

2015 No. 200 (C. 32)

CRIMINAL LAW

**The Victims and Witnesses (Scotland) Act 2014
(Commencement No. 4 and Transitional Provisions) Order 2015**

<i>Made</i> - - - -	<i>19th May 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>21st May 2015</i>
<i>Coming into force</i> - -	<i>1st July 2015</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 34(2) and (3) of the Victims and Witnesses (Scotland) Act 2014(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Commencement No. 4 and Transitional Provisions) Order 2015 and comes into force on 1st July 2015.

(2) In this Order, “the Act” means the Victims and Witnesses (Scotland) Act 2014.

(3) For the purposes of the commencement of sections 10 to 14, 16 to 18 and 20 of the Act, criminal proceedings are to be taken as commenced on the day on which a report of the case has been received by the procurator fiscal.

(4) For the purposes of the commencement of section 22 of the Act—

- (a) civil proceedings are to be taken as commenced on the date on which the document initiating the proceedings is served; and
- (b) where that document is served on more than one person, the proceedings are to be taken as commenced when the document is served on the first of those persons.

Day appointed

2.—(1) The day appointed for the coming into force of section 4 of the Act (rules: review of decision not to prosecute) is 1st July 2015.

(2) The day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in the Schedule (the subject matter of which is specified in column 2 of that table) is 1st September 2015.

Transitional provision – interviews with children: guidance

3. Notwithstanding the coming into force of section 7 of the Act, the obligation in section 7(2) only applies in relation to—

- (a) interviews conducted on or after 1st September 2015; and
- (b) guidance which has been issued by the Scottish Ministers on or after 1st September 2015.

Transitional provision – vulnerable witnesses and special measures

4. Sections 10 to 14, 16 to 18 and 20 of the Act come into force only in relation to criminal proceedings commenced on or after 1st September 2015.

Transitional provision – vulnerable witnesses: civil proceedings

5. Section 22 of the Act comes into force only in relation to civil proceedings commenced on or after 1st September 2015.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
19th May 2015

SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the Act</i>	<i>Column 2</i> <i>Subject matter</i>
Section 7	Interviews with children: guidance
Section 10	Vulnerable witnesses: main definitions
Section 11	Child and deemed vulnerable witnesses
Section 12	Child and deemed vulnerable witnesses: standard special measures
Section 13	Objections to special measures: child and deemed vulnerable witnesses
Section 14	Child witnesses
Section 15	Reporting of proceedings involving children
Section 16	Other vulnerable witnesses: assessment and application
Section 17	Objections to special measures: other vulnerable witnesses
Section 18	Review of arrangements for vulnerable witnesses
Section 19	Temporary additional special measures
Section 20	Special measures: closed courts
Section 21	Power to prescribe further special measures
Section 22	Vulnerable witnesses: civil proceedings

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 1st July 2015, section 4 of the Victims and Witnesses (Scotland) Act 2014 (“the Act”) (article 2(1)). This Order also brings into force, on 1st September 2015, the following sections of the Act: sections 7 and 10 to 22 (article 2(2)).

Articles 3 to 5 of the Order make transitional provision in relation to sections 7, 10 to 14, 16 to 18, 20 and 22 of the 2014 Act.

The Bill for the Act received Royal Assent on 17th January 2014. The following sections of the Act came into force on the following day: sections 30 (in part), 31 (in part), 32, 33, 34 and 35.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act 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.S.I. No.</i>
Section 1	30th January 2015	2014/359
Section 2 (in part)	13th August 2014	2014/210
Section 2 (in so far as not already in force)	30th January 2015	2014/359
Section 3	30th January 2015	2014/359
Section 6 (in part)	13th August 2014	2014/210
Section 6 (in part)	30th January 2015	2014/359
Section 8	13th August 2014	2014/210
Section 23 (in part)	13th August 2014	2014/210
Section 26 (in part)	13th August 2014	2014/210
Section 27	13th August 2014	2014/210
Section 28	13th August 2014	2014/210
Section 29	13th August 2014	2014/210
Section 30 (in so far as not already in force)	1st July 2014	2014/117
Section 31(2) (in part)	16th May 2014	2014/117
Section 31 (in so far as not already in force)	1st July 2014	2014/117

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