

# General Scheme of Criminal Justice (Victims of Crime) Bill

## Regulatory Impact Analysis

### 1. Summary RIA

Summary of Regulatory Impact Analysis (RIA)	
<b>Department/Office:</b> Department of Justice and Equality	<b>Title of Legislation:</b> Criminal Justice (Victims of Crime) Bill
<b>Stage:</b> General Scheme	<b>Date:</b> June 2015
<b>Related Publications:</b> Scheme of Bill	
<b>Available to view or download at:</b> <a href="http://www.justice.ie">http://www.justice.ie</a> (when published)	
<b>Contact for enquiries:</b> Criminal Law Reform Division	<b>Telephone:</b> 01 4768630
<b>What policy objectives have been pursued?</b> <p>The Programme for Government contains a commitment (the Commitment) to enact legislation to strengthen the rights of victims of crime and their families, to ensure that victims and their needs are at the heart of justice process and that rights to information, advice and other appropriate assistance are met effectively and efficiently.</p> <p>Also, Ireland is required to transpose Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, It includes similar objectives to those of the commitment in the Programme for Government.</p>	
<b>What policy options have been considered? Please summarise the costs, benefits and impacts relating to each of the options below and indicate whether a preferred option has been identified.</b> <ol style="list-style-type: none"><li>1. Do nothing.</li><li>2. Introduce primary legislation to strengthen the rights of victims of crime and their families in accordance</li></ol>	

with the commitment in the Programme for Government and to transpose the EU Directive.

3. Transpose the EU Directive by way of a Statutory Instrument made under s.3 of the European Communities Act 1972(as amended).

**Preferred Option:**

Introduce primary legislation to strengthen the rights of victims of crime and their families in accordance with the commitment in the Programme for Government and to transpose the EU Directive.

**OPTIONS**

	<b>COSTS</b>	<b>BENEFITS</b>	<b>IMPACTS</b>
1.	No direct costs,	None.	Failure to transpose EU Directive leaving the State open to enforcement proceedings and financial penalties. Commitment in Programme to strengthen the rights of victims of crime and their families unfulfilled.
2.	It is not possible at this time to estimate the likely cost of implementation of the procedures in the proposed Bill but it is likely that it can be met from within existing resources.	Transposition of EU Directive and fulfilment of commitment in Programme.	Compliance with Directive and Programme commitment by establishing, in statute, the rights of victims in criminal proceedings
3.	The position as regards costs under this option is the same as set out above under option 2.	Transposition of EU Directive and fulfilment of commitment in Programme.	Compliance with Directive and Programme commitment by establishing, in statute albeit it secondary legislation, the rights of victims in criminal proceedings

## **2. Policy Context and Objectives**

The Programme for Government contains a commitment to enact legislation to strengthen the rights of victims of crime and their families, to ensure that victims and their needs are at the heart of justice process and that rights to information, advice and other appropriate assistance are met effectively and efficiently.

Also, Ireland is required to transpose Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (the Directive) which has similar objectives to those of the Programme Commitment namely, to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings.

The objective is to put in place a rights based approach to victims, as envisaged by both the Directive and the Commitment. The General Scheme provides a broad definition of a “victim” which includes family members of a deceased person where death has been caused by a criminal offence.

It sets out the **rights** of victims to, inter alia, information on the criminal justice process generally and specifically in relation to their own case, individual assessment of needs of victims, the right to be informed of a decision not to prosecute in their case and the right to request a review of that decision.

## **3. Identification and Description of Options**

The following options were considered:

1. Do nothing.
2. Introduce primary legislation to strengthen the rights of victims of crime and their families in accordance with the commitment in the Programme for Government and to transpose the EU Directive.
3. Transpose the EU Directive by way of a Statutory Instrument made under s.3 of the European Communities Act 1972(as amended).

#### **4. Analysis of Costs, Benefits and Impacts for ALL Options**

##### *Option 1. Do nothing*

To do nothing would amount to failure to transpose the EU Directive leaving the State open to enforcement proceedings and financial penalties, the Commitment to strengthen the rights of victims of crime and their families would be unfulfilled and victims would have no statutory rights.

##### *Option 2. Introduce legislation to fulfil the commitment in the Programme for Government and to transpose the EU Directive.*

It is not possible at this time to estimate the likely cost of implementation of the procedures in the proposed Bill but it is likely that it can be met from within existing resources. This option enables the creation, in statute, of the rights of victims in criminal proceedings, in compliance with the Directive and in accordance with the Programme Commitment. It is considered that, given the nature and significance of the rights being created, primary legislation is the most appropriate option.

##### *Option 3. Transpose the EU Directive by way of a Statutory Instrument made under s.3 of the European Communities Act 1972(as amended).*

The position as regards costs under this option is the same as that set out above under option 2. This option would enable compliance with Directive by establishing, in statute, albeit in secondary legislation, the rights of victims in criminal proceedings and would fulfil the Programme Commitment.

#### **5. Consultation**

There has been extensive consultation, on a bilateral basis, with the criminal justice agencies in drawing up a draft General Scheme. An early draft was discussed with the criminal justice agencies in a Round Table forum, convened by the Minister and independently facilitated. A further draft was prepared following the Round Table. An outline of the revised draft was presented to Victim Support Groups and other relevant Non-Governmental organizations at a further Round Table, again convened by the Minister and independently facilitated. Key criminal justice agencies also took part in this Round Table.

The General Scheme now presented takes account of the discussions at both Round Tables and there is a commitment to further consultation with all stakeholders in the course of drafting.

## **6. Enforcement and compliance**

Compliance with the provisions of the General Scheme is a matter for the relevant agency/body in the first instance. It should be noted that the Scheme requires each agency/body referred to have a grievance procedure in place. It further provides that the Minister may designate a central appeal body/person to deal with appeals against grievance procedure outcomes.

## **7. Review**

The operation of the Bill will be kept under ongoing review in consultation with all stakeholders.

## **8. Publication**

The Regulatory Impact Analysis will be published on the Department's website when the revised scheme is published.

June 2015