

Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated at Stage 3, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

Note: The time limit indicated is that set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above the line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Group 1: Taking evidence by commissioner: presiding over a ground rules hearing

2, 3, 4, 5, 6

Group 2: Report on operation of sections 1 and 5

1

Group 3: Report on process for taking evidence from child witnesses in criminal proceedings

7

Debate to end no later than 40 minutes after proceedings begin

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Amendments in debating order

Group 1: Taking evidence by commissioner: presiding over a ground rules hearing

Humza Yousaf

- 2 In section 5, page 8, line 12, leave out <or sheriff> and insert <of the court which appointed the commissioner>

Humza Yousaf

- 3 In section 5, page 8, line 16, leave out <or sheriff>

Humza Yousaf

- 4 In section 5, page 8, line 22, leave out <or sheriff>

Humza Yousaf

- 5 In section 5, page 8, line 23, leave out <(1ZB)> and insert <(1ZB)(a)>

Humza Yousaf

- 6 In section 5, page 8, line 24, leave out <or, as the case may be, sheriff>

Group 2: Report on operation of sections 1 and 5

Liam Kerr

- 1 After section 8, insert—

<Reporting requirement

Report on operation of sections 1 and 5

- (1) The Scottish Ministers must prepare a report—
 - (a) evaluating whether the amendments made by sections 1 and 5 have helped witnesses participate in the criminal justice system during the review period, and
 - (b) setting out the next steps that the Scottish Ministers intend to take in relation to—
 - (i) the commencement of section 1 for any purpose for which it has not yet been commenced by the time the report is prepared, and
 - (ii) the exercise of the power conferred by section 271BZD of the 1995 Act.
- (2) The report must include the following information—
 - (a) the number of witnesses that section 271BZA of the 1995 Act applied to during the review period (“relevant witnesses”),
 - (b) the percentage of relevant witnesses whose evidence had, by the time the report is prepared, been taken by a commissioner,
 - (c) the percentage of relevant witnesses who, having had their evidence taken by a commissioner, had by the time the report is prepared had their evidence used at a trial diet,

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- (d) the reason that—
 - (i) the evidence of any relevant witness had not been taken by a commissioner by the time the report is prepared, despite a court having made an order authorising its being taken in that way,
 - (ii) the evidence of any relevant witness that was taken by a commissioner had not been used at a trial diet by the time the report is prepared.
- (3) In preparing the report, the Scottish Ministers must consult—
 - (a) the Lord President,
 - (b) the Scottish Courts and Tribunals Service,
 - (c) the Crown Office and Procurator Fiscal Service,
 - (d) the chief constable of the Police Service of Scotland,
 - (e) the Scottish Legal Aid Board,
 - (f) the Law Society of Scotland,
 - (g) the Faculty of Advocates,
 - (h) persons or bodies who provide support to child witnesses (within the meaning of section 271(5) of the 1995 Act).
- (4) The Scottish Ministers must—
 - (a) lay the report before the Scottish Parliament, and
 - (b) make it publicly available,as soon as practicable after the end of the review period.
- (5) In this section—
 - “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,
 - “the review period” means the period of 3 years beginning with the day that section 1 comes into force for any purpose.>

Group 3: Report on process for taking evidence from child witnesses in criminal proceedings

Margaret Mitchell

7 After section 8, insert—

<Report on progress toward a new model for taking evidence from child witnesses in criminal proceedings

- (1) The Scottish Ministers must lay a report before the Scottish Parliament on the matters mentioned in subsection (2)—
 - (a) not later than the end of the period of 3 months beginning with the day of Royal Assent,
 - (b) at 6 monthly intervals thereafter until the Parliament is satisfied that the matters have been sufficiently progressed.
- (2) Those matters are—

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- (a) what progress has been made toward taking evidence from child witnesses in criminal proceedings—
 - (i) in accommodation other than court buildings,
 - (ii) in accommodation that provides such other support to child witnesses as is considered appropriate,
 - (iii) in as few interviews as possible,
 - (b) what the timetable is for making further progress.
- (3) For the purposes of preparing a report under subsection (1), the Scottish Ministers must consult—
- (a) the Crown Office and Procurator Fiscal Service,
 - (b) the chief constable of the Police Service of Scotland,
 - (c) the Scottish Courts and Tribunal Service,
 - (d) child witnesses (within the meaning of section 271(5) of the 1995 Act),
 - (e) persons or bodies who provide support to child witnesses (within the meaning of section 271(5) of the 1995 Act).>

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