



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 2

VICTIMS' RIGHTS

17 Release on licence: right of victim to receive information and make representations

- (1) Subject to subsections (2), (3) and (12), a person entitled to receive information under section 16 of this Act (the “victim”) as respects a convicted person must in accordance with this section, before any decision is taken to release the convicted person on licence, be afforded an opportunity to make written representations to the Scottish Ministers as respects such release and as to conditions which might be specified in the licence in question.
- (2) Subsection (1) applies only where the victim wishes to be afforded the opportunity and has so intimated.
- (3) Subsection (1) does not apply where the convicted person has not attained the age of sixteen years by the date on which the case is referred to the Parole Board for Scotland by the Scottish Ministers.
- (4) The Scottish Ministers are to issue guidance as to how representations under subsection (1) should be framed.
- (5) Where it falls to the Board to recommend whether, or direct that, the convicted person be released, the Scottish Ministers must, as soon as practicable after they commence a review of the case for the purposes of referring it to the Board for the Board to consider what recommendation to make or whether to make such a direction, fix a time within which any representations under subsection (1) require to be made to them if they are to be considered by the Board; and they must notify the victim accordingly.
- (6) Whether or not representations are made under subsection (1), in a case to which subsection (5) applies the Board must, subject to subsection (11)—
 - (a) inform the victim as to whether or not it has recommended or directed release;
 - (b) if it has recommended or directed release, inform the victim as to whether it has also recommended that the person released comply with conditions; and

Status: This is the original version (as it was originally enacted).

- (c) inform the victim of the terms of any such conditions which relate to contact with the victim or with members of the victim's family,
and the Board may provide the victim with such other information as it considers appropriate having regard to the circumstances of the case.
- (7) Where subsection (5) does not apply but it falls to that Board to recommend conditions to be included in the licence, the Scottish Ministers are under the same duties as they are under that subsection.
- (8) Whether or not representations are made under subsection (1), in a case to which subsection (7) applies the Board must inform the victim, subject to subsection (11)—
 - (a) as to whether it has recommended that the person released comply with conditions; and
 - (b) as is mentioned in subsection (6)(c).
- (9) Where neither subsection (5) nor (7) applies, the Scottish Ministers must fix a time within which any representations under subsection (1) require to be made to them if they are to be considered by them; and they must notify the victim accordingly.
- (10) Whether or not representations are made under subsection (1), in a case to which subsection (9) applies the Scottish Ministers must inform the victim, subject to subsection (11)—
 - (a) as to whether the person released is to comply with conditions; and
 - (b) as is mentioned in subsection (6)(c).
- (11) Subsections (6), (8) and (10) apply only where the victim has intimated a desire to receive the information in question.
- (12) This section does not apply—
 - (a) as respects release under section 3 of the 1993 Act (release on compassionate grounds); or
 - (b) where the entitlement mentioned in subsection (1) arises by virtue of section 16(4)(a).