

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Sentencing

Section 24 – Duty to consider making compensation order

59. This section inserts new subsections (4A) to (4D) into section 249 of the 1995 Act, placing new duties on the court in relation to compensation orders. Subsection (4A) provides that, in cases where the court could make a compensation order, it must consider whether to do so. Previously, where the court could impose a compensation order (for example where there has been a personal injury to the victim caused directly or indirectly) there was no obligation for the court to consider doing so.
60. Subsection (4B) provides that the court must take steps to ascertain the views and wishes of the victim before making a compensation order. In accordance with subsection (4C), if the victim notifies the court that they do not want compensation from the offender, the court may not impose a compensation order on the offender in favour of that victim.