



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 2

VICTIMS' RIGHTS

16 Victim's right to receive information concerning release etc. of offender

- (1) Subject to subsection (2), the Scottish Ministers must, unless they consider that there are exceptional circumstances which make it inappropriate to do so, give any natural person against whom a prescribed offence (or, if they so prescribe, any offence) has been perpetrated such information as is described in subsection (3), being information in relation to any person who has been convicted of that offence and sentenced in respect of it—
- (a) to imprisonment or detention for a period of [^{F1}18 months or more];
 - (b) to life imprisonment or detention for life; or
 - (c) under section 205(2) (punishment for murder where convicted person under 18) or 208 (detention of children convicted on indictment) of the 1995 Act, to detention without limit of time,
- provided that the person to be given the information wishes to receive it and has so intimated.
- (2) Subsection (1) does not apply where the convicted person is released before attaining the age of sixteen years.
- (3) The information mentioned in subsection (1) is—
- (a) the date on which the convicted person is, under or by virtue of the 1989 Act or the 1993 Act, released (other than by being granted temporary release);
 - (b) if the convicted person dies before that date, the date of death;
 - (c) that the convicted person has been transferred to a place outwith Scotland;
 - (d) that the convicted person has, by virtue of the 1989 Act, become eligible for temporary release;^{F2} . . .
 - (e) that the convicted person is unlawfully at large from a prison or young offenders institution [^{F3}; and
 - (f) where the convicted person—

Status: Point in time view as at 01/04/2011. This version of this provision has been superseded.

Changes to legislation: Criminal Justice (Scotland) Act 2003, Section 16 is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) was released as described in paragraph (a) or was unlawfully at large as described in paragraph (e), and
 - (ii) subsequently has been returned to a prison or young offenders institution to continue serving the sentence,

the date of the person's return.]
- (4) The Scottish Ministers may by order—
 - (a) amend subsection (1)(a) by substituting, for the period for the time being specified there, a different period; or
 - (b) amend subsection (3) by adding descriptions of information.
- (5) Where information would fall to be given to a person under subsection (1) but that person—
 - (a) has died, that subsection applies as if references in it to the person were to be construed as mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of section 14(6) of this Act; or
 - (b) in a case other than is mentioned in paragraph (a)—
 - (i) is incapable as mentioned in sub-paragraph (i) of paragraph (b) of the said section 14(6), that subsection applies as if references in it to the person were to be construed as mentioned in that sub-paragraph; or
 - (ii) is a child such as is mentioned in sub-paragraph (ii) of the said paragraph (b), that subsection applies as if references in it to the person were to be construed as mentioned in that sub-paragraph [^{F4} and as if in paragraph (a)(ii) of the said section 14(6) (as it applies by virtue of that sub-paragraph) the words “, immediately before the offence (or apparent offence) was perpetrated, cared” were “cares”], (taking him to be the person “afforded an opportunity”).
- (6) Subsections (7) and (8) to (12) of section 14 apply in relation to subsection (5) as they apply in relation to subsection (6) of that section.
- [^{F5}(7) Where, but for section 14(8) (as it applies in relation to subsection (5)(a)), information would—
 - (a) under subsection (1) (as read with subsection (5)(a)); and
 - (b) by virtue of section 14(10)(c) to (e) and (g) to (i) (as it applies in relation to subsection (5)(a)),

fall to be given to a child who has not attained the age of fourteen years, that information is to be given instead to a person who cares for the child.
- (8) In subsection (7), the reference to a person who cares for the child is to be construed in accordance with [^{F6}paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010] (asp 8).]

Textual Amendments

- F1** Words in s. 16(1)(a) substituted (15.5.2008) by [The Victim Notification Scheme \(Scotland\) Order 2008 \(S.S.I. 2008/185\)](#), **art. 2(a)**
- F2** Word at the end of s. 16(3)(d) repealed (15.5.2008) by [The Victim Notification Scheme \(Scotland\) Order 2008 \(S.S.I. 2008/185\)](#), **art. 2(b)(i)**
- F3** S. 16(f) and preceding word inserted (15.5.2008) by [The Victim Notification Scheme \(Scotland\) Order 2008 \(S.S.I. 2008/185\)](#), **art. 2(b)(ii)**

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- F4** Words in s. 16(5)(b)(ii) inserted (23.4.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 36(a)**, 84; S.S.I. 2007/250, **art. 3(b)**
- F5** S. 16(7)(8) added (23.4.2007) by Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), **ss. 36(b)**, 84; S.S.I. 2007/250, **art. 3(b)**
- F6** Words in s. 16(8) substituted (1.4.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications) Order 2011 (S.S.I. 2011/211), art. 1, **sch. 1 para. 12(b)**

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