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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order commences section 25 of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”) for certain purposes only.

Section 25 introduces a new financial penalty, known as a restitution order, which can be imposed following a conviction for assault under section 90(1) of the Police and Fire Reform (Scotland) Act 2012 (assaulting police). Section 25 inserts new sections 253A to 253E into the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) and section 253B makes provision for the Restitution Fund into which all receipts from restitution orders will be paid.

This Order commences section 25 but only for the purpose of inserting section 253B into the 1995 Act. Section 253B provides for the operation of the Restitution Fund which will comprise monies received from Restitution Orders. Section 253B(5) enables the Scottish Ministers, by order, to delegate the establishment, maintenance and administration of the Restitution Fund to a third party. Section 253B(6) enables the Scottish Ministers to make provision, by order, about the administration of the Restitution Fund. This Commencement Order will enable the Scottish Ministers, should they deem it necessary, to make subordinate legislation under these powers which could then come into force at the same time as the remainder of section 25 is brought into force.

The Bill for the 2014 Act received Royal Assent on 17 January 2014. The following sections of the 2014 Act came into force on the following day: sections 30 (in part), 31 (in part), 32, 33, 34 and 35.