

Parliamentary Bureau – Designation of Bills at Stage 1

Prevention from Domestic Abuse (Scotland) Bill

Introduction

1. The Prevention from Domestic Abuse (Scotland) Bill was introduced in the Parliament on 7 May 2025 by the Member in Charge, Pam Gosal MSP.

Discussion

2. The Bill makes provision for notification requirements for domestic abuse offenders; requires consideration to be given to the suitability of rehabilitation measures for domestic abuse offenders prior to sentencing, while in custody and prior to release and provides for the collection of data on the victims of domestic abuse by Police Scotland, the Crown and Procurator Fiscal Service and charities. The Bill also places duties on Scottish Ministers and education authorities around the promotion, facilitation and support of domestic abuse education in schools.
3. The Bill falls within the remit of the following committees—

Criminal Justice Committee

The remit of the Criminal Justice Committee includes matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Bill creates notification requirements similar to those for sex offenders; requires rehabilitation measures to be offered at various points in the criminal justice system and requires criminal justice bodies to collect data. Accordingly, the remit of this Committee is engaged.

Social Justice and Social Security Committee

The remit of the Social Justice and Social Security Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice excluding matters relating to housing and tenants' rights. The Minister for Equalities is one of the Cabinet Secretary's supporting Ministers, who has responsibility for the Equally Safe Strategy. Accordingly, the remit of this Committee is considered to be engaged.

Education, Children and Young People Committee

As noted above, the Bill makes provision for the promotion, facilitation and support of domestic abuse education in schools. The remit of the Education, Children and Young People Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Education and Skills. It is therefore considered that the remit of that Committee is also engaged.

4. It is understood that the Criminal Justice Committee is best placed to be designated as the lead committee in respect of this Bill.
5. We are not aware of any interest of the other committees noted above in being formally designated as a secondary committee. Lack of formal designation does not, of course, prevent the committee from considering the Bill if it subsequently decides to do so.

Recommendation

6. The Bureau is invited to consider recommending to the Parliament by motion that it agrees, under Rule 9.6.1, that the Criminal Justice Committee be designated as lead committee.
7. A draft motion can be found below.

Draft Parliamentary Bureau motion on the Prevention of Domestic Abuse (Scotland) Bill:

Designation of Lead Committee – That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the Prevention from Domestic Abuse (Scotland) Bill at Stage 1.

Desecration of War Memorials (Scotland) Bill

Introduction

8. The Desecration of War Memorials (Scotland) Bill was introduced in the Parliament on 14 May by the member in charge, Meghan Gallacher MSP.

Discussion

9. The Bill inserts a new section into the Criminal Law (Consolidation) (Scotland) Act 1995 to create the statutory offence of wilfully or recklessly destroying, damaging or desecrating a war memorial. It includes an explanation of what is meant by desecrating a war memorial, a definition of war memorial for the purposes of the offence and provides for a person who commits an offence to be tried on summary conviction or indictment. It also sets out maximum penalties of 10 years in prison and an unlimited fine.
10. The Bill falls within the remit of the following committees—

Criminal Justice Committee

The remit of the Criminal Justice Committee includes matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs. The Bill creates a specific statutory offence of desecrating a war memorial and provides maximum penalties for committing such an offence. Accordingly, the remit of this Committee is engaged.

Constitution, Europe, External Affairs and Culture Committee

The remit of the Constitution, Europe, External Affairs and Culture Committee includes matters within the responsibility of the Cabinet Secretary for the Constitution, External Affairs and Culture. The Policy Memorandum explains the Member's intention for the legislation is to acknowledge the commemorative importance of war memorials, their prominence within local communities and sentimental value. It is the Member's view that existing vandalism offences are therefore inappropriate when considering desecration of war memorials due to their cultural significance. The Cabinet Secretary for the Constitution, External Affairs and Culture also has responsibility for Historic Environment Scotland which promotes best practice for the conservation of war memorials. Although there is no

provision in the Bill for the maintenance of war memorials, it could be argued that Historic Environment Scotland may also have an interest. The links between war memorials, culture and heritage mean that the remit of the Committee is engaged.

11. The remit of other committees is also arguably engaged in relation to the war memorials aspect of the Bill. Local authorities have powers to use funds to maintain and repair war memorials, but there is no legislative obligation for them to do so. The Bill does not provide for maintenance or upkeep of war memorials, but nonetheless the Local Government, Housing and Planning Committee may have an interest. War memorials may also be considered to have particular commemorative significance to veterans. As such, the Minister for Higher and Further Education; and Minister for Veterans may also have an interest which would in turn mean that the Education, Children and Young People Committee's remit may be engaged, although there is nothing in the Bill regarding education.
12. Designation of one committee as lead committee does not preclude any other committee whose remit is engaged from considering the Bill if it wishes to do so.

Recommendation

13. The Bureau is invited to consider which committee should be designated as lead committee for consideration of the Desecration of War Memorials (Scotland) Bill at Stage 1.

Parliamentary Business Team
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