



# 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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.

### **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.