

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

General principles

Section 1 - General principles

7. **Section 1** provides that certain identified persons must take account of four general principles whilst carrying out any statutory functions they have in relation to victims and witnesses. The persons so identified in subsection (2) are the Lord Advocate, the Scottish Ministers, the chief constable of the Police Service of Scotland, the Scottish Court Service (SCS), and the Parole Board for Scotland (PBS).
8. In relation to the Scottish Ministers, the duty to have regard to the principles will primarily fall on the Scottish Prison Service (SPS), which routinely deals with victims and witnesses. SPS is not named specifically in subsection (2) and, as a result of its legal status as an Agency of the Scottish Government, the duty is to be placed on the Scottish Ministers generally.
9. The principles listed set out that victims and witnesses should be able to obtain information about what is happening in their cases; should have their safety ensured; should be able to access appropriate support; and should be able to participate effectively where that is appropriate.
10. Subsection (4) enables the Scottish Ministers to modify by order the list of persons to whom the duty applies.