



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

## *[<sup>F1</sup>Protection of victims*

### **[<sup>F1</sup>9D. Right to avoid contact between victim and offender S**

- (1) A competent authority must take reasonable steps to enable a person who is or appears to be a victim in relation to an offence or alleged offence, or any of that person's family members, to avoid contact with the person suspected, accused or convicted of the offence or alleged offence during a relevant interaction with a competent authority.
- (2) Subsection (1) does not apply—
  - (a) where such contact is necessary for the purposes of criminal investigations or criminal proceedings,
  - (b) where the identity of the person suspected, accused or convicted of the offence or alleged offence is not known to the competent authority, or
  - (c) in relation to the giving of evidence by any person at a hearing in relevant criminal proceedings.
- (3) For the purposes of this section—
  - (a) an interaction between a person and a constable or a member of police staff is deemed to be an interaction between that person and the chief constable of the Police Service of Scotland, and
  - (b) an interaction between a person and a procurator fiscal is deemed to be an interaction between that person and the Lord Advocate.
- (4) In this section—

“a hearing in relevant criminal proceedings” means any hearing in the course of any criminal proceedings in the High Court, sheriff court or justice of the peace court in relation to an offence or alleged offence,

“a relevant interaction with a competent authority” means any interaction with a competent authority which—

  - (a) is for the purposes of criminal investigations or criminal proceedings, and
  - (b) takes place within a police station, prosecutor's office or court building,

*Changes to legislation: Victims and Witnesses (Scotland) Act 2014, Section 9D is up to date with all changes known to be in force on or before 19 April 2024. 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. (See end of Document for details) View outstanding changes*

“family members”, in relation to a person who is or appears to be a victim, means—

- (a) anyone who is married to, or is in a civil partnership with, the person,
- (b) anyone who is living together with the person, as if they are married, and has been so living together with the person for a minimum period of 6 months,
- (c) children and step-children of the person and anyone whom the person cares for, as defined in paragraph 20 of schedule 12 to the Public Services Reform (Scotland) Act 2010,
- (d) parents and step-parents of the person,
- (e) siblings of the person,
- (f) grandparents and great-grandparents of the person,
- (g) grandchildren and great-grandchildren of the person, and
- (h) where the person is deceased, anyone who was a family member of the person under paragraphs (a) to (g) immediately before the person’s death.]

#### Textual Amendments

- F1** Ss. 9D, 9E and cross-heading inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), **14**

**Changes to legislation:**

Victims and Witnesses (Scotland) Act 2014, Section 9D is up to date with all changes known to be in force on or before 19 April 2024. 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.

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**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\(12\)](#)