

Justice Committee

Criminal Justice (Scotland) Bill

Letter from the Scottish Government to the Convener

I understand that the Justice Committee is currently considering its formal response to the Stage 1 evidence you received on the above Bill. It has been clear to me that the Committee has undertaken a thorough consideration of all the proposals contained within this significant piece of legislation and I look forward to receiving your Committee's recommendations in due course.

One of the many important reforms within the Bill is the proposal to remove the corroboration requirement. I am still fully committed to this reform and consider it is only right that Parliament is given the opportunity now to vote on the principle of such an important change. In my view abolishing the requirement would set a solid and fair foundation for the way in which cases proceed to court i.e. moving the focus to the overall quality of the evidence available. As I indicated to the Committee when I gave evidence I consider, however, that there is time for further work to be undertaken. I have recently approached a highly respected senior judge to lead an independent reference group in considering other areas of criminal law where reforms may be recommended in light of the proposed abolition of the corroboration requirement. I am currently agreeing the details of the remit for this group and we are taking the Lord President's views into account in that process. I will update the Committee further once the remit has been finalised.

My intention would be for the Government to then bring forward secondary legislation in light of any recommendations made. If the corroboration reform is passed, it would not be commenced before this secondary legislation has been approved by the Scottish Parliament. I think that this can be done without significant delay to the reform, which was always intended to be implemented in the Financial Year 2015/16. I am sure that the Justice Committee would wish to have a full and robust process for the procedure to be used to ensure thorough scrutiny of any secondary legislation by the Scottish Parliament. I agree this would be a necessity and I would intend to ask my officials to liaise with the Clerks of both your Committee and the Delegated Powers and Law Reform Committee, in order that we can be sure that any procedure proposed is satisfactory to the Parliament.

I hope this information on the Scottish Government's intended way forward is helpful to you and your Committee.

Kenny MacAskill
Cabinet Secretary for Justice
4 February 2014