



# Victims and Witnesses (Scotland) Act 2014 2014 asp 1

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

**[<sup>F1</sup>29B. Application of Act where victim’s death caused by offence**

- (1) Subject to subsections (2) and (3), references in this Act to a person who is or appears to be a victim include—
  - (a) where the reference is in relation to any criminal investigation or criminal proceedings, a qualifying relative of a person whose death was (or appears to have been) caused by the offence or alleged offence which is the subject of the criminal investigation or criminal proceedings, and
  - (b) where the reference is in relation to an offence or alleged offence, a qualifying relative of a person whose death was (or appears to have been) caused by the offence or alleged offence.
- (2) This section does not apply in relation to sections 2, 6, 8, 9D, 9E and 26.
- (3) Where, by virtue of subsection (1), a function of a competent authority under section 3C, 3D, 3G or 27A is exercisable in relation to, or at the request of, a qualifying relative of a deceased person—
  - (a) the function is exercisable only in relation to, or at the request of, a person who is one of the four highest listed relatives in the definition of “qualifying relative” in subsection (5), and
  - (b) the competent authority—
    - (i) may decline to exercise the function in relation to, or at the request of, a person who is one of those qualifying relatives, if it considers it inappropriate to exercise the function in relation to, or at the request of, that person, and
    - (ii) is not required to exercise the function in relation to a person who is one of those qualifying relatives if, having taken reasonable steps to ascertain that person’s whereabouts, that person’s whereabouts are unknown to the authority.
- (4) For the purposes of determining which relatives are highest listed in the definition of “qualifying relative”, the elder of any two persons described in any one of paragraphs

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*Changes to legislation: There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 29B. (See end of Document for details)*

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(a) to (g) of the definition is to be taken to be the higher listed relative regardless of gender.

(5) In this section, “qualifying relative” means—

- (a) anyone who was married to, or was in a civil partnership with, the person immediately before the person’s death,
- (b) anyone who had been living together with the person, as if they were married, for a minimum period of 6 months immediately before the person’s death,
- (c) children and step-children of the person and anyone whom the person cared for, as defined in paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010, immediately before the person’s death,
- (d) parents and step-parents of the person,
- (e) siblings of the person,
- (f) grandparents and great-grandparents of the person, and
- (g) grandchildren and great-grandchildren of the person.]

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**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**

**Changes to legislation:**

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 29B.