

EXECUTIVE NOTE

THE VICTIM STATEMENTS (PRESCRIBED OFFENCES) (SCOTLAND) REVOCATION ORDER 2005 SSI/2005/526

1. This Order is made in exercise of the powers conferred by section 14(2) and 88(1) of the Criminal Justice (Scotland) Act 2003 (“the 2003 Act”). The instrument is subject to negative resolution procedure. It revokes the Victim Statements (Prescribed Offences) (Scotland) Order 2003, the Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2003 and the Victim Statements (Prescribed Offences) (Scotland) Amendment (No. 2) Order 2004 and should be read alongside those orders and their Executive Notes, and also the Victim Statements (Prescribed Courts) Revocation Order 2005.

Policy Objectives

2. Section 14 of the 2003 Act confers upon victims of certain prescribed offences the right to be afforded an opportunity to submit a written statement to the Court about the impact of the crime upon them. The Victim Statements (Prescribed Offences) (Scotland) Order 2003 (“the 2003 Order”) set out the offences in respect of which it was proposed that victims would have the right to submit a statement under the victim statements pilot schemes.

3. The Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2003 amended the 2003 Order to include robbery, following a request from the Scottish Parliament’s Justice 1 Committee.

4. The Victim Statements (Prescribed Offences) (Scotland) Amendment (No. 2) Order 2004 corrected a discrepancy in the 2003 Order in relation to crimes of procuring committed under section 7(1) of the Criminal Law (Consolidation) (Scotland) Act 1995, and amended the 2003 Order to include the correct year of the Road Traffic Act.

5. Section 14 of the 2003 Act confers upon victims the right to make statements only at prescribed courts. The Victim Statements (Prescribed Courts) (Scotland) Order 2003 prescribed the sheriff courts of Ayr, Edinburgh and Kilmarnock, and the High Court sitting at Edinburgh and Kilmarnock for the purposes of conferring on victims the right to make a statement.

6. Taken together, the effect of these orders was to limit the offences in relation to which a statement could be made, and the courts before which such statements could be laid. It was intended that statements should be piloted in two geographic areas (Edinburgh and Ayrshire), and over a period of two years. The impact of victim statements in the pilot areas was to be evaluated before any decisions were made on extending the right to make statements across all sheriff and High Courts in Scotland. The evaluation of the pilot is currently underway, and is scheduled for completion in April 2006.

7. The 2003 Order commenced on 25 November 2003. The two year period of the pilot will therefore end in November 2005. The Victim Statements (Prescribed Offences) (Scotland) Revocation Order 2005 effectively brings the pilot to an end. It means that there will be no prescribed offences, and therefore no right to make a statement. A victim who has

acquired the right to make a statement up to the day prior to revocation will retain that right, and may make a statement at the appropriate time. However no rights to make a statement will be conferred upon victims from the date of revocation onwards.

8. The Victim Statements (Prescribed Courts) (Scotland) Revocation Order 2005, which is subject to affirmative procedure and is being considered by Parliament in parallel to this Order, will mean that there are no prescribed courts as well as no prescribed offences, thus bringing the pilot to a conclusion.

Scottish Executive Justice Department
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