

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends section 16(1) and (3) of the Criminal Justice (Scotland) Act 2003 (“the 2003 Act”).

Under section 16(1) of the 2003 Act, a victim of a prescribed offence (as prescribed by virtue of the Victim Notification (Prescribed Offences) (Scotland) Order 2004 ([S.S.I. 2004/411](#))) which has resulted in a sentence of imprisonment or detention for a period of 4 or more years or life imprisonment or detention for life, is entitled to receive information about the convicted person as specified in section 16(3), unless the Scottish Ministers consider that there are exceptional circumstances which make it inappropriate to provide this information. The information which a victim is entitled to receive includes information about the release, temporary release, transfer, death in custody or escape of that person.

Article 2(1) amends section 16(1)(a) of the 2003 Act to reduce from 4 years to 18 months the minimum period of imprisonment or detention which, by virtue of section 16(1) of the 2003 Act, triggers the victim’s right to receive the information specified in section 16(3).

Article 2(2) amends section 16(3) of the 2003 Act to also give the victim a right to receive information about the date on which a convicted person has subsequently returned to custody during the currency of the original sentence. This might occur, for example, where the person has been re-arrested after being unlawfully at large or has had any release licence revoked, or following an order of the court.