

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

### After section 29

**Katy Clark**

67 After section 29, insert—

#### <PART

#### ELECTRONIC MONITORING

##### **Report on the effectiveness of electronic monitoring requirements**

- (1) No later than 1 year after Royal Assent, the Scottish Ministers must prepare and publish a report on the effectiveness of electronic monitoring requirements in protecting victims and witnesses.
- (2) The report under subsection (1) must, in particular, set out—
  - (a) whether the Scottish Ministers consider that the use of Global Positioning System (GPS) technology would improve the effectiveness of electronic monitoring requirements in protecting victims and witnesses, and
  - (b) if so, when the Scottish Ministers will prescribe devices using GPS technology as approved devices within the meaning of section 8(1) of the Management of Offenders (Scotland) Act 2019.
- (3) The Scottish Ministers must lay the report under subsection (1) before the Scottish Parliament.
- (4) In this section, “electronic monitoring requirements” means requirements imposed under section 1(1) or section 5(1) of the Management of Offenders (Scotland) Act 2019.>

### After section 64

**Katy Clark**

68 After section 64, insert—

##### **<Pilot of independent legal representation for complainers**

- (1) The Scottish Ministers must, by regulations, provide that any person who is or appears to be a victim of rape or attempted rape and meets any other specified criteria is, for a specified period, to be entitled to independent legal representation from the point an allegation of rape or attempted rape is made until the end of any criminal investigation or proceedings.
- (2) Before making regulations under subsection (1) the Scottish Ministers must consult—
  - (a) such persons providing victim support services as Ministers consider appropriate, and
  - (b) any other person Ministers consider appropriate.
- (3) Regulations under subsection (1) must be made within 1 year of this section coming into force.

- (4) As soon as reasonably practicable after the end of the period specified in regulations under subsection (1), the Scottish Ministers must—
- (a) review the operation of the regulations,
  - (b) publish a report on the findings of that review, and
  - (c) lay the report before the Scottish Parliament.
- (5) A report under subsection (4) must include the views and feedback of—
- (a) complainers,
  - (b) the Lord Justice General,
  - (c) the Lord Advocate,
  - (d) the Faculty of Advocates,
  - (e) the Law Society of Scotland,
  - (f) the Scottish Courts and Tribunals Service,
  - (g) such persons providing victim support services as Ministers consider appropriate, and
  - (h) any other person Ministers consider appropriate.
- (6) In this section—
- “rape” means rape—
    - (a) at common law,
    - (b) under section 1 of the Sexual Offences (Scotland) Act 2009, and
    - (c) of a young child under section 18 of that Act,
  - “specified” means specified in regulations under subsection (1),
  - “victim support services” has the meaning given by section 3D(5) of the 2014 Act.>