

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplementary provision for the purposes of, and for giving full effect to, section 26 of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”). Section 26 of the 2014 Act adds sections 253F to 253H and 253J to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) which provide for the introduction of a victim surcharge. The victim surcharge is to be imposed by the court on an offender who is sentenced to a sentence or class of sentence that is prescribed by the Scottish Ministers in Regulations.

Article 2(2) of this Order substitutes a new definition of “fine” into section 307 of the 1995 Act in order to exclude the victim surcharge from that definition. Section 253J of the 1995 Act (as inserted by section 26 of the 2014 Act) applies certain of the fine enforcement provisions of the 1995 Act to the victim surcharge, subject to some modifications, as they apply in relation to fines. Section 253J therefore implies that the victim surcharge is not a fine. This Order makes that position express in section 307 of the 1995 Act.