
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 282

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

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,
- (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⁽¹⁾,
- (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⁽²⁾ or the Adults with Incapacity (Scotland) Act 2000⁽³⁾,
- (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⁽⁴⁾,
- (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⁽⁵⁾,
- (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

(1) 2010 asp 8.

(2) 1995 c.36.

(3) 2000 asp 4.

(4) 2007 asp 14.

(5) 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Status: This is the original version (as it was originally made).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.

- (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.