

*Draft Order laid before Parliament under paragraphs 1, 2 and 3 of Schedule 7 to the Scotland Act 1998, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2020 No.**

**CONSTITUTIONAL LAW  
DEVOLUTION, SCOTLAND  
SOCIAL SECURITY**

**The Victims and Witnesses (Scotland) Act  
2014 (Consequential Modification) Order 2020**

*Made - - - - 2020*

*Coming into force in accordance with article 1(1)*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104, 112(1) and 113(5) of the Scotland Act 1998(1).

In accordance with paragraphs 1, 2 and 3 of Schedule 7 to that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Consequential Modification) Order 2020 and comes into force on the day after the day on which it is made.

(2) This Order extends to England and Wales and Scotland.

**Amendment of the Criminal Justice Act 1991**

2. After section 24(3A) of the Criminal Justice Act 1991 (recovery of fines etc.)(2), insert—

“(3B) This section applies in relation to a restitution order imposed under section 253A of the Criminal Procedure (Scotland) Act 1995(3) as if any reference in subsection (1) or (3) above to a fine included a reference to a restitution order.”.

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(1) 1998 c.46. There are amendments to section 104 which are not relevant to this Order.

(2) 1991 c.53. Section 24(3A) was inserted by paragraph 30 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c.28) and was amended by S.I. 2019/1092.

(3) 1995 c.46. Section 253A was inserted by section 25 of the Victims and Witnesses (Scotland) Act 2014 (asp 1).

Date

*Name*  
Secretary of State  
Office of the Secretary of State for Scotland

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision consequential on section 25 of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”). Section 25 of the 2014 Act adds sections 253A to 253E to the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) which provide for the introduction of a new criminal penalty to be known as a restitution order. A restitution order may be imposed by the court on a person convicted of an offence under section 90(1) of the Police and Fire Reform (Scotland) Act 2012 (assaulting or impeding police). A restitution order may be imposed by the court instead of or in addition to dealing with the offender in any other way. A restitution order is a financial penalty which may not exceed the prescribed sum, which is currently set at £10,000.

Section 24 of the Criminal Justice Act 1991 (“the 1991 Act”) enables the Secretary of State to make regulations providing for a system whereby fines, compensation orders, unlawful profit orders and slavery and trafficking reparation orders can be paid via deductions from certain benefits payable to the offender. Under regulation 4 of the Fines (Deductions from Income Support) Regulations 1992, the Secretary of State may deduct sums from benefits payable to the offender and pay those sums to the court in satisfaction of a fine or compensation order imposed on the offender.

Article 2 of this Order inserts subsection (3B) into section 24 of the 1991 Act so as to provide that any reference to a “fine” in section 24(1) or (3) includes a reference to a restitution order imposed under section 253A of the 1995 Act. This will ensure that the Secretary of State will be able to deduct sums from an offender’s benefits and pay those sums to the court in satisfaction of a restitution order.

An impact assessment has not been produced for this instrument as no, or no significant, additional impact on the private, voluntary or public sectors is foreseen.