EXECUTIVE NOTE

DRAFT: THE VICTIM STATEMENTS (PRESCRIBED COURTS) (SCOTLAND) REVOCATION ORDER 2005

1. This Order is made in exercise of the powers conferred by section 14(1) and 88(2) of the Criminal Justice (Scotland) Act 2003 ("the 2003 Act"). The instrument is subject to affirmative procedure. It revokes the Victim Statements (Prescribed Courts) (Scotland) Order 2003 and should be read alongside that Order and Executive Note, and the Victim Statements (Prescribed Offences) (Scotland) Revocation Order 2005.

Policy Objectives

2. Section 14 of the 2003 Act confers upon victims of certain prescribed offences the right to be afforded an opportunity to submit a written statement to the Court about the impact of the crime upon them. The Victim Statements (Prescribed Courts) (Scotland) Order 2003 ("the 2003 Order") set out the courts before which a victim statement could be laid under the victim statements pilot schemes. The prescribed courts are the sheriff courts of Ayr, Edinburgh and Kilmarnock, and the High Court sitting at Edinburgh and Kilmarnock.

3. Section 14 of the 2003 Act confers upon victims the right to make statements only in relation to certain prescribed offences. The Victim Statements (Prescribed Offences) (Scotland) Order 2003, the Victim Statements (Prescribed Offences) (Scotland) Amendment Order 2003 and the Victim Statements (Prescribed Offences) (Scotland) Amendment (No. 2) Order 2004 prescribed offences for the purposes of conferring on victims the right to make a statement.

4. Taken together, the effect of these orders was to limit the offences in relation to which statements could be made, and the courts before which such statements could be laid. It was intended that statements should be piloted in two geographic areas (Edinburgh and Ayrshire), and over a period of two years. The impact of victim statements in the pilot areas was to be evaluated before any decisions were made on extending the right to make statements across all sheriff and High Courts in Scotland. The evaluation of the pilot is currently underway, and is scheduled for completion in April 2006.

5. The 2003 Order commenced on 25 November 2003. The two year period of the pilot will therefore end in November 2005. This Order, when taken with the Victim Statements (Prescribed Offences) (Scotland) Revocation Order 2005, brings the pilot to an end. Although the Victim Statements (Prescribed Courts) (Scotland) Revocation Order 2005 will come into effect only after it has gone through the due Parliamentary process, the Victim Statements (Prescribed Offences) (Scotland) Revocation Order 2005 is scheduled to come into effect on 25 November 2005, and that will mean that there are no prescribed offences, and therefore no right to make a statement. This will bring the pilot scheme to a close. A victim who has acquired the right to make a statement up to the day prior to revocation will retain that right, and may make a statement at the appropriate time. However no rights to make a statement will be conferred upon victims from the date of revocation onwards.

Scottish Executive Justice Department
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