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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2015 No.**

**The Victims' Rights (Scotland) Regulations 2015**

**Provision of information and support to victims**

**4.** After section 3A of the Act, insert—

*“Provision of information to victims*

**The Victims' Code for Scotland**

**3B.**—(1) The Scottish Ministers must prepare and publish a document, known as the Victims' Code for Scotland, setting out the following information (or directing the reader as to where that information is set out)—

- (a) the types of support that victims may obtain and from whom that support can be obtained,
- (b) the procedures for making complaints with regard to a criminal offence and the victim's role in connection with such procedures,
- (c) how and under what conditions victims may obtain protection, including special measures under sections 271 to 271M of the 1995 Act and measures under section 9C of this Act,
- (d) how and under what conditions victims may access legal advice, legal aid or any other sort of advice which the Scottish Ministers consider relevant to the needs of victims,
- (e) how and under what conditions victims may obtain compensation,
- (f) how and under what conditions victims are entitled to interpretation and translation,
- (g) in relation to a criminal offence which was not committed in Scotland, any measures, procedures or arrangements, which are available to protect victims' interests in Scotland,
- (h) the available procedures for making complaints against any competent authority in relation to a breach of victims' rights under this or any other enactment,
- (i) the contact details for all competent authorities,
- (j) the available restorative justice services, and
- (k) how and under what conditions victims may be reimbursed for the reasonable expenses incurred by them as a result of their participation in criminal proceedings.

(2) The Victims' Code for Scotland may include such other information as the Scottish Ministers consider relevant to the needs of victims.

(3) Subsection (4) applies where—

- (a) a competent authority, other than the Scottish Ministers, receives a request for translation of the Victims' Code for Scotland by virtue of section 3F and transmits that request to the Scottish Ministers, or
  - (b) a person who is or appears to be a victim in relation to an offence or alleged offence, and who does not understand or speak English, requests that the Scottish Ministers translate the Victims' Code for Scotland into a language which that person understands.
- (4) The Scottish Ministers must—
- (a) translate the Code into the language required by the authority or, as the case may be, the person, and
  - (b) provide a copy of the translated Code to the authority or, as the case may be, the person.
- (5) The Scottish Ministers must keep the Victims' Code for Scotland under review and may modify it from time to time.
- (6) Where under subsection (5) the Scottish Ministers modify the Victims' Code for Scotland they must publish the modified Code.

#### **Victims' right to receive information**

**3C.**—(1) The chief constable of the Police Service of Scotland must ensure that, as soon as reasonably practicable after a constable identifies a person who is or appears to be a victim in relation to an offence or alleged offence, a constable informs the person that the person may request, from any competent authority—

- (a) a copy of the Victims' Code for Scotland, and
  - (b) information relating to the rights of victims.
- (2) Subsection (3) applies where a person who is or appears to be a victim in relation to an offence or alleged offence requests from a competent authority a copy of the Victims' Code for Scotland.
- (3) As soon as reasonably practicable after the request is made, the authority must—
- (a) provide the person with a copy of the Code, or
  - (b) advise the person where a copy of the Code may be obtained.
- (4) Subsection (5) applies where a person who is or appears to be a victim in relation to an offence or alleged offence requests from a competent authority information relating to the rights of victims.
- (5) As soon as reasonably practicable after the request is made, the authority must—
- (a) provide the person with such information held by, or accessible to, the authority which the authority considers relevant to the request, and
  - (b) provide the person with contact details for any other competent authority which the authority considers may hold or be able to access information relevant to the request.
- (6) Where, by virtue of this section, a competent authority is to provide a person with a copy of the Victim's Code for Scotland or information relating to the rights of victims, the authority may do so by such means as the authority considers appropriate having regard to the needs of the person.
- (7) For the purposes of this section—

- (a) a request made by a person who is or appears to be a victim in relation to an offence or alleged offence to a constable or a member of police staff is deemed to be a request made to the chief constable of the Police Service of Scotland, and
- (b) a request made by a person who is or appears to be a victim in relation to an offence or alleged offence to a procurator fiscal is deemed to be a request made to the Lord Advocate.

### *Provision of support to victims*

#### **Referral to providers of victim support services**

**3D.—**(1) The chief constable of the Police Service of Scotland must ensure that, as soon as reasonably practicable after a constable identifies a person who is or appears to be a victim in relation to an offence or alleged offence, a constable informs the person that—

- (a) the person may request a referral to providers of victim support services from any competent authority, and
- (b) the person may contact providers of victim support services directly without referral.

(2) Where a person who is or appears to be a victim in relation to an offence or alleged offence makes a request of a competent authority to be referred to providers of victim support services, the authority must, subject to the views of the person—

- (a) disclose the person's details to such providers of victim support services as the authority considers appropriate to the person's needs, or
- (b) provide the person with the name, address and telephone number of the providers of victim support services referred to in paragraph (a).

(3) Subsections (1) and (2) apply in relation to a person who is or appears to be a victim in relation to an offence or alleged offence regardless of whether or not the person has made a complaint about that offence or alleged offence.

(4) For the purposes of this section—

- (a) a request made by a person who is or appears to be a victim in relation to an offence or alleged offence to a constable or a member of police staff is deemed to be a request made to the chief constable of the Police Service of Scotland, and
- (b) a request made by a person who is or appears to be a victim in relation to an offence or alleged offence to a procurator fiscal is deemed to be a request made to the Lord Advocate.

(5) In this section, “victim support services” means the provision of—

- (a) information, advice and support to victims including information on compensation for criminal injuries, and the participation of victims in criminal proceedings,
- (b) information about any relevant specialist support services in place,
- (c) emotional and, where available, psychological support,
- (d) advice relating to financial and practical issues arising from the crime,
- (e) advice relating to the risk and prevention of—
  - (i) secondary and repeat victimisation,
  - (ii) intimidation, and
  - (iii) retaliation, and

- (f) such other services as a competent authority considers appropriate to the needs of victims.”.