

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Disclosure of information

Section 6 – Disclosure of information about criminal proceedings

20. **Section 6** requires the chief constable of the Police Service of Scotland, SCS, and any prosecutor to disclose certain information to victims and witnesses of criminal offences (or alleged criminal offences) on request.
21. The persons who can seek information are: a person who appears to be a victim of the offence or alleged offence; prescribed relatives of such a person where the person's death was caused, or appears to have been caused, by the offence or alleged offence; those who are to give, or are likely to give, evidence in criminal proceedings in relation to the offence or alleged offence; and those who have given a statement to a police officer or prosecutor in relation to the offence or alleged offence. The information to be disclosed is set out in subsection (7).
22. Subsection (4) applies to requests under subsection (1) where the requested “qualifying information” is a decision not to proceed with a criminal investigation and any reasons for it; a decision to end a criminal investigation and any reasons for it; or, a decision not to institute criminal proceedings against a person and any reasons for it. Under subsection (4), where such information is requested, a “qualifying person” under subsection (6) (i.e. the police, prosecutor or SCS) must not comply with a request for disclosure of that information where it would result in the disclosure of information supplied by a Minister of the Crown or UK Government department and held in confidence by the qualifying person.
23. The general exception to the obligation to provide information to those persons mentioned in subsection (2) is set out in subsection (5). Subsection (5) provides that qualifying information need not be disclosed in so far as the qualifying person considers that disclosure would be inappropriate.
24. Subsection (6) provides that the information which can be requested (referred to as “qualifying information”) must fall within the types of information set out in subsection (7); relate to the offence or alleged offence; and be specified in a request under subsection (1). It also specifies the persons on whom this obligation falls (referred to as “qualifying persons”) and states that “prescribed” where it appears in subsection (2)(b) means prescribed by the Scottish Ministers by order.
25. The Scottish Ministers may, under subsection (8), modify the list of information which must be provided under subsection (7) and the list of persons who must provide such information detailed in subsection (6).