

2014 No. 359 (C. 32)

CRIMINAL LAW

**The Victims and Witnesses (Scotland) Act 2014
(Commencement No. 3 and Transitional Provision) Order 2014**

Made - - - - - *15th December 2014*

Laid before the Scottish Parliament *16th December 2014*

Coming into force - - - *30th January 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 34(2) and (3) of the Victims and Witnesses (Scotland) Act 2014(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Commencement No. 3 and Transitional Provision) Order 2014 and comes into force on 30th January 2015.

(2) In this Order—

“the Act” means the Victims and Witnesses (Scotland) Act 2014;

“the day appointed” means 30th January 2015.

(3) For the purposes of the commencement of section 6(7)(d) to (j) of the Act in accordance with the Schedule, criminal proceedings are to be taken as concluded—

- (a) where no appeal against conviction or sentence has been lodged, on the expiry of the time limit for lodging an appeal; or
- (b) where an appeal against conviction or sentence has been lodged, on the final determination of that appeal.

Day appointed

2.—(1) The provisions of the Act specified in column 1 of the Schedule (the subject matter of which is specified in column 2 of the Schedule) come into force on the day appointed.

(2) Where a purpose is specified in column 3 of the Schedule, the corresponding provision specified in column 1 of the Schedule only comes into force for that purpose.

Transitional provision: Standards of service

3. Notwithstanding the commencement of section 2 of the Act for the purposes specified in the Schedule, the persons specified in section 2(2) may delay the publication of standards of service in accordance with the obligation in section 2(1) until 30th April 2015 at the latest in order to comply with the duty to consult in section 2(4).

St Andrew's House,
Edinburgh
15th December 2014

MICHAEL MATHESON
A member of the Scottish Government

SCHEDULE

Article 2

<i>Column 1</i> <i>Provisions of the 2014 Act</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 1	General principles	
Section 2	Standards of service	In so far as not already commenced.
Section 3	Reports	
Section 6(1) to (6), (8) and (9)	Disclosure of information about criminal proceedings	In so far as not already commenced.
Section 6(7)(a) to (c)	Disclosure of information about criminal proceedings	In relation to decisions taken on or after the day appointed.
Section 6(7)(d) to (j)	Disclosure of information about criminal proceedings	In relation to all criminal proceedings except those which have been concluded before the day appointed.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, on 30th January 2015, the following sections of the Victims and Witnesses (Scotland) Act 2014 (“the Act”): sections 1, 2, 3 and 6 (article 2(1)). Some of the provisions are brought into force for restricted purposes only (article 2(2)).

Section 2 is brought into force in so far as not already commenced.

Section 6 is brought into force in so far as not already commenced although subsection (7) is brought into force for the purposes detailed in the Schedule to the Order. Section 6(7) provides a list of information which may be classed as qualifying information for the purposes of section 6 and includes a number of decisions about criminal investigations and criminal proceedings together with certain pieces of information about criminal proceedings.

Section 6(7)(a) to (c) is brought into force only in relation to decisions taken on or after 30th January 2015 so that only those decisions and the reasons for those decisions will be classed as qualifying information for the purposes of section 6. Section 6(7)(d) to (j) is brought into force only in relation to criminal proceedings other than those which have been concluded before 30th January 2015. This means that the information listed in section 6(7)(d) to (j) will not be classed as qualifying information for the purposes of section 6 where it relates to criminal proceedings which have been concluded before the 30th January 2015.

The Order makes transitional provision in relation to section 2 of the 2014 Act so as to allow the persons listed in section 2(2) to consult in accordance with section 2(4) prior to publishing standards of service in accordance with section 2(1).

The Bill for the Act received Royal Assent on 17th January 2014. The following sections of the Act came into force on the following day: sections 30 (in part), 31 (in part), 32, 33, 34 and 35.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 2 (in part)	13th August 2014	2014/210
Section 6 (in part)	13th August 2014	2014/210
Section 8	13th August 2014	2014/210
Section 23 (in part)	13th August 2014	2014/210
Section 26 (in part)	13th August 2014	2014/210
Section 27	13th August 2014	2014/210
Section 28	13th August 2014	2014/210
Section 29	13th August 2014	2014/210
Section 30 (in so far as not already in force)	1st July 2014	2014/117
Section 31(2) (in part)	16th May 2014	2014/117
Section 31 (in so far as not already in force)	1st July 2014	2014/117

© Crown copyright 2014

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen’s Printer for Scotland.

£4.25

S201412156 12/2014 19585

<http://www.legislation.gov.uk/id/ssi/2014/359>

ISBN 978-0-11-102555-0



9 780111 025550