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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

**The Victims' Rights (Scotland) Regulations 2015**

**Return of property**

8. After section 3H of the Act, insert—

*“Return of property*

**Victims' right to return of property**

**3I.**—(1) Subsection (2) applies where the property of a person who is or appears to be a victim in relation to an offence or alleged offence—

- (a) has been seized in the course of a criminal investigation or criminal proceedings in relation to the offence or alleged offence, and
- (b) is being held by a competent authority.

(2) The authority must arrange for the property to be returned to the person—

- (a) where the property is no longer required for the purposes of the criminal investigation or criminal proceedings, and
- (b) the authority is satisfied that there is no other reason to retain the property.

(3) The Lord Advocate and the chief constable of the Police Service of Scotland must jointly make and publish guidance about the process by which property is to be returned under subsection (2).

(4) The Lord Advocate and the chief constable of the Police Service of Scotland must jointly keep the guidance published under subsection (3) under review and may jointly modify it from time to time.

(5) Where under subsection (4) the Lord Advocate and the chief constable of the Police Service of Scotland jointly modify the guidance published under subsection (3) the Lord Advocate and the chief constable must jointly publish the modified guidance.”.