services. Regulation 2(g) brings into force section 25(1) and (2) of the 2024 Act which make amendments to the Schedule to the Crown Prosecution Service Inspectorate Act 2000, the legislation underpinning the work of HM inspectorate of the CPS. Regulation 2(h) brings into force section 26(1) and (2) of the 2024 Act which make amendments to Schedule 1A to the Criminal Justice and Court Services Act 2000, the legislation underpinning the work of

HM Inspectorate of Probation. These changes make amendments to paragraph 2 of the relevant Schedules in order to require each of the inspectorates to consult the Victims' Commissioner, alongside the other statutory consultees currently listed in paragraph 2, on any inspection programmes or frameworks. Pursuant to paragraph 5(5) of the Schedules, this requirement applies to programmes and frameworks produced jointly with one of more other inspectorates (pursuant to paragraph 5), as well as to individual ones (produced pursuant to paragraph 2).

Regulation 2(i) brings into force section 27 of the 2024 Act which makes amendments to the Parliamentary Commissioner Act 1967, the legislation underpinning the work of the ombudsman now known as the Parliamentary and Health Service Ombudsman ("PHSO"). At present, complaints to the PHSO must be made via MPs rather than directly by individuals. Section 27 removes this requirement for victims (within the meaning of section 1 of the 2024 Act), where their complaint relates to their experience as a victim. It also makes consequential amendments to the wider PHSO framework to ensure this functions as it should where a complaint is made by a victim direct to the PHSO, for example, ensuring that the PHSO can, where relevant, send the report they produce following investigation into a complaint direct to a victim, rather than via an MP.

Regulation 3 brings certain provisions from Part 4 of the 2024 Act (prisoners) into force on 3rd February 2025.

Regulation 3(a) brings into force section 58(1) to (4) of the 2024 Act, which make amendments to Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 ("the 1997 Act"). Regulation 3(b) brings into force section 59(1) to (4), and (7) to (12) of the 2024 Act, which make amendments to the Criminal Justice Act 2003 ("the 2003 Act"). These provisions of the 2024 Act codify the statutory release test that must be applied by the Parole Board when considering the release of life (usually referred to as "indeterminate"), and fixed-term, prisoners respectively. In addition, it also sets out a number of matters that must be taken into account by the decision-maker.

Regulation 3(c) brings into force section 65 of the 2024 Act. Section 65 amends section 327 of the 2003 Act to introduce automatic management under Multi-Agency Public Protection Arrangements ("MAPPA") for those who commit the offence of controlling or coercive behaviour in an intimate or family relationship, and meet the other MAPPA eligibility requirements in section 327 of the 2003 Act.

Regulation 3(d) brings into force section 74 of the 2024 Act, which makes amendments to paragraph 2 of Schedule 19 to the 2003 Act. These amendments provide for the statutory membership of the Parole Board to be increased by four types of members to five. The fifth category of members will be those from a law enforcement background.

An impact assessment has not been produced for this statutory instrument as no impact, or significant impact, on the private, voluntary or public sectors is foreseen. Impact assessments have been published in relation to the Act and copies can be obtained from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ, or from this website: https://www.gov.uk/government/publications/victims-and-prisoners-bill.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Victims and Prisoners Act 2024 have been brought into force by commencement Regulations made before the date of these Regulations:

Table

Provisions and commencement details

Provision	Date of commencement	S.I. No.
Section 68	17th June 2024	2024/755
Section 75 (partially)	2nd August 2024	2024/846
Section 76 (partially)	2nd August 2024	2024/846
Section 34 (partially)	18th September 2024	2024/966
Section 36 (partially)	18th September 2024	2024/966
Section 37	18th September 2024	2024/966
Section 38	18th September 2024	2024/966
Section 39	18th September 2024	2024/966
Section 40 (partially)	18th September 2024	2024/966
Section 41 (partially)	18th September 2024	2024/966
Section 42 (partially)	18th September 2024	2024/966
Section 43 (partially)	18th September 2024	2024/966
Section 44	18th September 2024	2024/966
Section 45	18th September 2024	2024/966
Section 47	18th September 2024	2024/966
Section 66 (partially)	1st November 2024	2024/966
Section 67	1st November 2024	2024/966
Section 66 (remainder)	1st February 2025	2024/966

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