

# Coronavirus (Recovery and Reform) (Scotland) Bill

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## Groupings of Amendments for Stage 2

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 on the day of Stage 2 consideration, 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

#### **Parole Board for Scotland**

1009

#### **Children's hearings**

1003

#### **Conduct of court by electronic means**

1035, 1005, 1006, 1036, 1007, 1010, 1034

*Notes on amendments in this group*

Amendment 1035 pre-empts amendments 1005, 1006, 1036, 1007, 1010

#### **Fiscal fines**

1037, 1038, 1039, 1040

*Notes on amendments in this group*

Amendment 1037 pre-empts amendment 1038

#### **Time limits in criminal proceedings**

1011, 1012, 1013, 1001, 1014, 1041, 1015, 1042, 1016, 1043, 1017, 1044, 1018, 1045, 1019, 1046, 1020, 1021, 1022, 1047, 1048, 1027, 1028, 1002, 1056, 1004

*Notes on amendments in this group*

Amendment 1041 pre-empts amendments 1015, 1042, 1016, 1043, 1017, 1044, 1018, 1045, 1019, 1046

Amendments 1015 and 1042 are direct alternatives

Amendments 1016 and 1043 are direct alternatives

Amendments 1017 and 1044 are direct alternatives

Amendments 1018 and 1045 are direct alternatives

Amendments 1019 and 1046 are direct alternatives

**Early release of prisoners: policy**

1049, 1023, 1050, 1051, 1052, 1053, 1054, 1055, 1057

*Notes on amendments in this group*

Amendment 1049 pre-empts amendments 1023, 1050, 1051, 1052, 1053, 1054, 1055

**Early release of prisoners: procedure**

1024, 1025, 1026, 1008

*Notes on amendments in this group*

Amendment 1024 pre-empts amendments 1025, 1026 and 1008

**Expiration and review of temporary justice measures**

1029, 1030, 1031, 1032, 1033

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## Amendments in debating order

### Parole Board for Scotland

**Jamie Greene**

**1009** In section 32, page 30, line 32, at end insert—

- <( ) The scheme must include provisions which set out how those authorised to carry out functions conferred on the chairperson ensure registered victims are able to attend parole hearings in the absence of the chairperson.
- ( ) In this section, “registered victim” means a person who has intimated under section 16(1) of the Criminal Justice (Scotland) Act 2003 that they wish to receive information about the release of an offender.”.>

### Children’s hearings

**Keith Brown**

**1003** After section 32, insert—

*<Children’s hearings*

#### **Members of children’s hearings**

- (1) The Children’s Hearings (Scotland) Act 2011 is modified as follows.
- (2) In section 6(3) (selection of members of children's hearing), at the beginning of paragraph (a), insert “so far as practicable,”. >

### Conduct of court by electronic means

**Pauline McNeill**

**1035** In the schedule, page 42, leave out paragraphs 6 to 8

**Keith Brown**

**1005** In the schedule, page 42, line 30, after the first <to> insert <—

( )>

**Keith Brown**

**1006** In the schedule, page 42, line 31, at end insert—

- <( ) an appearance before a court in accordance with an undertaking under section 25(2)(a) of the Criminal Justice (Scotland) Act 2016.>

**Pauline McNeill**

**1036** In the schedule, page 42, line 31, at end insert—

- <( ) an appearance from custody.>

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### **Keith Brown**

- 1007** In the schedule, page 42, line 32, leave out <which a person is to give evidence> and insert <relation to which sub-paragraph (1) does not apply>

### **Jamie Greene**

- 1010** In the schedule, page 44, line 29, at end insert—

#### *<Publication of information*

The Scottish Courts and Tribunals Service must publish information on the number of trials where—

- (a) any individual attends by electronic means and whether those individuals were—
  - (i) victims,
  - (ii) witnesses,
  - (iii) the accused,
- (b) all parties attended by electronic means, and—
  - (i) the nature of the offence in those cases,
  - (ii) the outcome of the trial in those cases, and
  - (iii) information on how the outcome of the trials in those cases compare with the outcomes in relation to trials that are not attended by electronic means.>

### **Katy Clark**

- 1034** After section 44, insert—

#### **<Reporting on virtual courts**

- (1) The Scottish Ministers must, as soon as practicable at the end of each reporting period, prepare and lay before the Scottish Parliament a report setting out the progress that is being made in the implementation of virtual courts.
- (2) The reporting periods are—
  - (a) the period beginning with the day of Royal Assent and ending with 31 January 2023,
  - (b) each subsequent period of 6 months.>

### **Fiscal fines**

#### **Russell Findlay**

- 1037** In the schedule, page 46, line 4, leave out paragraph 12

#### **Russell Findlay**

- 1038** In the schedule, page 46, line 7, at end insert—

<( ) Whilst procurators fiscal may issue fiscal fines of up to £500, they may only do so for offences where fiscal fines were already an option to them prior to the enactment of the Coronavirus Act (Scotland) 2020.

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- ( ) The Crown Office and Procurator Fiscal Service must provide Scottish Ministers with a list of offences where fiscal fines were issued before the enactment of the Coronavirus Act (Scotland) 2020.>

### **Russell Findlay**

**1039** In the schedule, page 46, line 9, leave out paragraph 13

### **Russell Findlay**

**1040** In the schedule, page 46, line 23, at end insert—

*<Victim notification*

- (1) Where a fiscal fine offer has been accepted by an alleged offender for a relevant offence, the procurator fiscal must inform the complainer(s) relevant to the case of this acceptance.
- (2) Where a fiscal fine offer has been rejected by an alleged offender for a relevant offence, the procurator fiscal must inform the complainer(s) relevant to the case of this rejection and the outcome of any proceedings that result from this rejection. >

### **Time limits in criminal proceedings**

#### **Katy Clark**

**1011** In the schedule, page 50, line 2, leave out <17> and insert <13>

#### **Katy Clark**

**1012** In the schedule, page 50, line 3, leave out <17> and insert <13>

#### **Katy Clark**

**1013** In the schedule, page 50, line 4, leave out <18> and insert <14>

#### **Brian Whittle**

**1001** In the schedule, page 50, line 4, at end insert—

- <( ) Section 65 (prevention of delay in trials) has effect as if after subsection (3) there were inserted—

“(3AA) Where an application is made under subsection (3)(a) in proceedings where the person is accused of a sexual offence, the judge may only extend any period specified in subsection (1) above if there are exceptional circumstances justifying such an extension.”.>

#### **Katy Clark**

**1014** In the schedule, page 50, line 9, leave out <12> and insert <9>

#### **Pauline McNeill**

**1041** In the schedule, page 50, leave out lines 13 to 18

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**Katy Clark**

**1015** In the schedule, page 50, line 14, leave out <260> and insert <170>

**Pauline McNeill**

**1042** In the schedule, page 50, line 14, leave out <260> and insert <110>

**Katy Clark**

**1016** In the schedule, page 50, line 15, leave out <290> and insert <200>

**Pauline McNeill**

**1043** In the schedule, page 50, line 15, leave out <290> and insert <170>

**Katy Clark**

**1017** In the schedule, page 50, line 16, leave out <320> and insert <230>

**Pauline McNeill**

**1044** In the schedule, page 50, line 16, leave out <320> and insert <200>

**Katy Clark**

**1018** In the schedule, page 50, line 17, leave out <290> and insert <200>

**Pauline McNeill**

**1045** In the schedule, page 50, line 17, leave out <290> and insert <170>

**Katy Clark**

**1019** In the schedule, page 50, line 18, leave out <320> and insert <230>

**Pauline McNeill**

**1046** In the schedule, page 50, line 18, leave out <320> and insert <200>

**Katy Clark**

**1020** In the schedule, page 50, line 20, leave out <130> and insert <85>

**Katy Clark**

**1021** In the schedule, page 50, line 24, at end insert—

*<Report on remand*

- (1) The Scottish Ministers must, as soon as practicable at the end of each reporting period, prepare and lay before the Scottish Parliament a report setting out—
  - (a) the number of prisoners being held on remand,
  - (b) the average length of time prisoners are being held on pre-trial remand,

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- (c) in respect of prisoners whose cases have been disposed of during the reporting period, the number of prisoners—
  - (i) given a custodial sentence,
  - (ii) given a non-custodial sentence,
  - (iii) found not guilty.
- (2) For the purposes of subsection (1), the reporting periods are—
  - (a) the period beginning with the day of Royal Assent and ending with 31 January 2023,
  - (b) each subsequent period of 6 months,
  - (c) the period (the “final reporting period”) beginning with the day after the end of the last period of 6 months determined under paragraph (b) and ending with the day on which paragraph 21 of this schedule ceases to have effect.>

### **Jamie Greene**

**1022** In the schedule, page 50, line 24, at end insert—

*<Review on extension of this chapter*

- (1) Scottish Ministers must undertake a review at the end of each reporting period on the operation of the provisions in this chapter.
- (2) A review under sub-paragraph (1) must consider whether the provisions in this chapter remain necessary.
- (3) A report on the review under sub-paragraph (1) must be—
  - (a) prepared and published,
  - (b) laid before the Scottish Parliament.
- (4) The reporting periods are—
  - (a) the period beginning with the day this chapter is brought into force and ending with 31 October 2022,
  - (b) each subsequent period of 3 months.>

### **Pauline McNeill**

**1047** In the schedule, page 51, leave out lines 6 to 9

### **Pauline McNeill**

**1048** In the schedule, page 51, leave out lines 10 to 13

### **Katy Clark**

**Supported by: Pauline McNeill**

**1027** In section 40, page 35, line 25, at beginning insert *<Subject to subsection (1A),>*

### **Katy Clark**

**Supported by: Pauline McNeill**

**1028** In section 40, page 35, line 26, at end insert—

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<(1A) Paragraph 21 in the schedule expires one year after Royal Assent.>

### Brian Whittle

1002 After section 42, insert—

#### <Criminal procedure time limits: sexual offences

- (1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.
- (2) In section 65 (prevention of delay in trials), after subsection (3), insert—

“(3AA) Where an application is made under subsection (3)(a) in proceedings where the person is accused of a sexual offence, the judge may only extend any period specified in subsection (1) above if there are exceptional circumstances justifying such an extension.”>

### Pauline McNeill

1056 After section 42, insert—

#### <Criminal procedure time limits: extension of time limits in exceptional circumstances

- (1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.
- (2) In section 65 (prevention of delays in trials)—
  - (a) in subsection (3), for “on cause shown” substitute “in exceptional circumstances”,
  - (b) in subsection (5), for “on cause shown” substitute “in exceptional circumstances”.>

### Keith Brown

1004 After section 43, insert—

#### <Criminal procedure time limits: transitional and saving provision

- (1) In relation to solemn proceedings in which the accused’s first appearance on petition was before 1 October 2022—
  - (a) sections 52T and 65 of the 1995 Act continue to apply in accordance with the modifications made by paragraph 10(2) and (3) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
  - (b) the modifications made to the 1995 Act by the following provisions of this Act do not apply—
    - (i) section 43(3)(b),
    - (ii) paragraph 19 of the schedule,
    - (iii) paragraph 21(2) of the schedule.
- (2) In relation to summary proceedings in which the complaint is brought in court before 1 October 2022—
  - (a) section 147 of the 1995 Act continues to apply in accordance with the modifications made by paragraph 10(5) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
  - (b) the modification made to section 147 of the 1995 Act by paragraph 21(3) of the schedule of this Act does not apply.



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(3) In this section—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,

“the 2020 Act” means the Coronavirus (Scotland) Act 2020.>

### **Early release of prisoners: policy**

#### **Russell Findlay**

**1049** In the schedule, page 52, line 4, leave out paragraph 24

#### **Jamie Greene**

**1023** In the schedule, page 52, line 9, at end insert—

<( ) not earlier than 6 months before the person’s earliest date of liberation.>

#### **Russell Findlay**

**1050** In the schedule, page 52, line 21, at end insert—

<( ) the prisoner has tested positive for coronavirus.>

#### **Russell Findlay**

**1051** In the schedule, page 52, line 36, at end insert—

<( ) convicted on indictment.>

#### **Russell Findlay**

**1052** In the schedule, page 52, line 36, at end insert—

<( ) convicted under the Domestic Abuse (Scotland) Act 2018.>

#### **Russell Findlay**

**1053** In the schedule, page 52, line 36, at end insert—

<( ) convicted under the Domestic Abuse (Protection) (Scotland) Act 2021.>

#### **Russell Findlay**

**1054** In the schedule, page 52, line 36, at end insert—

<( ) convicted of crimes of violence.>

#### **Russell Findlay**

**1055** In the schedule, page 52, line 36, at end insert—

<( ) convicted of sexual crimes.>

#### **Russell Findlay**

**1057** Leave out section 44

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### Early release of prisoners: procedure

**Graham Simpson**

**1024** In the schedule, page 53, line 32, leave out from <unless> to end of line 17 on page 54

**Graham Simpson**

**1025** In the schedule, page 54, line 2, at end insert—

- <( ) the Scottish Ministers have made a statement to the Scottish Parliament providing an explanation, and evidence, as to why the Scottish Ministers consider that the regulations need to be made urgently, and
- ( ) the Scottish Parliament has agreed by resolution that the regulations should be made urgently.>

**Graham Simpson**

**1026** In the schedule, page 54, line 10, at end insert—

- <( ) a statement with an explanation (with evidence) of why the Scottish Ministers consider that the regulations need to be made urgently must be laid before the Scottish Parliament before the regulations come into force,
- ( ) an assessment of the impact that the regulations will have on those affected by them must be laid before the Scottish Parliament alongside the regulations, and
- ( ) the regulations will cease to have effect at the expiry of the period of 1 year beginning with the date on which the regulations came into force, unless an earlier time is specified in the regulations.>

**Keith Brown**

**1008** In the schedule, page 54, line 17, at end insert—

- <( ) Where sub-paragraph (2) applies to regulations, the Scottish Ministers must explain why they are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.>

### Expiration and review of temporary justice measures

**Jamie Greene**

**1029** In section 40, page 35, line 32, at end insert—

- <( ) may not, by virtue of this subsection, modify subsection (1) before consulting with victim organisations to seek their views on such a modification. >

**Jamie Greene**

**1030** After section 40, insert—

#### **<Review of temporary justice measures**

- (1) Before modifying the date specified in section 40(1), the Scottish Ministers must review and report on the operation and effectiveness of the temporary justice measures in this Act.

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- (2) The Scottish Ministers must—
  - (a) publish the report on the review, and
  - (b) lay a copy of the report before the Scottish Parliament.
- (3) In carrying out the review, the Scottish Ministers must consult such persons as they consider appropriate. >

### **Jamie Greene**

**1031** In section 42, page 36, leave out line 9

### **Jamie Greene**

**1032** In section 42, page 36, line 10, leave out <section> and insert <sections 39,>

### **Jamie Greene**

**1033** In section 42, page 36, line 10, after <40> insert <and 41>



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