Victims and Witnesses (Scotland) Act 2014

2014 asp 1

Standards of service

2 Standards of service

(1) Each person mentioned in subsection (2) must set and publish standards in relation to—

(a) the carrying out of the functions of the person mentioned in subsection (3) in relation to a person who is or appears to be a victim or witness in relation to a criminal investigation or criminal proceedings,

(b) the person's procedure for making and resolving complaints about the way in which the person carries out those functions.

(2) The persons are—

(a) the Lord Advocate,

(b) the Scottish Ministers,

(c) the chief constable of the Police Service of Scotland,

(d) the Scottish Court Service,

(e) the Parole Board for Scotland.

(3) The functions are—

(a) in the case of the Lord Advocate, functions relating to the investigation and prosecution of crime,

(b) in the case of the Scottish Ministers, functions relating to prisons and young offenders institutions and persons detained in them,

(c) in the case of any other person mentioned in subsection (2), any functions.

(4) Before a person mentioned in subsection (2) ("the publisher") publishes standards under subsection (1), the publisher must consult—

(a) every other person mentioned in subsection (2), and

(b) such other persons as appear to the publisher to have a significant interest in the standards.

(5) The Scottish Ministers may by order—

(a) modify subsection (2),

(b) so far as is necessary or expedient in consequence of any modification made under paragraph (a), modify subsection (1), (3) or (6).

(6) In this section—

"prison" and "young offenders institution" have the meanings given by section 307(1) of the 1995 Act,

"victim" includes a prescribed relative of a victim.

(7) In subsection (6), "prescribed" means prescribed by the Scottish Ministers by order.

(8) An order under subsection (5) is subject to the affirmative procedure.

(9) An order under subsection (6) is subject to the negative procedure.

Commencement Information

I1 S. 2 in force at 13.8.2014 for specified purposes by S.S.I. 2014/210, art. 2, **Sch.**

I2 S. 2 in force at 30.1.2015 in so far as not already in force by S.S.I. 2014/359, art. 2, **Sch.** (with art. 3)

3 Reports

(1) This section applies where a person publishes standards under section 2(1).

(2) The person must prepare and publish a report in relation to the matters mentioned in subsection (3)—

(a) before the end of the period of 12 months beginning with the day on which standards are first published under section 2(1), and

(b) as soon as practicable following—

(i) the expiry of the period of 12 months beginning with the day on which a report is published under paragraph (a), and

(ii) each subsequent period of a year.

(3) The matters are—

(a) an assessment of how, and the extent to which, the standards have been met during the period of the report,

(b) an explanation of how the person intends to meet the standards during the year after the period of the report,

(c) a description of any modification of the standards made during the period of the report, and

(d) a description of any modification of the standards that the person proposes to make during the year after the period of the report.

(4) The Scottish Ministers may by regulations prescribe information (in addition to that required under subsection (3)) that reports prepared under subsection (2) must contain.

(5) Regulations under subsection (4) are subject to the negative procedure.

Commencement Information

I3 S. 3 in force at 30.1.2015 by S.S.I. 2014/359, art. 2, **Sch.**

Status:
Point in time view as at 30/01/2015.

Changes to legislation:
There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: Standards of service.