

2004 No. 451 (C.33)

CRIMINAL LAW

**The Criminal Justice (Scotland) Act 2003 (Commencement
No. 5) Order 2004**

Made - - - -

18th October 2004

The Scottish Ministers, in exercise of the powers conferred by section 89(2) and (3) of the Criminal Justice (Scotland) Act 2003^(a) hereby make the following Order:

Citation

1. This Order may be cited as the Criminal Justice (Scotland) Act 2003 (Commencement No. 5) Order 2004.

Commencement

2. Sections 16 and 17 of the Criminal Justice (Scotland) Act 2003 shall come into force on 1st November 2004.

St Andrew's House,
Edinburgh
18th October 2004

CATHY JAMIESON
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st November 2004 sections 16 and 17 of the Criminal Justice (Scotland) Act 2003.

Where a person is convicted of an offence prescribed in the Victim Notification (Prescribed Offences)(Scotland) Order 2004 (S.S.I. 2004/411) and sentenced to four or more years' imprisonment, section 16 provides the victim of such an offence with the option of receiving certain information in relation to the release, temporary release, transfer, death in custody or escape of that person (unless Scottish Ministers consider that there are exceptional circumstances which make it inappropriate to do so).

By virtue of section 17, victims entitled to receive information under section 16 must also be given an opportunity, before any decision is taken to release that person on licence, to make written representations to the Scottish Ministers as respects such release and the conditions which might be specified in the licence on which the person will be released.

The victim must have intimated a wish to receive the information and/or to be given the opportunity to make representations.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Criminal Justice (Scotland) Act 2003 have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 2(b), 3, 19, 20, 22 to 25, 27 to 29, 31, 33 to 38, 39, 42, 43 to 50, 52 to 59, 61 to 69, 70(1), (3), (4) and (7), 71 to 74, 76, 78 to 82, 85 (partially) and 86, Schedule 2, Schedule 4, paragraphs 1, 2, 3(1) and (3) and 5 and Schedule 5	27th June 2003	S.S.I. 2003/288
Sections 51 and 60	27th October 2003	S.S.I. 2003/475
Section 21(1) to (8) and (11) (partially)	3rd November 2003	S.S.I. 2003/475
Sections 14, 15 and 18, section 85 (partially), Schedule 4, paragraph 3	25th November 2003	S.S.I. 2003/475
Sections 26 and 30	1st December 2003	S.S.I. 2003/475
Sections 4 to 6, 11 to 13	1st January 2004	S.S.I. 2003/475
Section 40	12th January 2004	S.S.I. 2003/475
Section 21 (9) and (10)	10th June 2004	S.S.I. 2004/240
Section 75	25th June 2004	S.S.I. 2004/240

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