

# Victims and Witnesses (Scotland) Act 2014 2014 asp 1

## *Release of offender: victim's rights*

### **27 Victim's right to receive information about release of offender etc.**

In section 16 of the 2003 Act (victim's right to receive information about release of offender etc.)—

- (a) in subsection (1), for the words from “a”, where it first occurs, to “offence” substitute “an offence”, and
- (b) in subsection (3), for paragraph (d) substitute—
  - “(d) that the convicted person is for the first time entitled to be considered for temporary release by virtue of rules under section 39(6) of the 1989 Act.”.

### **28 Life prisoners: victim's right to make oral representations before release on licence**

In section 17 of the 2003 Act (release on licence: right of victim to receive information and make representations)—

- (a) in subsection (1)—
  - (i) the words from “be”, where it first occurs, to the end become paragraph (a) of the subsection, and
  - (ii) after that paragraph, add—
    - “(b) if the convicted person is serving a sentence of life imprisonment, be afforded an opportunity to make oral representations to a member of the Parole Board for Scotland who is not dealing with the convicted person's case as respects such release and as to conditions which might be specified in the licence in question.”.
- (b) in subsection (4)—
  - (i) after “how” insert “written”, and

---

*Status: This is the original version (as it was originally enacted).*

---

- (ii) at the end add “and how oral representations under that subsection should be made”,
- (c) after subsection (10), insert—
  - “(10A) In complying with the duty imposed on them by subsection (5), the Scottish Ministers may fix different times in relation to written and oral representations respectively.”, and
- (d) after subsection (12), add—
  - “(13) The Scottish Ministers may by order modify the description or descriptions of convicted person for the time being specified in subsection (1)(b).”.

## 29 Temporary release: victim’s right to make representations

After section 17 of the 2003 Act, insert—

### **“17A Temporary release: victim’s right to make representations about conditions**

- (1) This section applies where by virtue of subsection (1) or (5) of section 16 a person (the “victim”) is given the information mentioned in subsection (3)(d) of that section as respects a convicted person.
- (2) On the first occasion on which the convicted person is entitled to be considered for temporary release by virtue of rules under section 39(6) of the 1989 Act, the Scottish Ministers must give the victim an opportunity to make written representations to them about any conditions that the victim considers should be imposed in relation to the temporary release.
- (3) Subsection (2) applies only if the victim has notified the Scottish Ministers that the victim wishes to be given the opportunity to make representations under that subsection.
- (4) The Scottish Ministers must—
  - (a) fix a time within which any written representations under subsection (2) require to be made to them if they are to be considered by them, and
  - (b) notify the victim of the time fixed.”.