

Domestic Abuse (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 11	Schedule
Sections 12 to 14	Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 12

Mary Fee

13 After section 12, insert—

<Annual report

Annual report

- (1) The Scottish Ministers must as soon as practicable after 31 March each year prepare and publish an annual report setting out information about cases involving—
 - (a) the commission of an offence under section 1(1),
 - (b) the commission of an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.
- (2) The report must include in relation to the reporting year—
 - (a) information about the provision of support and assistance to a person who is, or appears to be a victim of an offence mentioned in subsection (1), including—
 - (i) the average period of time during which support and assistance was provided,
 - (ii) the types of support and assistance provided, and
 - (iii) the manner in which the support and assistance was provided,
 - (b) information about the provision of funding to secure the support and assistance mentioned in paragraph (a),
 - (c) information about the number of proceedings involving an offence mentioned in subsection (1) in relation to which special measures were applied for and authorised,
 - (d) any steps that the Scottish Ministers plan to take as a consequence of the information provided in accordance with paragraphs (a) to (c).
- (3) A report published under this section must be laid before the Parliament.
- (4) In this section,
the “reporting year” means—

- (a) in the case of the first report, the period of time from the date on which the Bill for this Act receives Royal Assent until 31 March of the following year,
- (b) in the case of each subsequent report, the period of time beginning with 1 April and ending with 31 March in the following year,

“special measures” means any of the special measures set out in, or prescribed under, section 271H of the Criminal Procedure (Scotland) Act 1995.>

Maurice Corry

26 After section 12, insert—

<Duty to promote public awareness

Duty to promote public awareness

The Scottish Ministers must take such steps as they consider appropriate to promote public awareness and understanding of the operation of this Act, including the kind of conduct that constitutes abusive behaviour for the purposes of an offence under section 1(1).>

Claire Baker

27 After section 12, insert—

<Power to designate specialist courts

Power to designate specialist courts

- (1) The Courts Reform (Scotland) Act 2014 is amended as follows.
- (2) After section 28, there is inserted—

“28A Scottish Ministers’ power to require designation of specialist court: domestic abuse cases

- (1) The Scottish Ministers may by order provide that a sheriff principal of a specified sheriffdom must designate one or more sheriff courts in the sheriffdom as a specialist court for the purposes of dealing with the category of case mentioned in subsection (2).
- (2) The category of case is a case involving—
 - (a) an offence under section 1(1) of the Domestic Abuse (Scotland) Act 2017,
 - (b) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.
- (3) In subsection (1), “specified” means specified by an order under that subsection.
- (4) An order under subsection (1) may be made only with the consent of the Lord President of the Court of Session.
- (5) The sheriff principal of a specified sheriffdom may, in relation to the sheriff court designated under subsection (1)—
 - (a) designate one or more sheriffs of the sheriffdom as specialists in the category of case mentioned in subsection (2),

- (b) make special provision for the disposal of business, including the period within which proceedings relating to that category of case must be brought.
- (6) An order under subsection (1) does not affect—
 - (a) in relation to the sheriffdom specified in the order, the jurisdiction or competence of a sheriff of any other sheriffdom to deal with the category of case mentioned in subsection (2),
 - (b) in relation to the sheriff court designated under subsection (1), the jurisdiction or competence of a sheriff sitting at any other sheriff court to deal with such proceedings.”.
- (3) In section 133, in paragraph (a) of subsection (2) after the words “section 2(1),” there is inserted “28A,”.>

Claire Baker

28 After section 12, insert—

<Review of operation of Act

Review of operation of Act

- (1) The Scottish Ministers must review the operation of this Act and lay before the Parliament a report on that review at the end of the reporting period.
- (2) The report must set out in relation to the reporting period—
 - (a) the number of cases involving—
 - (i) an offence under section 1(1),
 - (ii) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
 - (b) the number of convictions in respect of a type of case mentioned in paragraph (a)(i),
 - (c) the average length of time taken to dispose of each type of case mentioned in paragraph (a),
 - (d) information about the experience of witnesses in respect of each type of case mentioned in paragraph (a),
 - (e) such other information as the Scottish Ministers think fit.
- (3) The information mentioned under subsection (2) must be broken down in respect of—
 - (a) sheriff courts that have been constituted to specialise in dealing with offences the commission of which involves domestic abuse,
 - (b) sheriff courts other than the sheriff courts mentioned in paragraph (a).
- (4) The report must include a statement by the Scottish Ministers setting out—
 - (a) whether they are planning to recommend to the Lord President of the Court of Session that additional sheriff courts must be constituted to specialise in dealing with cases of the type mentioned in subsection (2)(a), or
 - (b) where no such recommendation is to be made, their reasons for not doing so.
- (5) A report prepared under this section must be laid before the Parliament.

- (6) In this section, the “reporting period” means the period of two years from the day on which the Bill for this Act receives Royal Assent.>

Liam Kerr

38 After section 12, insert—

<Review of measures to exclude

Review of measures to exclude

- (1) The Scottish Ministers must carry out a review of legal measures that have the effect of temporarily excluding a person (“A”) from the home of A’s partner or ex-partner (“B”) where it appears that—
- (a) A has, or may have, committed an offence against B under section 1(1), and
 - (b) there is a risk of immediate danger to B or a child usually residing with B.
- (2) In carrying out the review under subsection (1), the Scottish Ministers must consult—
- (a) Police Scotland,
 - (b) the Crown Office and Procurator Fiscal Service,
 - (c) such persons as they consider to be representative of victims of domestic abuse, and
 - (d) such other persons as they consider appropriate.
- (3) The review must be carried out within 1 year from the day on which the Bill for this Act receives Royal Assent.
- (4) The Scottish Ministers must—
- (a) publish a report setting out—
 - (i) the findings of the review under subsection (1),
 - (ii) any steps that they plan to take in consequence of the review,
 - (b) lay a copy of the report before the Parliament.
- (5) In this section, “home” means the dwelling where B is for the time being living, which B may or may not share with A.>

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