

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

After section 29

Russell Findlay

78 After section 29, insert—

<PART

ALLOCATION OF BUSINESS

Allocation of business in related criminal and civil proceedings

- (1) The Courts Reform (Scotland) Act 2014 is amended as follows.
- (2) After section 37 insert—

“Allocation of business in related criminal and civil proceedings

37A Allocation of business in related criminal and civil proceedings

- (1) This section applies where—
 - (a) the Lord President of the Court of Session or the sheriff principal of a sheriffdom is exercising any function relating to the allocation of business among the judiciary of a sheriffdom,
 - (b) civil proceedings are brought by a person who is also involved in criminal proceedings, and
 - (c) the civil proceedings involve a person who is also involved in the same criminal proceedings as the person mentioned in paragraph (b).
- (2) The Lord President or, as the case may be, the sheriff principal, may have regard to the desirability of ensuring that the member of the judiciary who is dealing with the criminal proceedings is allocated to deal with the civil proceedings.”>

After section 36

Russell Findlay

79 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: solemn proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 77 insert—

“77A Plea adjustments

- (1) This section applies where the prosecutor is considering proposing or accepting a plea of guilty to only part of the charge or to an alternative charge.

- (2) The prosecutor—
 - (a) must obtain the views on the plea of any person who is or appears to be a victim in relation to the proceedings (“the victim”),
 - (b) may only propose or, as the case may be, accept the plea if the victim agrees or, where there is more than one victim, all victims agree.
- (3) But the prosecutor may propose or, as the case may be, accept the plea if, despite having taking all reasonable steps to do so, it has not been possible to obtain the views of the victim on the plea.
- (4) Where the prosecutor proposes, or as the case may be, accepts the plea then they must, as soon as reasonably practicable, notify the victim.”.>

Russell Findlay

80 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: solemn proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 77 insert—

“77A Plea adjustments

- (1) This section applies where the prosecutor is considering proposing or accepting a plea of guilty to only part of the charge or to an alternative charge.
- (2) The prosecutor must—
 - (a) provide details of the plea to any person who is or appears to be a victim in relation to the proceedings (“the victim”),
 - (b) give the victim the opportunity to express their views on the plea.
- (3) When deciding whether to propose or, as the case may be, accept the plea the prosecutor must take into account any views on the plea expressed by the victim.
- (4) Where the prosecutor proposes, or as the case may be, accepts the plea then they must, as soon as reasonably practicable, notify the victim.”.>

Russell Findlay

81 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: solemn proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 77 insert—

“77A Plea adjustments

Where the prosecutor proposes or accepts a plea of guilty to only part of the charge or to an alternative charge, they must, as soon as reasonably practicable, notify any person who is or appears to be a victim in relation to the proceedings of the details of the adjusted plea.”.>

Russell Findlay

82 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: summary proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 146 insert—

“146A Plea adjustments

- (1) This section applies where the prosecutor is considering proposing or accepting a plea of guilty to only part of the charge or to an alternative charge.
- (2) The prosecutor—
 - (a) must obtain the views on the plea of any person who is or appears to be a victim in relation to the proceedings (“the victim”),
 - (b) may only propose or, as the case may be, accept the plea if the victim agrees or, where there is more than one victim, all victims agree.
- (3) But the prosecutor may propose or, as the case may be, accept the plea if, despite having taking all reasonable steps to do so, it has not been possible to obtain the views of the victim on the plea.
- (4) Where the prosecutor proposes, or as the case may be, accepts the plea then they must, as soon as reasonably practicable, notify any victim.”.>

Russell Findlay

83 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: summary proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 146 insert—

“146A Plea adjustments

- (1) This section applies where the prosecutor is considering proposing or accepting a plea of guilty to only part of the charge or to an alternative charge.
- (2) The prosecutor must—
 - (a) provide details of the plea to any person who is or appears to be a victim in relation to the proceedings (“the victim”),

- (b) give the victim the opportunity to express their views on the plea.
- (3) When deciding whether to propose or, as the case may be, accept the plea the prosecutor must take into account any views on the plea expressed by the victim.
- (4) Where the prosecutor proposes, or as the case may be, accepts the plea then they must, as soon as reasonably practicable, notify the victim.”.>

Russell Findlay

84 After section 36, insert—

<PART

PLEA ADJUSTMENTS

Plea adjustments: summary proceedings

- (1) The 1995 Act is amended as follows.
- (2) After section 146 insert—

“146A Plea adjustments

Where the prosecutor proposes or accepts a plea of guilty to only part of the charge or to an alternative charge, they must, as soon as reasonably practicable, notify any person who is or appears to be a victim in relation to the proceedings of the details of the adjusted plea.”.>