

Request to Crown Office and Procurator Fiscal Service (COPFS) for information under section 6 Of The Victims And Witnesses (Scotland) Act 2014

# Introduction

The objective of theVictim and Witnesses (Scotland) Act 2014 (the Act), is to improve the experience of victims and witnesses within the criminal justice system in Scotland. One of the key provisions of the Act is that victims and witnesses are now entitled to request certain information about their case.

You are entitled to request information if you are one of the following:

* a person who appears to be the victim of the offence/alleged offence (a victim)
* a prescribed relative\* of a person whose death was, or appears to have been caused by the offence/alleged offence (a prescribed relative)
* a person who has given a statement in relation to the offence/alleged offence to a police officer or the prosecutor (a witness)
* the parent of a child (defined as under the age of 16) who is one of the above (but see the notes in part C of the application form)

A child aged 12 or over who is a victim, prescribed relative or witness, may make the request for themselves by completing the appropriate part of the form as detailed below.

\*A prescribed relative is defined as a:

* spouse or civil partner of the deceased
* child or stepchild of the deceased
* parent or stepparent of the deceased
* grandparent or great grandparent of the deceased
* grandchild or great grandchild of the deceased
* sister or brother, including half-brother or half-sister of the deceased
* aunt or uncle of the deceased
* nephew or niece of the deceased
* carer of the deceased, or a person for whom the deceased was a carer
* guardian of the deceased, or a person for whom the deceased was a guardian
* foster parent of the deceased or a person for whom the deceased as a foster parent.

You must be able to prove your relationship with the victim falls into one of the above. If that cannot be established, we will not be able to provide you with the information you have requested.

The information you are entitled to request and which will be given by COPFS is information relating to:

* The decision and the reasons not to take criminal proceedings
* Details of the location, date and time of a trial
* The nature of the charges libeled against a person
* The stage that criminal proceedings have reached

Crown Office and Procurator Fiscal Service will not provide you with information if it is held in confidence or it is considered inappropriate to disclose it. If that is the case, we will inform you of that in writing. There is no right of appeal against such a decision.

# Proof of identity

Before we can deal with your request, we must be satisfied as to your identity, and that you are entitled to request the information you are asking for.

Your application should therefore be accompanied by twoofficial documents, which between them provide your name, date of birth and current address. For example, a birth/adoption certificate, driving licence, passport, or utility bill. If you are a parent making a request on behalf of a child, you will also need to provide evidence of their identity, such as a birth certificate.

Photocopies are acceptable. If you send original documents, they will be returned to you as soon as possible. COPFS cannot accept liability for the loss of documents in transit.

You may also be asked to provide further documentation in support of your request. Where this is required, we will write to you about it.

In addition, we may have to write to you for further information. This will be done as soon as possible following receipt of your request.

# Completing the form

## Which part of the form should I fill in?

If you are requesting information as:

* a victim or a witness – please complete and return part A of this form only
* a prescribed relative – please complete and return part B of this form only
* the parent of a child (under aged 16) who is a victim, a prescribed relative or a witness – please complete and return part C of this form only.

The relevant part of the form should be printed and completed in block capitals and black ink. It should then be sent, with the required documentation to:

Response and Information Unit

Crown Office and Procurator Fiscal Service

25 Chambers Street

Edinburgh

EH1 1LA

or email RIU@copfs.gov.uk along with copies of the identification documents required.

Please note: We may share details of your request, and our response to you, with Police Scotland.

If you are acting on behalf of another person, then written confirmation of authority must be enclosed. Solicitors must include a mandate signed by their client. A copy of a Power of Attorney should be provided where appropriate.

## Further information

If you have any queries about filling in the form, please contact us by email at \_EnquiryPoint@copfs.gov.uk or by telephone on 0300 020 3000.

# Part A

Request for information from a person who:

* appears to be a victim of the offence or alleged offence or
* has given a statement to a police officer or prosecutor in relation to the offence/alleged offence.

## What information are you requesting?

Please tick the appropriate box.

* Details of a decision not to take criminal proceedings [ ]
* Details of the location, date and time of a trial [ ]
* The nature of the charges libelled against a person [ ]
* The stage that criminal proceedings have reached [ ]

Are you requesting the information as a (tick appropriate):

* Victim; [ ]
* Or a witness [ ]

## Your details

Title:

Surname/Family name:

Forename(s):

Maiden/Former/Other name:

Date and place of birth:

Address (including postcode):

Address you would like the response sent to (if different from above):

Telephone number on which we can contact you:

Date and place of the offence/alleged offence:

Type of offence/alleged offence:

Name of accused (if known):

Date reported to the Police:

Crime reference number/PF Reference number (if known):

Name of officer dealing with your case (if known):

Name of officer who took your statement: (if known)

Any other information you have which may assist in identifying the information you require:

## Declaration

To be signed by the person making the request

The information I have provided in this request is true and complete to the best of my knowledge.

Signature:

Date:

### Warning

A person who impersonates or attempts to impersonate another is committing an offence.