
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 405 (C. 34)

CRIMINAL LAW

**The Victims and Witnesses (Scotland) Act 2014
(Commencement No. 7 and Transitional Provisions) Order 2020**

Made - - - - 30th November 2020
*Laid before the Scottish
Parliament* - - - - 2nd December 2020
Coming into force - - 10th February 2021

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⁽¹⁾.

Citation and commencement

1. This Order may be cited as the Victims and Witnesses (Scotland) Act 2014 (Commencement No. 7 and Transitional Provisions) Order 2020 and comes into force on 10 February 2021.

Day appointed

2. 10 February 2021 is the day appointed for the coming into force of the following provisions of the Victims and Witnesses (Scotland) Act 2014—

- (a) section 23 in so far as it is not already in force, and
- (b) section 25 in so far as it is not already in force.

Transitional provision

3.—(1) The amendments made by section 25 of the Victims and Witnesses (Scotland) Act 2014 do not apply to offences committed prior to the day appointed under article 2.

(2) For the purposes of paragraph (1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it is to be taken to have been committed on the first of those days.

Status: This is the original version (as it was originally made).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

St Andrew's House,
Edinburgh
30th November 2020

HUMZA YOUSAF
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences various provisions of the Victims and Witnesses (Scotland) Act 2014 (“the 2014 Act”) on 10 February 2021. Sections 23 and 25 are brought into force insofar as they are not already in force.

The full commencement of section 23 brings subsections (7) and (14) of that section into force. Section 23(7) amends section 14 of the Criminal Justice (Scotland) Act 2003 to create a power for the Scottish Ministers to prescribe the form and manner of victim statements made under section 14. Section 23(14) amends section 88(2)(b) of the 2003 Act to provide that an order prescribing the form and manner of victim statements is subject to affirmative procedure.

Section 25 of the 2014 Act inserts sections 253A to 253E into the Criminal Procedure (Scotland) Act 1995 and those sections make provision for the introduction of restitution orders and the creation of the restitution fund.

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 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
Section 25 (in part)	25 August 2020	2020/237
Section 26 (in part)	13 August 2014	2014/210
Section 26 (in part)	25 November 2019	2019/283

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
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.