



Victims and Witnesses (Scotland) Act 2014 2014 asp 1

[^{F1} Assistance to communicate

[^{F1}3E. Victims' right to understand and be understood

- (1) Subsection (2) applies in relation to any contact—
 - (a) between a person who is or appears to be a victim in relation to an offence or alleged offence and a competent authority, and
 - (b) which is for the purposes of a relevant function.
- (2) The authority must take such measures as the authority considers appropriate in order to assist the person—
 - (a) to understand the information given to the person by the authority, and
 - (b) to be understood in the person's interaction with the authority.
- (3) Subsection (4) applies in relation to any communication, in any form—
 - (a) between a person who is or appears to be a victim in relation to an offence or alleged offence and a competent authority, and
 - (b) which is for the purposes of a relevant function.
- (4) The authority must ensure that communications—
 - (a) are as clear and easy to understand as possible, and
 - (b) take into account any personal characteristics of the person which may affect the person's ability to understand the communication and be understood in responding to the communication.
- (5) Subsection (6) applies in relation to the first contact—
 - (a) between a person who is or appears to be a victim in relation to an offence or alleged offence and a competent authority, and
 - (b) which is for the purposes of a relevant function.
- (6) Where the authority considers that the person requires assistance to communicate, the authority must allow the person to be assisted by someone of the person's choice unless—

Changes to legislation: There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 3E. (See end of Document for details)

- (a) the authority considers that such assistance would be contrary to the interests of the person or prejudicial to any criminal proceedings, or
 - (b) the assistance is required for the purposes of the person giving evidence at a hearing in relevant criminal proceedings.
- (7) For the purposes of this section—
- (a) any contact between a person who is or appears to be a victim in relation to an offence or alleged offence (V) and a constable or a member of police staff is deemed to be contact between V and the chief constable of the Police Service of Scotland,
 - (b) any contact between V and a procurator fiscal is deemed to be contact between V and the Lord Advocate,
 - (c) any communication between a constable or a member of police staff and V is deemed to be communication between the chief constable of the Police Service of Scotland and V, and
 - (d) any communication between a procurator fiscal and V is deemed to be communication between the Lord Advocate and V.
- (8) In this section—
- “a hearing in relevant criminal proceedings” means any hearing in the course of any criminal proceedings in the High Court, sheriff court or justice of the peace court in relation to an offence or alleged offence,
- “a relevant function” is—
- (a) in the case of the Lord Advocate, any function relating to the investigation and prosecution of crime,
 - (b) in the case of the Scottish Ministers, any function conferred on the Scottish Ministers under this Act or section 16, 17 or 17A of the 2003 Act,
 - (c) in the case of any other competent authority, any function.]

Textual Amendments

F1 Ss. 3E, 3F and cross-heading inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), 5

Changes to legislation:

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Section 3E.