
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 237 (C. 18)

CRIMINAL LAW

**The Victims and Witnesses (Scotland) Act
2014 (Commencement No. 6) Order 2020**

<i>Made</i>	- - - -	<i>7th August 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>11th August 2020</i>
<i>Coming into force</i>	- -	<i>25th August 2020</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 34(2) of the Victims and Witnesses (Scotland) Act 2014(1).

Citation and commencement

1. This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Commencement No. 6) Order 2020 and comes into force on 25 August 2020.

Day appointed

2.—(1) Subject to paragraph (2), 25 August 2020 is the day appointed for the coming into force of section 25 of the Victims and Witnesses (Scotland) Act 2014.

(2) Paragraph (1) brings section 25 into force only for the purpose of inserting section 253B into the Criminal Procedure (Scotland) Act 1995(2) to enable an order to be made under section 253B(5) or (6) of that Act (as so inserted).

St Andrew's House,
Edinburgh
7th August 2020

H YOUSAF
A member of the Scottish Government

(1) 2014 asp 1.
(2) 1995 c. 46.

Status: This is the original version (as it was originally made).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

This Order commences section 25 of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”) for certain purposes only.

Section 25 introduces a new financial penalty, known as a restitution order, which can be imposed following a conviction for assault under section 90(1) of the Police and Fire Reform (Scotland) Act 2012 (assaulting police). Section 25 inserts new sections 253A to 253E into the Criminal Procedure (Scotland) Act 1995 (“the 1995 Act”) and section 253B makes provision for the Restitution Fund into which all receipts from restitution orders will be paid.

This Order commences section 25 but only for the purpose of inserting section 253B into the 1995 Act. Section 253B provides for the operation of the Restitution Fund which will comprise monies received from Restitution Orders. Section 253B(5) enables the Scottish Ministers, by order, to delegate the establishment, maintenance and administration of the Restitution Fund to a third party. Section 253B(6) enables the Scottish Ministers to make provision, by order, about the administration of the Restitution Fund. This Commencement Order will enable the Scottish Ministers, should they deem it necessary, to make subordinate legislation under these powers which could then come into force at the same time as the remainder of section 25 is brought into force.

The Bill for the 2014 Act received Royal Assent on 17 January 2014. The following sections of the 2014 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 Victims and Witnesses (Scotland) Act 2014 (“the 2014 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 1	30 January 2015	2014/359
Section 2 (in part)	13 August 2014	2014/210
Section 2 (in so far as not already in force)	30 January 2015	2014/359
Section 3	30 January 2015	2014/359
Section 4	1 July 2015	2015/200
Section 6 (in part)	13 August 2014	2014/210
Section 6 (in part)	30 January 2015	2014/359
Section 7	1 September 2015	2015/200
Section 8	13 August 2014	2014/210
Sections 10 to 22	1 September 2015	2015/200
Section 23 (in part)	13 August 2014	2014/210

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 26 (in part)	13 August 2014	2014/210
Section 26 (in part)	25 November 2019	2019/283
Sections 27 to 29	13 August 2014	2014/210
Section 30 (in so far as not already in force)	1 July 2014	2014/117
Section 31(2) (in part)	16 May 2014	2014/117
Section 31 (in so far as not already in force)	1 July 2014	2014/117

Sections 1A, 3A to 3J, 9A to 9E, 27A, 29A and 29B were added to the 2014 Act by the Victims' Rights (Scotland) Regulations 2015 ([S.S.I. 2015/444](#)) which came into force on 23 December 2015.