Delegated Powers and Law Reform Committee

Criminal Verdicts (Scotland) Bill at Stage 1
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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on—

a. any—
   i. subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   ii. [deleted]
   iii. pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

b. proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

c. general questions relating to powers to make subordinate legislation;

d. whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

e. any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and

f. proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.

g. any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

h. any draft proposal for a Scottish Law Commission Bill as defined in that Rule; and

i. any Consolidation Bill as defined in Rule 9.18.1 referred to it by the Parliamentary Bureau in accordance with Rule 9.18.3.

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Introduction

1. At its meeting on 10 November 2015 the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Criminal Verdicts (Scotland) Bill at Stage 1 ("the Bill")\(^1\). The Committee submits this report to the lead committee for the Bill under Rule 9.6.2 of Standing Orders.

2. The Parliament's Non-Government Bills Unit, on behalf of Michael McMahon MSP, has provided the Parliament with a memorandum on the delegated powers provisions in the Bill ("the DPM")\(^2\).
Overview of the Bill

3. This Member’s Bill was introduced by Michael McMahon MSP on 27 November 2013. It is instructed by the Parliament’s Non-Government Bills Unit. The lead committee is the Justice Committee.

4. The Bill amends the Criminal Procedure (Scotland) Act 1995 to replace the current system of three verdicts in criminal proceedings, to two, by removing the not proven verdict. Secondly, it amends the law relating to the size of majority for a jury verdict of guilty in criminal trials from a simple majority to at least two thirds of the members of the jury. In practical terms, the typical jury comprises 15 members, in which case at least 10 members must return a verdict of guilty.

5. The Justice Committee agreed to postpone Stage 1 scrutiny of the Bill until the Criminal Justice (Scotland) Bill had been considered, due to the overlap between the two Bills. As introduced, both Bills made provision to increase the majority required before a jury can return a verdict of guilty from a simple majority to at least two thirds of the members of the jury. As amended at Stage 2, the Criminal Justice (Scotland) Bill no longer makes provision in relation to jury majority. Accordingly, the overlap between the two Bills no longer exists.
Delegated Powers Provisions

6. The Committee considered each of the delegated powers in the Bill. At its first consideration of the Bill on 10 November, the Committee determined that it did not need to draw the attention of the Parliament to the delegated powers in the following provisions:

- Section 4 – Ancillary provision
- Section 5 – Commencement

7. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.
1 Criminal Verdicts (Scotland) Bill [as introduced] is available at the following website:  
2 Criminal Verdicts (Scotland) Bill Delegated Powers Memorandum is available at the following website:  