

# CRIMINAL JUSTICE (SCOTLAND) ACT 2003

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## EXPLANATORY NOTES

**THE ACT THE ACT IS IN 12 PARTS.**

### **Part 2 – Victims’ Rights**

#### ***Section 16: Victim’s right to receive information concerning release etc. of offender***

69. **Section 16** confers rights on victims of certain crimes to receive from the Scottish Ministers certain information regarding their assailant’s release into the community, where their assailant has been sentenced to prison for a period of 4 years or more, life imprisonment or detention for life. This includes children under the age of 18 who have been sentenced to be detained without limit of time for murder or on conviction by indictment. Specifically subsection (3) provides that victims should be informed:
- of the date of the offender’s release (unless on temporary release);
  - of the date of death if the offender dies before release;
  - if the offender has been transferred outwith Scotland;
  - if the offender has become eligible for temporary release ;
  - if the offender has escaped or absconded from custody; and
  - if the offender is unlawfully at large.
70. Subsection (1) provides for the circumstances under which information is to be provided to victims of such offences as are prescribed by the Scottish Ministers. The victim must indicate that they wish to receive the information. Where a victim qualifies they have the right to receive information unless the Scottish Ministers decide that exceptional circumstances make disclosure inappropriate.
71. Subsections (5) and (6) replicate for the purposes of section 16, the arrangements included in section 14 to transfer the right of the victim under section 16 to an eligible relative or carer where the victim is dead, under 14 or incapable of exercising the right.