
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 282

CRIMINAL LAW

The Victim Surcharge Fund (Prescribed Relatives) (Scotland) Regulations 2019

Made - - - - - *10th September 2019*
Laid before the Scottish
Parliament - - - - - *12th September 2019*
Coming into force - - - - - *25th November 2019*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 253G(3) and (8) of the Criminal Procedure (Scotland) Act 1995⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Victim Surcharge Fund (Prescribed Relatives) (Scotland) Regulations 2019 and come into force on 25 November 2019.

(2) In these Regulations—

- “the Act” means the Criminal Procedure (Scotland) Act 1995,
- “victim” means a person who is, or appears to be, the victim of crime.

Prescribed relatives

2.—(1) Subject to paragraph (2), the following persons are prescribed relatives for the purposes of section 253G(3) and (8) of the Act—

- (a) any person who is married to, or in a civil partnership with, the victim,
- (b) any person who is living together with the victim as if they are married and have been so living together for a minimum period of 6 months,
- (c) children or step-children of the victim,
- (d) parents or step-parents of the victim,
- (e) grandparents or great-grandparents of the victim,

(1) 1995 c.46. Section 253G was inserted by section 26 of the Victims and Witnesses (Scotland) Act 2014 (asp 1) and section 253G(8) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

- (f) grandchildren or great-grandchildren of the victim,
 - (g) siblings of the victim,
 - (h) aunts or uncles of the victim,
 - (i) nephews or nieces of the victim,
 - (j) cousins of the victim,
 - (k) a person who cares for the victim within the meaning of paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010⁽²⁾,
 - (l) where the victim cares for a person within the meaning of paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010, that person,
 - (m) a person who is a guardian of the victim, or someone for whom the victim is a guardian, appointed under the Children (Scotland) Act 1995⁽³⁾ or the Adults with Incapacity (Scotland) Act 2000⁽⁴⁾,
 - (n) a person who is a foster carer of the victim, or someone for whom the victim is a foster carer, within the meaning of section 96(1)(c) of the Protection of Vulnerable Groups (Scotland) Act 2007⁽⁵⁾,
 - (o) a person who is a foster carer or kinship carer of the victim, or someone for whom the victim is a foster carer or kinship carer, within the meaning of regulation 2 of the Looked After Children (Scotland) Regulations 2009⁽⁶⁾,
 - (p) a continuing attorney of the victim, or someone for whom the victim is a continuing attorney, within the meaning of section 15(2) of the Adults with Incapacity (Scotland) Act 2000, and
 - (q) a welfare attorney of the victim, or someone for whom the victim is a welfare attorney within the meaning of section 16(2) of the Adults with Incapacity (Scotland) Act 2000.
- (2) Where the victim is deceased and any person would have been a prescribed relative of the victim under paragraph (1) but for the victim's death, that person is a prescribed relative for the purposes of section 253G(3) and (8) of the Act.

St Andrew's House,
Edinburgh
10th September 2019

HUMZA YOUSAF
A member of the Scottish Government

(2) 2010 asp 8.
(3) 1995 c.36.
(4) 2000 asp 4.
(5) 2007 asp 14.
(6) S.S.I. 2009/210, to which there are amendments not relevant to these Regulations.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide a list of persons who are to be prescribed relatives for the purposes of section 253G(3) and (8) of the Criminal Procedure (Scotland) Act 1995.