

2003 No. 441

CRIMINAL LAW

**The Victim Statements (Prescribed Offences) (Scotland) Order
2003**

Made - - - - - *17th September 2003*

Laid before the Scottish Parliament *18th September 2003*

Coming into force - - - *25th November 2003*

The Scottish Ministers, in exercise of the powers conferred by section 14(2) of the Criminal Justice (Scotland) Act 2003(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Victim Statements (Prescribed Offences) (Scotland) Order 2003 and shall come into force on 25th November 2003.

Prescribed offences

2. An offence specified in the Schedule to this Order is prescribed for the purposes of section 14(2) of the Criminal Justice (Scotland) Act 2003(b).

HUGH HENRY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
17th September 2003

(a) 2003 asp 7. See section 87(1) for the definition of "prescribed".

(b) Section 87(2) of that Act defines "offence" by reference to section 307 of the Criminal Procedure (Scotland) Act 1995 (c. 46).

SCHEDULE

Article 2

Offences prescribed for the purposes of section 14(2) of the Criminal Justice (Scotland) Act 2003

Non-sexual crimes of violence

1. Murder.
2. Culpable homicide.
3. Abduction.
4. Assault.
5. Cruel and unnatural treatment.
6. An offence under section 12 of the Children and Young Person's (Scotland) Act 1937 (c. 37) (cruelty to persons under 16).
7. An offence under section 41(1)(a) of the Police (Scotland) Act 1967 (c. 77) (assault on constables, etc) but only in respect of an assault on a constable.

Sexual Crimes of violence and indecent crimes

8. Rape.
9. Sodomy.
10. Abduction of a woman or girl with intent to rape.
11. Assault with intent to rape or ravish.
12. Indecent assault.
13. Lewd, indecent or libidinous behaviour or practices.
14. An offence under section 106(1)(a) or 107 of the Mental Health (Scotland) Act 1984 (c.36) (unlawful sexual intercourse with mentally handicapped female or with patient).
15. An offence under any of the following provisions of the Criminal Law (Consolidation) (Scotland) Act 1995 (c.39):-
 - (a) sections 1 to 3 (incest and related offences);
 - (b) section 5 (unlawful sexual intercourse with girl under 16);
 - (c) section 6 (indecent behaviour towards girl between 12 and 16);
 - (d) section 7(2) and (3) (procuring);
 - (e) section 8 (abduction and unlawful detention);
 - (f) section 10 (seduction, prostitution, etc. of girl under 16);
 - (g) section 13(5)(b) or (c) (homosexual offences).
16. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (c. 44) (abuse of position of trust).
17. Any offence where there was a significant sexual aspect to the offender's behaviour in committing the offence.

Housebreaking etc

18. Theft by housebreaking.

Racially motivated crimes

19. An offence under section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 (racially-aggravated harassment).
20. An offence under section 96 of the Crime and Disorder Act 1998 (c. 37) (offences racially aggravated).

Road Traffic

21. An offence under section 1 of the Road Traffic Act 1998 (c. 52) (causing death by dangerous driving).
22. An offence under section 3A of that Act (causing death by careless driving when under influence of drink or drugs).

Other

23. Fireraising.

Inchoate offences

24. An offence of conspiring or inciting the commission of an offence specified in this Schedule.
25. An offence of aiding, abetting, counselling or procuring the commission of such an offence.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the offences for which a victim will be afforded an opportunity to make a victim statement for the purposes of section 14(2) of the Criminal Justice (Scotland) Act 2003.

The effect of the Order is that a victim statement may be made where proceedings are to be taken or are likely to be taken in respect of one or more of the prescribed offences.

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