An Act of the Scottish Parliament to make provision for the effect of an apology in certain legal proceedings.

1 Effect of apology in legal proceedings
In any legal proceedings to which this Act applies, an apology made (outside the proceedings) in connection with any matter—
(a) is not admissible as evidence of anything relevant to the determination of liability in connection with that matter, and
(b) cannot be used in any other way to the prejudice of the person by or on behalf of whom the apology was made.

2 Legal proceedings covered
(1) This Act applies to all civil proceedings (including inquiries, arbitrations and proceedings before tribunals) except—
(a) inquiries under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, and
(b) defamation proceedings.
(2) This Act does not apply to criminal proceedings.
(3) The Scottish Ministers may by regulations modify the list of exceptions in subsection (1).
(4) Regulations under subsection (3) are subject to the affirmative procedure.

3 Definition of apology
In this Act an apology means any statement made by or on behalf of a person which indicates that the person is sorry about, or regrets, an act, omission or outcome and includes any part of the statement which contains—
(a) an express or implied admission of fault in relation to the act, omission or outcome,
(b) a statement of fact in relation to the act, omission or outcome, or
(c) an undertaking to look at the circumstances giving rise to the act, omission or outcome with a view to preventing a recurrence.

4 **No retrospective effect**

This Act applies to an apology only if—

(a) the apology is made after the time when section 1 comes into force, and

(b) the legal proceedings referred to in that section have not begun before that time.

5 **Commencement**

(1) This section and section 6 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force at the end of the period of 6 months beginning with the day of Royal Assent.

6 **Short title**

The short title of this Act is the Apologies (Scotland) Act 2015.
Apologies (Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the effect of an apology in certain legal proceedings.

Introduced by: Margaret Mitchell
On: 3 March 2015
Bill type: Member's Bill