
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 210

**The Victims and Witnesses (Scotland) Act 2014
(Commencement No. 2 and Transitional Provision) Order 2014**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Commencement No. 2 and Transitional Provision) Order 2014 and comes into force on 13th August 2014.

(2) In this Order—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995(1);

“the 2003 Act” means the Criminal Justice (Scotland) Act 2003(2);

“the 2014 Act” means the Victims and Witnesses (Scotland) Act 2014.

Appointed day

2.—(1) 13th August 2014 is the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the Schedule (the subject matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, that provision comes into force on 13th August 2014 for that purpose only.

Transitional provision: sections 23, 27, 28 and 29 of the 2014 Act (victim’s rights in relation to release etc. of offender)

3.—(1) Paragraph (2) applies where, immediately before 13th August 2014, a person is entitled to receive information under either of the following provisions of section 16 of the 2003 Act (victim’s right to receive information concerning release etc. of offender) on behalf of a child who has not attained the age of 14 years—

(a) subsection (1), by virtue of subsection (5)(b)(ii); or

(b) subsection (7).

(2) Despite the specified amendments, the person is to be given (where applicable) the information described in section 16(3) of the 2003 Act, as amended by section 27 of the 2014 Act, for the duration of the transitional period.

(3) Where, immediately before 13th August 2014, a person (other than a person mentioned in paragraph (1)) is entitled to receive information under section 16(1) of the 2003 Act, the person is, on and after that date, to be given (where applicable) the information mentioned in paragraph (2).

(4) Paragraph (5) applies where, immediately before 13th August 2014, a person is entitled to be afforded an opportunity to make written representations under section 17(1) of the 2003 Act (release

(1) 1995 c.46.

(2) 2003 asp 7.

on licence: right of victim to receive information and make representations) on behalf of a child who has not attained the age of 14 years.

(5) Despite the specified amendments, the person is to be afforded (where applicable) an opportunity to make the following representations for the duration of the transitional period—

- (a) written or (as the case may be) oral representations under section 17(1) of the 2003 Act, as amended by section 28 of the 2014 Act; or
- (b) written representations under section 17A(2) of the 2003 Act, as inserted by section 29 of the 2014 Act.

(6) Where, immediately before 13th August 2014, a person (other than a person mentioned in paragraph (4)) is entitled to make written representations under section 17(1) of the 2003 Act, the person is, on and after that date, to be afforded (where applicable) an opportunity to make the representations mentioned in paragraph (5)(a) or (b).

(7) But, for the purposes of paragraphs (5) and (6), the person may be afforded an opportunity to make oral representations under section 17(1)(b) of the 2003 Act only if the decision to release the convicted person on licence is to be taken on or after 13th September 2014.

(8) In this article—

“specified amendments” means the amendments made—

- (a) by section 23(1) and (4) of the 2014 Act to section 14 of the 2003 Act (victim statements), so far as they apply in relation to section 16(5)(a) of the 2003 Act; and
- (b) by section 23(8) to (12) of the 2014 Act to section 16 of the 2003 Act;

“transitional period” means the period—

- (a) beginning with 13th August 2014; and
- (b) ending with the earlier of—
 - (i) the day on which the child attains the age of 14 years; or
 - (ii) the day on which the child (by virtue of the specified amendments and having attained the age of 12 or 13 years) intimates to the Scottish Ministers that the child wishes to receive information under section 16(1) of the 2003 Act or, as the case may be, to be afforded an opportunity to make representations under section 17(1) or 17A(2) of that Act.

St Andrew’s House,
Edinburgh
22nd July 2014

KENNY MACASKILL
A member of the Scottish Government