

VICTIMS AND WITNESSES (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Release of offender: victim's rights

Section 27 – Victim's right to receive information about release of offender etc.

78. Previously, under section 16 of the 2003 Act, victims of certain prescribed offences could receive information about the release of offenders (and some other relevant information). The information mainly related to the circumstances in which a prisoner leaves prison. This may be due to temporary release, an escape, transfer to a prison outwith Scotland, release on licence or parole, death of the prisoner or end of sentence. Section 27 amends section 16 of the 2003 Act to remove the reference to prescribed offences. As a result, victims of any offence will be able to receive information under this section. Section 27 also provides that the information to be given to victims under section 16 of the 2003 Act includes information that the prisoner is for the first time entitled to be considered for temporary release.

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

79. This section amends section 17 of the 2003 Act to enable victims to make oral representations to the Parole Board, as well as written representations, when a prisoner becomes eligible for release on licence. This will only apply to life prisoners initially, but an order making power is also inserted to allow the Scottish Ministers to extend this ability in relation to other categories of prisoner.
80. Subsection (b) amends section 17 of the 2003 Act to provide that the Scottish Ministers can set out, in guidance, how both written and oral representations should be made (previously this power to issue guidance only related to written representations). Subsection (c) inserts new subsection 10A into section 17 of the 2003 Act. This allows the Scottish Ministers, when setting a time limit for representations to be made, to set different time limits for written and oral representations.

Section 29 – Temporary release: victim's right to make representations

81. This section adds a new section 17A to the 2003 Act to allow victims, who are registered on the Victim Notification Scheme (VNS) and who have expressed the wish to do so, to make written representations about the licence conditions that may be imposed when a prisoner first becomes eligible for temporary release from prison.