**Criminal Proceedings etc (Reform) (Scotland) Bill**

<table>
<thead>
<tr>
<th>Bill Number:</th>
<th>SP Bill 55</th>
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<td>Introduced on:</td>
<td>27 February 2006</td>
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<td>Introduced by:</td>
<td>Cathy Jamieson (Executive Bill)</td>
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<td>Passed:</td>
<td>18 January 2007</td>
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<td>Royal Assent:</td>
<td>22 February 2007</td>
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**2007 asp 6**

### Passage of the Bill

The [Criminal Proceedings etc (Reform) (Scotland) Bill](#) [SP Bill 55] was introduced in the Parliament on 27 February 2006. The Justice 1 Committee, as lead committee, commenced taking Stage 1 oral evidence on the general principles of the Bill at its meeting on 19 April 2006. The Stage 1 debate took place on 14 September 2006 and the Bill was passed following the Stage 3 debate on 18 January 2007.

### Purpose and objectives of the Bill

The Scottish Executive established an independent Summary Justice Review Committee, under the chairmanship of Sheriff Principal McInnes, in 2001. The Committee was asked to review the provision of summary justice in Scotland and to make recommendations aimed at more efficient and effective summary justice. Its report, *The Summary Justice Review Committee: Report to Ministers*, was published in 2004. The Scottish Executive consulted on the report and, in 2005, published its plans for summary justice reform in *Smarter Justice, Safer Communities: Summary Justice Reform – Next Steps*. The Bill was intended to take forward those plans requiring legislation.

In addition, the Bill was intended to take forward Scottish Executive commitments to reform the law on bail set out in *Bail and Remand: The Scottish Executive Action Plan* (2005). The proposals in the Action Plan were informed by the work of the independent Sentencing Commission for Scotland, which published its *Report on the Use of Bail and Remand* earlier in 2005.

### Provisions of the Bill

The Bill as introduced included provisions:

- changing the system of bail and remand
• changing the law on criminal proceedings (mainly in relation to summary court procedure)
• increasing the sentencing powers of summary criminal courts
• expanding the range of alternatives to prosecution
• changing the way in which fines can be collected and enforced
• establishing justice of the peace courts in place of district courts
• changing the way in which justices of the peace (JPs) are appointed and trained
• placing the Inspectorate of Prosecution in Scotland on a statutory footing

Parliamentary consideration

The general principles of the Bill were broadly supported by the Justice 1 Committee, and by most witnesses, as necessary and proportionate to achieve the goal of improving the effectiveness and efficiency of the summary justice system and the system of bail and remand. Accordingly, the committee recommended to the Parliament, in its Stage 1 Report, that the general principles of the Bill be agreed to. The Parliament went on to agree those principles following the Stage 1 debate.

However, a number of amendments agreed at Stage 2 reflected concerns or recommendations expressed by the Justice 1 Committee in its Stage 1 Report. These included:

• changes to the provisions on bail, in response to the committee’s suggestion that there should be explicit reference to ‘public safety’ as one of the factors to be taken into account by a court considering bail
• changes to the provisions dealing with fiscal fines, introducing a further ground for recall where acceptance of a fiscal fine has been deemed under the ‘opt-out approach’ introduced in the Bill
• in response to concerns about the appointment of JPs with limited court experience, changes to the provisions dealing with the appointment of JPs so that only those placed on the court rota during the 12 months prior to the new appointments system coming into force will be eligible for automatic appointment to deal with cases under the new system

Further information on the Parliament’s consideration of the Bill during Stages 1 and 2 of its passage is set out in the SPICe briefing 07/01 ‘Criminal Proceedings etc (Reform) (Scotland) Bill: Parliamentary Consideration Prior to Stage 3’ (2007).

Amendments agreed to during Stage 3 also included a number in response to issues raised by Members during earlier consideration. These included:

• changes to provisions on the liberation of an accused on an undertaking, so as to provide that the imposition of any special conditions must be authorised by a police officer of the rank of inspector or above
• changes to provisions on fiscal fines, to limit the maximum to £300 rather than the £500 set out in the Bill as introduced
Proposed amendments not agreed to at Stage 3 included a number of non-Executive amendments aimed at bringing the Bill’s provisions on trial in absence for summary criminal cases more into line with those currently applying in relation to solemn cases. Although some Members still had concerns about various aspects of the Bill, it was passed without the need for a division following the Stage 3 debate.