



Victims and Witnesses (Scotland) Act 2014

2014 asp 1

General principles

1 General principles

- (1) Each person mentioned in subsection (2) must have regard to the principles mentioned in subsection (3) in carrying out functions conferred on the person by or under any enactment in so far as those functions relate to a person who is or appears to be a victim or witness in relation to a criminal investigation or criminal proceedings.
- (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 principles are—
 - (a) that a victim or witness should be able to obtain information about what is happening in the investigation or proceedings,
 - (b) that the safety of a victim or witness should be ensured during and after the investigation and proceedings,
 - (c) that a victim or witness should have access to appropriate support during and after the investigation and proceedings,
 - (d) that, in so far as it would be appropriate to do so, a victim or witness should be able to participate effectively in the investigation and proceedings.
- (4) The Scottish Ministers may by order modify subsection (2).
- (5) An order under subsection (4) is subject to the affirmative procedure.

Commencement Information

II S. 1 in force at 30.1.2015 by [S.S.I. 2014/359](#), art. 2, [Sch.](#)

Changes to legislation: There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: General principles. (See end of Document for details)

[^{F1}1A. Further general principles applicable to victims

- (1) Each person mentioned in section 1(2) must have regard to the principles mentioned in subsection (2) in carrying out functions conferred on the person by or under any enactment in so far as those functions relate to a person who is or appears to be a victim in relation to a criminal investigation or criminal proceedings.
- (2) The principles are—
 - (a) that victims should be treated in a respectful, sensitive, tailored, professional and non-discriminatory manner,
 - (b) that victims should, as far as is reasonably practicable, be able to understand information they are given and be understood in any information they provide,
 - (c) that victims should have their needs taken into consideration,
 - (d) that, when dealing with victims who are children, the best interests of the child should be considered, taking into account the child's age, maturity, views, needs and concerns, and
 - (e) that victims should be protected from—
 - (i) secondary and repeat victimisation,
 - (ii) intimidation, and
 - (iii) retaliation.
- (3) In this section, “child” means a person under 18 years of age.]

Textual Amendments

- F1** S. 1A inserted (23.12.2015) by [The Victims' Rights \(Scotland\) Regulations 2015 \(S.S.I. 2015/444\)](#), regs. 1(2), 2

Changes to legislation:

There are currently no known outstanding effects for the Victims and Witnesses (Scotland) Act 2014, Cross Heading: General principles.