



# 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 four or more years;
  - (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; and
  - (e) that the convicted person is unlawfully at large from a prison or young offenders institution.
- (4) The Scottish Ministers may by order—

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*Status: This is the original version (as it was originally enacted).*

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- (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,(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.