



Victims and Witnesses (Scotland) Act 2014

2014 asp 1

Release of offender: victim's rights

27 Victim's right to receive information about release of offender etc.

In section 16 of the 2003 Act (victim's right to receive information about release of offender etc.)—

- (a) in subsection (1), for the words from “a”, where it first occurs, to “offence)” substitute “an offence”, and
- (b) in subsection (3), for paragraph (d) substitute—
 - “(d) that the convicted person is for the first time entitled to be considered for temporary release by virtue of rules under section 39(6) of the 1989 Act,”.

Commencement Information

II S. 27 in force at 13.8.2014 by [S.S.I. 2014/210](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

[^{F1}27A. Notification of victims in relation to release etc. of short term prisoners

- (1) Where a person (“A”) is sentenced to imprisonment or detention for a period of less than 18 months in respect of an offence, the Scottish Ministers must, if any person who is or appears to be a victim in relation to the offence (“V”) so requests, notify V of A’s—
 - (a) lawful release, or
 - (b) escape from prison.
- (2) Subsection (1) does not apply where the Scottish Ministers consider that there is an identified risk of harm to A if notification occurs.
- (3) Notification for the purposes of subsection (1)—
 - (a) must include—
 - (i) the date of the release or escape, and

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- (ii) in the case of release, any licence conditions which have been imposed on A under the 1989 Act or the 1993 Act for the protection of V,
- (b) must be given—
 - (i) where the request is made before release or escape, as soon as reasonably practicable after the release or escape occurs,
 - (ii) where the request is made after the release or escape, as soon as reasonably practicable after the request is made.
- (4) In this section—
 - “the 1989 Act ” means the Prisons (Scotland) Act 1989 ,
 - “the 1993 Act ” means the Prisoners and Criminal Proceedings (Scotland) Act 1993 ,
 - [^{F2}“lawful release” means release under or by virtue of—
 - (a) the 1989 Act (other than temporary release),
 - (b) the 1993 Act, or
 - (c) regulations made under paragraph 19(1) of schedule 4 of the Coronavirus (Scotland) Act 2020,]
 - “prison” includes a young offenders institution.]

Textual Amendments

- F1** S. 27A inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), **15**
- F2** Words in s. 27A(4) substituted (temp.) (4.5.2020 at 10.15 a.m.) by virtue of [The Criminal Justice \(Miscellaneous Temporary Modifications\) \(Coronavirus\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/137\)](#), regs. 1(1), **3**

28 Life prisoners: victim's right to make oral representations before release on licence

In section 17 of the 2003 Act (release on licence: right of victim to receive information and make representations)—

- (a) in subsection (1)—
 - (i) the words from “be”, where it first occurs, to the end become paragraph (a) of the subsection, and
 - (ii) after that paragraph, add—
 - “(b) if the convicted person is serving a sentence of life imprisonment, be afforded an opportunity to make oral representations to a member of the Parole Board for Scotland who is not dealing with the convicted person's case as respects such release and as to conditions which might be specified in the licence in question.”,
- (b) in subsection (4)—
 - (i) after “how” insert “ written ”, and
 - (ii) at the end add “ and how oral representations under that subsection should be made ”,
- (c) after subsection (10), insert—

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- “(10A) In complying with the duty imposed on them by subsection (5), the Scottish Ministers may fix different times in relation to written and oral representations respectively.”, and
- (d) after subsection (12), add—
- “(13) The Scottish Ministers may by order modify the description or descriptions of convicted person for the time being specified in subsection (1)(b).”.

Commencement Information

I2 S. 28 in force at 13.8.2014 by [S.S.I. 2014/210](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

29 Temporary release: victim's right to make representations

After section 17 of the 2003 Act, insert—

“17A Temporary release: victim's right to make representations about conditions

- (1) This section applies where by virtue of subsection (1) or (5) of section 16 a person (the “victim”) is given the information mentioned in subsection (3)(d) of that section as respects a convicted person.
- (2) On the first occasion on which the convicted person is entitled to be considered for temporary release by virtue of rules under section 39(6) of the 1989 Act, the Scottish Ministers must give the victim an opportunity to make written representations to them about any conditions that the victim considers should be imposed in relation to the temporary release.
- (3) Subsection (2) applies only if the victim has notified the Scottish Ministers that the victim wishes to be given the opportunity to make representations under that subsection.
- (4) The Scottish Ministers must—
- (a) fix a time within which any written representations under subsection (2) require to be made to them if they are to be considered by them, and
- (b) notify the victim of the time fixed.”.

Commencement Information

I3 S. 29 in force at 13.8.2014 by [S.S.I. 2014/210](#), [art. 2](#), [Sch.](#) (with [art. 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Release of offender: victim's rights.