

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

After section 29

Katy Clark

60 After section 29, insert—

<Review of trauma-informed practice

- (1) Within 5 years of Royal Assent the Scottish Ministers must undertake a review of trauma-informed practice in the justice system.
- (2) A review under subsection (1) must include—
 - (a) the functions and standards of service of the persons mentioned in section 1(2) of the 2014 Act in so far as those functions or standards relate to a person who is or appears to be a victim or witness in relation to a criminal investigation or criminal proceedings,
 - (b) criminal court proceedings,
 - (c) civil court proceedings,
 - (d) the scheduling of business in the courts,
 - (e) any other process, procedure or service that the Scottish Ministers consider relevant.
- (3) As soon as reasonably practicable after completing the review, the Scottish Ministers must prepare a report on the review under subsection (1) including recommendations for ensuring the effective implementation of trauma-informed practice in the justice system.
- (4) A report under subsection (3) must be—
 - (a) published, and
 - (b) laid before the Scottish Parliament.>

After section 33

Katy Clark

61 After section 33, insert—

<PART

VICTIMS' RIGHTS TO INFORMATION

Victim's right to information

- (1) The Criminal Justice (Scotland) Act 2003 is amended as follows.
- (2) In section 16 (victim's right to receive information concerning release etc. of offender), in subsection (1), in the closing words, for "wishes to receive it and has so intimated" substitute "has not intimated that they do not wish to receive it".
- (3) In section 16A (victim's right to receive information concerning offender subject to compulsion order), in subsection (1), for paragraph (c) substitute—
 - "(c) a person entitled to be given the information (see section 16B) has not intimated that they do not desire to receive the information,".

- (4) In section 16B (person entitled to ask to be given information under section 16A)—
 - (a) in subsection (1), the words “to ask” are repealed,
 - (b) in subsection (2), the words “to ask” are repealed in each place where they occur,
 - (c) in the section title, the words “to ask” are repealed.
- (5) In section 16D (provision of information concerning offender subject to compulsion order to person supporting victim), in subsection (1), in paragraph (a) the words “to ask” are repealed.
- (6) In section 17 (release on licence: right of victim to receive information and make representations), in subsection (11), for “apply only” to the end substitute “do not apply where the victim has intimated they do not desire to receive the information”.
- (7) In section 17ZA (release on licence: provision of information to person supporting victim), in subsection (3), after “desire” insert “not”.
- (8) In section 17D (right to information after section 17B decision), in subsection (1), in paragraph (d)—
 - (a) after “has” insert “not”,
 - (b) after “wish” insert “not”.>

After section 36

Katy Clark

62 After section 36, insert—

<Jury research

Contempt of Court Act 1981

Section 8 of the Contempt of Court Act 1981 is repealed to the extent that it applies to Scotland.>

Katy Clark

63 After section 36, insert—

<Jury research

Contempt of Court Act 1981

- (1) The Contempt of Court Act 1981 is amended, to the extent that it applies to Scotland, as follows.
- (2) In section 8 (confidentiality of jury’s deliberations: Scotland and Northern Ireland), in subsection (2), after paragraph (b) insert—
 - “(c) for the purpose of conducting research on juries,”.>

After section 64

Katy Clark

64 After section 64, insert—

<Single point of contact for victims

Sexual offences cases: single point of contact for victims

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

“14A Single point of contact for victims of sexual offences

- (1) The Scottish Ministers must provide for a person who is a victim of an offence listed in subsection (4) to be assigned a single point of contact for the duration of the investigation of the offence and any related court proceedings.
- (2) The single point of contact must provide relevant information to the victim in relation to the progress of any investigation and court proceedings.
- (3) The single point of contact is to be a person of a description prescribed by the Scottish Ministers by regulations.
- (4) 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)).
- (5) The Scottish Ministers may, by regulations, modify subsection (4) by adding an offence to, varying the description of an offence mentioned in, or removing an offence from, that subsection.
- (6) Regulations under subsection (3) and (5) are subject to the affirmative procedure.
- (7) 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.”.>

Section 65

Katy Clark

- 65** In section 65, page 46, line 33, after <period> insert <not exceeding 3 years>

Katy Clark

- 66** In section 65, page 47, line 35, at end insert—
<() This section expires at the end of the period of 3 years beginning with the day on which it comes into force.>