
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2015 No.

The Victims' Rights (Scotland) Regulations 2015

Right to receive information concerning release of offender

15. After section 27 of the Act, insert—

“Notification of victims in relation to release etc. of short term prisoners

27A.—(1) Where a person (“A”) is sentenced to imprisonment or detention for a period of less than 18 months in respect of an offence, the Scottish Ministers must, if any person who is or appears to be a victim in relation to the offence (“V”) so requests, notify V of A’s—

- (a) lawful release, or
- (b) escape from prison.

(2) Subsection (1) does not apply where the Scottish Ministers consider that there is an identified risk of harm to A if notification occurs.

(3) Notification for the purposes of subsection (1)—

- (a) must include—
 - (i) the date of the release or escape, and
 - (ii) in the case of release, any licence conditions which have been imposed on A under the 1989 Act or the 1993 Act for the protection of V,
- (b) must be given—
 - (i) where the request is made before release or escape, as soon as reasonably practicable after the release or escape occurs,
 - (ii) where the request is made after the release or escape, as soon as reasonably practicable after the request is made.

(4) In this section—

“the 1989 Act” means the Prisons (Scotland) Act 1989⁽¹⁾,

“the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993⁽²⁾,

“lawful release” means release under or by virtue of the 1989 Act or the 1993 Act, other than temporary release,

“prison” includes a young offenders institution. ”.

(1) 1989 c. 45.

(2) 1993 c. 9.