



# Victims and Witnesses (Scotland) Act 2014

## 2014 asp 1

### *Disclosure of information*

#### **6 Disclosure of information about criminal proceedings**

- (1) A person mentioned in subsection (2) (a “requester”) may at any time request a qualifying person to disclose to the requester qualifying information in relation to an offence or alleged offence and any criminal investigation or criminal proceedings relating to it.
- (2) The persons are—
  - (a) a person who appears to be a victim of the offence or alleged offence,
  - (b) in the case where the death of a person mentioned in paragraph (a) was (or appears to have been) caused by the offence or alleged offence, a prescribed relative of the person,
  - (c) a person who is to give, or is likely to give, evidence in criminal proceedings which have been, or are likely to be, instituted against a person in respect of the offence or alleged offence,
  - (d) a person who has given a statement in relation to the offence or alleged offence to a constable or the prosecutor.
- (3) Where a request is made under subsection (1), the qualifying person must disclose to the requester any qualifying information which the person holds.
- (4) In the case where the qualifying information falls within paragraph (a), (b) or (c) of subsection (2), a qualifying person must not comply with a request under subsection (1) in so far as disclosure of the qualifying information would require disclosure of information supplied by a Minister of the Crown or a department of the Government of the United Kingdom that is held in confidence by the person.
- (5) A qualifying person need not comply with a request under subsection (1) in so far as the qualifying person considers that it would be inappropriate to disclose any qualifying information.
- (6) In this section—

“prescribed” means prescribed by the Scottish Ministers by order,

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*Status: This is the original version (as it was originally enacted).*

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“qualifying information” means information that—

- (a) falls within subsection (7),
- (b) relates to the offence or alleged offence, and
- (c) is specified in the request under subsection (1),

“qualifying person” means—

- (a) the chief constable of the Police Service of Scotland,
- (b) a prosecutor (as defined in section 307(1) of the 1995 Act),
- (c) the Scottish Court Service.

(7) Information falls within this subsection if it is—

- (a) a decision not to proceed with a criminal investigation and any reasons for it,
- (b) a decision to end a criminal investigation and any reasons for it,
- (c) a decision not to institute criminal proceedings against a person and any reasons for it,
- (d) the place in which a trial is to be held,
- (e) the date on which and time at which a trial is to be held,
- (f) the nature of charges libelled against a person,
- (g) the place in which the hearing of an appeal arising from a trial is to be held,
- (h) the date on which and time at which the hearing of an appeal arising from a trial is to be held,
- (i) the stage that criminal proceedings have reached,
- (j) the final decision of a court in a trial or any appeal arising from a trial, and any reasons for it.

(8) The Scottish Ministers may by order modify—

- (a) the definition of “qualifying person” in subsection (6),
- (b) subsection (7).

(9) An order under—

- (a) subsection (2)(b) is subject to the negative procedure,
- (b) subsection (8) is subject to the affirmative procedure.