



# Victims and Witnesses (Scotland) Act 2014

2014 asp 1

*[<sup>F1</sup>Child victims*

## Textual Amendments

**F1** Ss. 29A, 29B and cross-headings inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), 16

### **29A. Exercise of functions where victim is a child**

- (1) This section applies where, under section 3C, 3D, 3E, 3F, 3G, 6 [<sup>F2</sup>, 8A] or 27A—
  - (a) a competent authority is to exercise a function in relation to, or at the request of, a person who is or appears to be a victim in relation to an offence or alleged offence, and
  - (b) the person is a child.
- (2) If the competent authority considers that it is in the best interests of the child to exercise the function in relation to, or at the request of, the child, the function—
  - (a) is exercisable in relation to, or at the request of, the child, and
  - (b) is also exercisable in relation to, or at the request of, the child's parent if the authority considers that it is in the best interests of the child to do so.
- (3) If the competent authority considers that it is not in the best interests of the child to exercise the function in relation to, or at the request of, the child, the function—
  - (a) is not exercisable in relation to, or at the request of, the child, and
  - (b) is instead exercisable in relation to, or at the request of, the child's parent if the authority considers that it is in the best interests of the child to do so.
- (4) If, for the purposes of subsection (2)(b) or (3)(b), the competent authority considers that it is not in the best interests of the child to exercise the function in relation to, or at the request of, the child's parent—
  - (a) the function is not so exercisable, and

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**Changes to legislation:** There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Child victims. (See end of Document for details)

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- (b) the function may instead be exercisable in relation to, or at the request of, such person as the authority considers appropriate having regard to the age, maturity, views, needs and concerns of the child.
- (5) Subsections (2)(b) and (3)(b) do not require a competent authority to exercise a function in relation to a parent of a child if, having taken reasonable steps to determine the parent's whereabouts, the parent's whereabouts are unknown to the authority.
- (6) In this section—  
“child” means a person under 18 years of age,  
“parent”, in relation to a child, means any person holding parental responsibilities for that child within the meaning of the Children (Scotland) Act 1995.]

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#### Textual Amendments

- F2** Word in s. 29A(1) inserted (1.4.2022) by Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 (asp 3), s. 20(2), **sch. para. 5(4)** (with s. 3); S.S.I. 2022/24, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Child victims.