Justice Committee
Criminal Verdicts (Scotland) Bill
Written submission from John Mason MSP

The proposal for the bill is that the not proven verdict should be removed as one of the available verdicts thus leaving guilty or not guilty as the remaining available verdicts.

Firstly, I do agree that two verdicts would be better than three, however, I disagree with what these verdicts should be.

Traditionally, the options in Scotland were proven or not proven and I would suggest that we should return to these.

The verdict of not guilty (or innocent) is not a logical verdict in my opinion. The court, jury, etc. are not even being asked if somebody is innocent or not guilty but the question is whether there is a probability of guilt or not. Therefore, if somebody is not found guilty that may be because either they are innocent or there is insufficient proof to show that they are guilty even though they are guilty.

The potential verdicts of proven and not proven seem to me much more logical. The not proven verdict is a better definition than not guilty or innocent because it leaves open the possibility that the person is innocent or that they are guilty but there has been insufficient proof.

Therefore, on the grounds of common sense and basic logic I would suggest that the two potential verdicts should be proven and not proven.

Many thanks for taking these points on board.

John Mason MSP
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