

Victims, Witnesses, and Justice Reform (Scotland) Bill — Stage 2

Section 34

Pauline McNeill

- 72 Leave out section 34

Section 35

Pauline McNeill

- 73 In section 35, page 20, line 32, leave out **<and majority for guilty verdict>**

Pauline McNeill

- 74 In section 35, page 20, line 36, leave out from beginning to line 7 on page 21

After section 36

Pauline McNeill

- 75 After section 36, insert—

<Jury research

Jury research

- (1) The Scottish Ministers must, immediately following Royal Assent, conduct research on juries for criminal proceedings.
- (2) Research under subsection (1) must include research on—
 - (a) different jury sizes,
 - (b) different requirements for majority decisions,
 - (c) the impact of abolishing the not proven verdict.
- (3) As soon as reasonably practicable after the conclusion of the research, the Scottish Ministers must prepare a report on the findings of the research.
- (4) A report under subsection (3) must include recommendations on whether there should be changes to—
 - (a) the size of juries for criminal proceedings,
 - (b) the requirements for majority decisions in juries for criminal proceedings.
- (5) The Scottish Ministers may carry out research under subsection (1) and prepare the report under subsection (2) themselves or appoint a person to do so.
- (6) The Scottish Ministers must arrange for a report under subsection (3) to be—
 - (a) published, and
 - (b) laid before the Scottish Parliament.>

Pauline McNeill

76 After section 36, insert—

<PART

SEXUAL OFFENCES DIVISION

Sexual Offences Division

- (1) The 1995 Act is amended as follows.
- (2) In section 305, after subsection (2), insert—
 - “(2A) The High Court may by Act of Adjournal—
 - (a) establish a specialist division of either or both of the High Court or Sheriff Court to hear sexual offences cases,
 - (b) regulate the practice and procedure of a division established under paragraph (a).”>

After section 64

Pauline McNeill

77 After section 64, insert—

<Duty to provide information to complainers

Sexual offences cases: duty to provide information to complainers

- (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) After section 14, insert—

“14A Duty to provide information to complainers in sexual offences cases

 - (1) In relation to an offence listed in subsection (2), an Advocate Depute must—
 - (a) meet with the complainer ahead of the first hearing in the case,
 - (b) provide the complainer with relevant information on the progress of the case over the course of proceedings.
 - (2) The offences referred to in subsection (1) are—
 - (a) an offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 (offences involving indecent photographs of children),
 - (b) an offence to which section 288C of the Criminal Procedure (Scotland) Act 1995 applies (certain sexual offences),
 - (c) an offence under section 1 of the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (offence of female genital mutilation),
 - (d) an offence under section 1, 9, 10, 11 or 12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (certain sexual offences against or in respect of children),
 - (e) an offence under section 1 (human trafficking) or section 4 (slavery, servitude and forced or compulsory labour) of the Human Trafficking and Exploitation (Scotland) Act 2015,

- (f) an offence under section 2 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (disclosing, or threatening to disclose, an intimate photograph or film),
 - (g) an offence under section 140, 141, 142, 152, 153 or 154 of the Health and Care Act 2022 (offences relating to virginity testing and hymenoplasty),
 - (h) attempting to commit any offence mentioned in paragraphs (a) to (g) (but not paragraph (b)).
- (3) The Scottish Ministers may, by regulations, modify subsection (2) by adding an offence to, varying the description of an offence mentioned in, or removing an offence from, that subsection.
- (4) Regulations under subsection (3) are subject to the affirmative procedure.
- (5) In this section—
- “offence” includes any offence, regardless of whether it is committed, or suspected to have been committed, before or after this section comes into force,
- “relevant information” includes information on—
- (a) dates of hearings,
 - (b) decisions on motions,
 - (c) disposal of the case,
 - (d) information requested by the complainer,
 - (e) any other information that the Advocate Depute considers appropriate.”.>