
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 360

CRIMINAL LAW

**The Victims and Witnesses (Scotland) Act
2014 (Prescribed Relatives) Order 2014**

Made - - - - 15th December 2014
Laid before the Scottish
Parliament - - - - 16th December 2014
Coming into force - - 30th January 2015

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(6) and 6(2)(b) of the Victims and Witnesses (Scotland) Act 2014⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Prescribed Relatives) Order 2014 and comes into force on 30th January 2015.

(2) In this Order, “the Act” means the Victims and Witnesses (Scotland) Act 2014.

Prescribed relatives

2.—(1) Subject to paragraphs (2) and (3), the following persons are prescribed relatives for the purposes of sections 2(6) and 6(2)(b) of the Act—

- (a) any person who is married to, or in a civil partnership with, the victim;
- (b) any person who is living together with the victim as if they are married and have been so living together for a minimum period of 6 months;
- (c) children or step-children of the victim;
- (d) parents or step-parents of the victim;
- (e) grandparents or great-grandparents of the victim;
- (f) grandchildren or great-grandchildren of the victim;
- (g) siblings of the victim;
- (h) aunts or uncles of the victim;

(1) [2014 asp 1](#). Sections 2(7) and 6(6) of the Victims and Witnesses (Scotland) Act 2014 contain definitions of “prescribed” relevant to the exercise of the statutory powers under which this Order is made.

- (i) nephews or nieces of the victim;
- (j) cousins of the victim;
- (k) a person who cares for the victim, or a person whom the victim cares for, within the meaning of paragraph 20 of Schedule 12 to the Public Services Reform (Scotland) Act 2010⁽²⁾;
- (l) a person who is a guardian of the victim, or someone for whom the victim is a guardian, appointed under the Children (Scotland) Act 1995⁽³⁾ or the Adults with Incapacity (Scotland) Act 2000⁽⁴⁾;
- (m) a person who is a private foster carer of the victim, or someone for whom the victim is a private foster carer, within the meaning of section 96(1)(c) of the Protection of Vulnerable Groups (Scotland) Act 2007⁽⁵⁾;
- (n) a person who is a foster carer or kinship carer of the victim, or someone for whom the victim is a foster carer or kinship carer, within the meaning of regulation 2 of the Looked After Children (Scotland) Regulations 2009⁽⁶⁾;
- (o) a continuing attorney of the victim, or someone for whom the victim is a continuing attorney, within the meaning of section 15 of the Adults with Incapacity (Scotland) Act 2000; and
- (p) a welfare attorney of the victim, or someone for whom the victim is a welfare attorney, within the meaning of section 16 of the Adults with Incapacity (Scotland) Act 2000.

(2) Where the victim is deceased and any person would have been a prescribed relative of the victim under paragraph (1) but for the victim's death, that person is a prescribed relative for the purposes of sections 2(6) and 6(2)(b) of the Act.

(3) Any person who is accused of the offence or alleged offence committed against the victim cannot be a prescribed relative for the purposes of section 6(2)(b) of the Act.

St Andrew's House,
Edinburgh
15th December 2014

MICHAEL MATHESON
A member of the Scottish Government

(2) 2010 asp 8.
(3) 1995 c.36.
(4) 2000 asp 4.
(5) 2007 asp 14.
(6) S.S.I. 2009/210, to which there are amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides a list of persons who are to be prescribed relatives for the purposes of sections 2(6) and 6(2)(b) of the Victims and Witnesses (Scotland) Act 2014.