

EXECUTIVE NOTE

THE VICTIM NOTIFICATION (PRESCRIBED OFFENCES) (SCOTLAND) AMENDMENT ORDER 2009 (SSI/2009/142)

1. This Order is made in exercise of the powers conferred by sections 16 and 17 of the Criminal Justice (Scotland) Act 2003 (2003 asp 7) (“the 2003 Act”). This order amends SSI 2004/411, the Victim Notification (Prescribed Offences) (Scotland) Order 2004 (“the 2004 Order”). The instrument is subject to a negative resolution procedure.
2. The 2004 Order was made under section 16(1) of the 2003 Act. Sections 16 and 17 of the Act allow any natural person against whom a prescribed offence has been perpetrated to receive information about, and to make representations about the release on licence of, any person who has been convicted of that offence and sentenced in respect of it to imprisonment or detention for a period of 18 months or more. The 2004 Order lists the prescribed offences that allow victims to apply to receive information.
3. The current Order will amend the Schedule to the 2004 Order to introduce two additional prescribed road traffic offences. These are offences under section 2B (causing death by careless, or inconsiderate, driving) and section 3ZB (causing death by driving: unlicensed, disqualified or uninsured drivers) of the Road Traffic Act 1988 (c.52). These offences were inserted by sections 20 and 21 of the Road Safety Act 2006 (c.49) and became law on 18 August 2008.

Policy Objectives

4. The *Scottish Strategy for Victims* was published in January 2001. Ministers’ two main policy objectives with regard to victims are set out in paragraph 2.2 of that document. These are stated to be: (1) to ensure provision of emotional and practical support to victims, and (2) to ensure provision of information to victims.
5. The legislation enacting those policy objectives was sections 14 to 18 of the Act. It was intended that the Scottish Ministers and the Parole Board are to have the power release information to victims concerning offenders, and to allow eligible victims to make representations about the release on licence of offenders. Eligible victims are natural persons (or, in cases where the victim has died, the victim’s family) who are victims of a prescribed offence, and prescribed offences were designed to cover all offences where there may have been serious consequences for the victim.
6. The proposals were intended to deliver Ministers’ commitment to provide victims with an opportunity to receive information specific to their case and to allow them the opportunity to have an input to release decisions made by Scottish Ministers or the Parole Board, as the case may be.
7. The new offences added by the current order had not been created when the 2004 Order came into force, and the amendment brings the 2004 Order into line with existing legislation. The amendment also continues to carry out the policy intention

of ensuring that victims of crime, or, as the case may be, their families are entitled to apply to receive information concerning offenders, and to make representations about the release on licence of offenders.

Scottish Government Criminal Justice Directorate
Victims, Witnesses, Parole and Life Sentence Division

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