



Victims and Witnesses (Scotland) Act 2014

2014 asp 1

Restorative justice

5 Restorative justice

- (1) The Scottish Ministers may issue guidance about—
 - (a) the referral of a person who is or appears to be a victim in relation to an offence [^{F1}or alleged offence] and a person who has or is alleged to have committed the offence [^{F2}or alleged offence] to restorative justice services, and
 - (b) the provision of restorative justice services to those persons.
- (2) Any person, or description of person, prescribed by the Scottish Ministers by order must have regard to any guidance issued by the Scottish Ministers under subsection (1).
- (3) In this section, “restorative justice services” means any process in which the persons such as are mentioned in subsection (1)(a) participate with a view to resolving any matter arising from the offence or alleged offence with the assistance of a person who is unconnected with either person or the offence or alleged offence.
- (4) An order under subsection (2) is subject to the negative procedure.

Textual Amendments

- F1** Words in s. 5(1)(a) inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), **11(a)**
- F2** Words in s. 5(1)(a) inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), **11(b)**

Commencement Information

- I1** S. 5 in force at 24.2.2021 by [S.S.I. 2021/39](#), **art. 2**

Changes to legislation:

Victims and Witnesses (Scotland) Act 2014, Cross Heading: Restorative justice is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27B inserted by [2023 asp 4 s. 14\(12\)](#)