
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

**The Victims and Witnesses (Scotland) Act
2014 (Supplementary Provisions) Order 2021**

Amendment of the Criminal Procedure (Scotland) Act 1995

2.—(1) The Criminal Procedure (Scotland) Act 1995(1) is amended as follows.

(2) In section 227H(5) (compensation requirement)(2)—

(a) the “and” immediately following paragraph (c) is repealed,

(b) after paragraph (d) insert—

“(e) section 253C,

(f) section 253D, and

(g) section 253H.”.

(3) In section 253A (restitution order where conviction of police assault etc.)(3), after subsection (5) insert—

“(6) A restitution order is to be treated as a sentence for the purposes of any appeal under this Act.”.

(4) In section 253E(2) (enforcement: application of certain provisions relating to fines)(4), before paragraph (a) insert—

“(za) section 121(4),

(zb) section 193(3).”.

(5) In section 253F(1)(b) (victim surcharge)(5) after “order” insert “in respect of the same offence or a different offence in the same proceedings”.

(6) In section 253J(2) (enforcement: application of certain provisions relating to fines)(6), before paragraph (a) insert—

“(za) section 121(4),

(zb) section 193(3).”.

(7) In section 307(1) (interpretation)(7), in the definition of “fine”—

(a) the “or” immediately following paragraph (b) is repealed,

(b) after paragraph (c) insert—

“or

(d) a restitution order;”.

(1) 1995 c.46.

(2) Section 227H was inserted by section 14(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(3) Section 253A was inserted by section 25 of the Victims and Witnesses (Scotland) Act 2014 (asp 1).

(4) Section 253E was inserted by section 25 of the Victims and Witnesses (Scotland) Act 2014 (asp 1).

(5) Section 253F was inserted by section 26 of the Victims and Witnesses (Scotland) Act 2014 (asp 1).

(6) Section 253J was inserted by section 26 of the Victims and Witnesses (Scotland) Act 2014 (asp 1).

(7) The definition of “fine” in section 307(1) was amended by S.S.I. 2019/388.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Victims and Witnesses (Scotland) Act 2014 (Supplementary Provisions) Order 2021 No. 57
