Victims, Witnesses, and Justice Reform (Scotland) Bill
[As amended at Stage 2]

Supplementary Financial Memorandum

Introduction

1. As required under Rule 9.7.8B of the Parliament's Standing Orders, this supplementary Financial Memorandum is published to accompany the Victims, Witnesses, and Justice Reform (Scotland) Bill, as amended at Stage 2.

2. This Memorandum has been prepared by the Scottish Government to set out the costs associated with the measures introduced by the Bill. It does not form part of the Bill and has not been endorsed by the Parliament. It should be read in conjunction with the original Financial Memorandum published to accompany the Bill as introduced.

3. The purpose of this supplementary Financial Memorandum is to set out the expected costs associated with the new and amended provisions included in the Bill following the amendments made at Stage 2. This document addresses those amendments with anticipated or potential cost implications. Amendments agreed at Stage 2 which are not covered in this supplementary Financial Memorandum are considered not to significantly or materially affect the assumptions in the original Financial Memorandum.

Part 2A of the Bill – Victims' right to receive information (sections 29A to 29G)

Background

4. Sections 29A to 29G as agreed by Parliament at Stage 2 are a new policy area for the Bill. The Scottish Government has explained the background to these amendments in this supplementary Financial Memorandum in order to provide clear context.

5. This package of amendments relates to a set of three schemes more commonly referred to as the Victim Notification Scheme ("VNS"):

- Victims of offenders sentenced to more than 18 months' imprisonment have the right to receive information about the release of an offender (unless exceptional circumstances apply), and some of those victims have the right to make representations when decisions are made on release on licence. This is sometimes referred to as the criminal justice VNS.
- Victims of patients in the forensic mental health system subject to a Compulsion Order and Restriction Order are entitled to similar rights to information and to make representations. This is referred to as the CORO VNS.
- Victims of offenders sentenced to fewer than 18 months are entitled to more limited information about an offender's release upon request. This is the Victim Information Scheme (VIS).

6. The VNS is an opt-in scheme. Victims may choose to join the VNS at any time after the offender has been convicted and sentenced. At present victims are notified directly by letter that they may be entitled to join the scheme and a victim who wishes to join can return a form - sent to them by the Crown Office and Procurator Fiscal Service (COPFS) - to the Scottish Prison Service (SPS) VNS team or the Scottish Government's CORO VNS team who thereafter notify them of information to which they are entitled. The Parole Board for Scotland, the Mental Health Tribunal for Scotland and the Scottish Government's CORO VNS team facilitate the right of eligible victims to make representations.

7. In March 2022, the Scottish Government commissioned an independent review of the VNS, to ensure that the overall scheme is fit for purpose and is serving victims effectively. The review's report made 22 recommendations which covered all three branches of the VNS. The Scottish Government published its response to the review[1] in October 2024, in which it set out its intention to use the Bill to deliver certain recommendations from the review that require primary legislation.

8. The Cabinet Secretary for Justice and Home Affairs and the Minister for Victims and Community Safety wrote[2] to the Criminal Justice Committee on 4 March 2025, providing a summary of amendments that were being lodged at Stage 2, and intentions for amendments at Stage 3 of the Bill, which collectively will play a significant role in reforming the VNS.

9. Many of the recommendations from the independent review do not require legislation. These will be taken forward by Scottish Government in partnership with operational partners and victim support organisations, and this work is being joined up, as appropriate, with work delivering recommendations that require legislative changes.

10. A key aspect of VNS reform is the creation of a new victim contact team, as recommended by the review. The team's work will be underpinned by the new

[1] Victim Notification Scheme - Independent Review: SG response - gov.scot
[2] Letter from the Cabinet Secretary for Justice and Home Affairs regarding stage 2 amendments for the Victims, Witnesses and Justice Reform Bill

information-sharing provision in section 29B of the Bill (described in further detail below), and the Scottish Government is also looking at a range of other implementation considerations for the team's establishment, for example: estate and staffing, service design and delivery. Any costs arising from these considerations will not stem from the provisions in the Bill but from the new approach to victim notification which will be introduced as part of establishing the new team.

11. The overall impact of this package of amendments agreed at Stage 2 is to:

- change the overall legislative framework, amalgamating the VIS with the VNS, to provide for a single criminal justice scheme and parity of treatment for victims.
- provide a legal gateway for the sharing of information about victims between the COPFS and the Scottish Ministers (which will provide the legal underpinning for a victim contact team).
- to ensure parity of treatment and accountability for victims regardless of where the offender is detained insofar as is possible, improve the quality of information available for victims of offenders in the forensic mental health system and enhance accountability by extending existing statutory obligations on the Scottish Ministers to publish and report on standards of service for victims and witnesses in relation to persons who are subject to a compulsion order and restriction order (CORO), transfer for treatment direction or hospital direction.

Costs on the Scottish Administration

12. Section 29A amalgamates the two different schemes of information for victims where the offender is sentenced to prison. Victim entitlements vary based on whether the custodial sentences was 18 months or more, or less than this length. Amalgamation of the two schemes will bring access to a wider range of rights to a new group of victims and may result in an overall increase in victims joining the VNS. However, the Scottish Government anticipates that the overarching programme of VNS reform will introduce efficiencies into delivery of rights under the VNS which will offset any cost implications of more victims joining the scheme.

13. At present, the Scottish Courts and Tribunals Service (SCTS) confirms the identity of eligible victims where the offender has been sentenced to less than 18 months imprisonment when requested by the SPS. SCTS colleagues have advised that data sharing between COPFS and the Scottish Ministers will reduce their operational involvement in the VNS. Whilst SCTS does not expect this to result in cost savings, it will result in operational efficiencies. The removal of the need for SPS to make eligibility confirmation requests is also likely to result in greater operational efficiencies for that organisation, although these are challenging to quantify.

14. Section 29B is a provision that relates to information sharing between Scottish Ministers and the Lord Advocate. The intention is that this will enable information

sharing for the purposes of facilitating supported conversations between victims and the victim contact team about joining the VNS.

15. At present, COPFS sends paper registration packs to eligible victims, who then decide themselves whether to join the scheme. Approximately one in four eligible victims currently join the scheme. While the Scottish Government anticipates creating a secure digital route for information sharing that could create efficiencies in relation to processes, it recognises the resource implications for COPFS of the need to ensure that all eligible victims are referred to the new victim contact team. The Scottish Government will explore this in collaboration with COPFS as part of delivering overall VNS reform, and is committed to ensuring that any new processes are as cost effective as possible. The Scottish Government estimates the set up cost of a case management system for the Scottish Government could be between £1.5 to £2.5 million, building on the case management system used the Redress scheme within Scottish Government.

16. Shifting delivery of the criminal justice VNS from SPS to the new victim contact team should create cost savings for SPS, although it is anticipated that these will be offset by implementation and ongoing delivery costs for the new victim contact team.

17. Sections 29C to 29G relate to the CORO VNS and the expansion of information available to victims under this branch of the scheme. This branch of the scheme is already delivered by Scottish Ministers and therefore while reform, in the context of the creation of the new team, may mean transfer of functions from one part of the Scottish Government to another, in general terms reform, and these provisions, are expected to have a neutral impact on costs for this branch.

18. Notwithstanding the recognition of the fact that successful reform of the VNS should mean increased uptake, at 30 April 2025 there were only 40 registered victims on the CORO VNS. The Scottish Government does not anticipate increased notification requirements stemming from these amendments resulting in significant increases in operational running costs. This is because an increase in registered victims on the CORO VNS could mean an increase in either single digit figures or low double figures (for example, between five to 25 new victims). In addition, as stated above, the intended digital-first approach to notifications should create efficiencies to delivery.

Costs on local authorities

19. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

20. The Scottish Government does not anticipate costs to bodies or businesses as a result of the amendments lodged at Stage 2.

21. The Scottish Government anticipates that amendments which underpin the establishment of a new victim contact team and, in time digital transformation of the

VNS could result in small cost savings for victims who join the scheme. Specifically, proactive contact from the team could eliminate minor costs from telephone calls, and a shift to a referral system and contact by the victim contact team will negate the need for victims to pay postal costs for sending forms or other correspondence.

22. On 31 March 2025, letters cost from £1.70 to send first class; for second class, letters cost from 87p.

Table of financial implications

23. As explained above, there are a range of challenges to determining specific costs to the non-legislative VNS reform and the amendments to the VNS agreed by Parliament at Stage 2, but the table below sets out key areas where costs are expected to arise, and current estimates.

Change and cost type	**Financial implications**
Amalgamation of VIS and VNS	Low
Data sharing between Lord Advocate and the Scottish Ministers	One-off set up costs for information-sharing pathway, with longer-term cost savings from digital delivery. A case management system could cost the Scottish Government between £1.5 to £2.5 million
CORO VNS reforms	None anticipated

Part 4 of the Bill – Criminal juries and verdicts

Jury size and quorum (section 34)

Background

24. When the Bill was introduced, it sought to reduce the size of criminal juries from 15 jurors to 12 jurors. However, at Stage 2 amendments were agreed that retain juries of 15.

Costs on the Scottish Administration

25. There are a range of allowances that jurors may be entitled to claim from SCTS. These include payments for loss of earnings or benefits; travel; subsistence; and care for children or dependent adults.

26. The Financial Memorandum estimated that a 20% reduction in jurors (from 15 to 12) could amount to savings for SCTS of approximately £749,000 each year.

27. The retention of juries of 15 means that these savings will not be made.

Costs on local authorities

28. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

29. When the Bill was introduced, the Financial Memorandum noted that reducing the amount of time spent on jury duty by 20% (as a consequence of reducing jury size by 20%) could result in savings for businesses, third sector, and public sector organisations across Scotland, as it would reduce the number of staff they needed to excuse for jury service; reduce the need to put in place alternative staffing arrangements; and lower spending for those employers who compensate employees during their jury service.

30. Now that the Bill has been amended to retain juries of 15, these savings will not be made.

Table of savings no longer being made

Part 4 – Criminal juries and verdicts				
Category	**Benefit to**	**Nature of benefit**	**One-off**	**Recurring annually**
Scottish Administration	SCTS	Cost of allowances claimed by jurors due to reduction in jury size.	-	£749,000
Other bodies, individuals and businesses	Individuals and businesses	Reducing the amount of time spent on jury duty by 20% would free up approximately 16,000 days per year for citizens.	-	This will vary from individual to individual and from business to business.
Total			**-**	**£749,000**

Jury service: assistance for jurors with communication (section 34B)

Background

31. In Scotland, people with a disability or impairment of any kind are not exempted or excluded from jury service. However, section 99 of the Criminal Procedure (Scotland) Act 1995 provides for the seclusion of a jury for the purposes of deliberation and has the effect of prohibiting the presence of anyone, other than the jury members, during this period. As a consequence, people who would require a communication supporter in order to participate effectively in jury deliberations (such as deaf people who would need a BSL interpreter) are unable to serve as jurors, because the communication supporter cannot be with them to provide the support they need during deliberations.

32. Section 34B of the Bill enables the court to appoint a communication supporter for a juror who, due to a physical disability, requires communication support to participate effectively in jury deliberations. The amendment also allows that supporter to be with the jurors during deliberations.

Costs on the Scottish Administration

33. The amendment does not specify the types of communication supporter that may be provided to a juror, as that will be a matter for the court, based on the juror's individual needs and operational deliverability. However, SCTS plan to initially focus on the provision of BSL interpreters, potentially expanding to offer other forms of support at a later stage.

34. SCTS have advised that (depending on the contracted provider used) the cost of a BSL interpreter is expected to be £490 per full day, and a minimum of three interpreters would be required per trial. (BSL interpreters typically work in pairs or groups of three, working in alternating shifts to maintain accuracy and prevent fatigue.) The daily cost of providing three BSL interpreters for a juror would therefore be £1,470. The overall cost for interpretation would depend on the length of the trial, so figures for average High Court trial and sheriff court solemn trial durations have been included in the table of costs below.

35. It is not known how many jurors would be likely to make use of BSL interpreters, as data is not collected on the number of people who are excused from jury service because they could not participate effectively without a BSL interpreter. However, to give an indication of numbers, it is understood that in England and Wales around 70 jurors used BSL interpretation between June 2022 (when similar legislation was introduced there) and late February 2025. This equates to approximately 0.012% of jurors having used BSL provision in their jury service annually. This suggests that the number of jurors using BSL interpreters in Scotland each year as a result of this amendment would be approximately 3 jurors a year.

36. Jurors using BSL interpreters might also require additional forms of support: for example, if they were unable to take notes during proceedings because they were watching the interpreter, they might need the support of a note-taker. It is not possible to meaningfully model the costs of such additional support as it would depend on the individual needs of jurors.

37. Consideration will be given to any adjustments to courtroom layouts that need to be made – for example, to ensure that the interpreter is positioned in court so that the juror can see them at all times. Learning from HM Courts and Tribunals Service from their experience of providing BSL interpretation for jurors in England and Wales will be helpful in this regard, though engagement to date has not indicated that any adjustments of significant cost were required.

38. There may also be minor costs associated with producing new jury materials to support these provisions – for example, materials giving potential jurors information on the support available for them, and how to communicate their support needs to SCTS.

Costs on local authorities

39. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

40. It is not anticipated that there will be any new costs for other bodies, individuals and businesses as a result of these provisions.

Table of costs

41. As indicated above, it is not known how many jurors will make use of BSL interpreters each year, but the number is likely to be in the low single figures. To give an indication of the potential cost range for providing interpretation, the table below includes figures for different numbers of jurors and different trial durations.

Estimated costs of BSL interpreters*			
	3 jurors per annum	5 jurors per annum	10 jurors per annum
Jury trial lasting 3 days (Average length of evidence led sheriff court solemn trial)	£13,230	£22,050	£44,100
Jury trial lasting 5 days (Average length of evidence led High Court trial)	£22,050	£36,750	£73,500
Jury trial lasting 10 days	£44,100	£73,500	£147,000

*based on three BSL interpreters supporting one juror to sign only.

Part 5 of the Bill – Sexual Offences Court

Judges of the Sexual Offences Court (sections 39A to 40A)

Background

42. At introduction, the Bill made provision for Judges of the Sexual Offences Court ("SOC") to be appointed by the Lord Justice General provided that they hold office as a senator, temporary judge, sheriff principal or sheriff and that they have completed an approved course of training in trauma-informed practice.

43. New provisions at Section 39A and 40A of the Bill now mean that those who hold office as a senator or temporary judge will be automatically appointed to be a Judge of the SOC provided that they have completed trauma-informed practice training. Sheriffs and sheriffs principal will, however, be appointed through a mechanism that is closely modelled on the process for appointing temporary judges. In practice, this means that they must be appointed to the role by Scottish Ministers upon the recommendation of the Lord Justice General. They will be appointed for a period of five years and automatically reappointed unless specific exceptions apply.

44. These changes to the process are intended to enhance security of tenure for Judges of the SOC and to ensure that there is a sufficiently robust process for granting the additional powers and responsibilities (including sentencing powers) to sheriffs and sheriffs principal associated with the role of Judge of the SOC.

Costs on the Scottish Administration

45. Switching to a process which requires sheriffs and sheriffs principal to be appointed by Scottish Ministers, rather than deployed by the Lord Justice General, largely mirrors the existing provisions for the appointment of temporary judges under the Judiciary and Courts (Scotland) Act 2008. To date, temporary judges have received no additional remuneration in addition to that paid to them for their position as sheriff or sheriff principal, as the position of temporary judge is seen as a prestige appointment. Whilst there is provision in the Bill enabling the remuneration of Judges of the SOC, it is not a requirement.

46. Should Scottish Ministers choose to make use of new powers within the Bill which enable them to pay additional remuneration to Judges of the SOC, the scale of this remuneration would need to be considered with reference to the existing salaries that are already paid to those judicial offices that qualify an individual for appointment as a Judge of the SOC. Significantly, the salary payable to those judicial offices are not decided by Scottish Ministers but rather are determined by UK Government Ministers who set the level of remuneration payable to those offices through a framework which benchmarks judicial salaries across the UK and which are paid from a fund managed by the UK Government. This framework, known as the judicial salary structure, positions levels of remuneration across eight distinct salary groups.

47. Excluding the Lord Justice General and the Lord Justice Clerk, the remuneration that is paid to the different judicial office holders who qualify for appointment as a Judge of the SOC sit across four of the eight salary groups within the UK Government's judicial salary structure. As of April 2025, the annual salary that those different offices attract, excluding pension contributions, are as follows:

- Inner House Judge of the Court of Session - £256,304
- Outer House Judge of the Court of Session - £225,092
- Sheriff Principal - £180,522
- Sheriff - £167,167

48. Based on current judicial salary levels, should Scottish Ministers decide, in future, to make bespoke arrangements for the remuneration of Judges of the SOC it can be anticipated that the salary they attract will fall within the range of £167,167 - £256,304 per annum, the majority of which will be composed of the salary that they receive as a result of their substantive appointment. Any additional remuneration paid to Judges of the SOC over and above the salary they receive from their substantive appointment would have to be paid from the Scottish Government budget and is likely to be paid as a day rate covering the days that they sit in the SOC.

49. Should Scottish Ministers decide to pay additional remuneration to those sitting as Judges of the SOC, the precise level of remuneration that Scottish Ministers might deem appropriate would depend on factors that are not known at this time. This can only be understood through detailed discussions with relevant parties based on aspects of the role of Judge of the SOC which are not known at this time including the pattern, frequency and amount of time that judicial office holders appointed as Judges of the SOC would spend presiding over cases in the SOC. It is not expected that any additional remuneration paid would be intended to bring salary levels for sheriffs and sheriffs principal sitting as Judges of the SOC in line with that paid to senators.

50. The amended appointments process seeks to provide a transparent mechanism for ensuring the SOC is equipped with sufficient and appropriate judicial resource necessary to manage the number and profile of cases in the SOC. However, moving away from a power which enables the Lord Justice General to deploy sheriffs to the SOC carries the risk that it may have unintended consequences in relation to the effective operation of the SOC given the reduced flexibility of the appointments process now provided for in the Bill, namely that sufficient numbers of sheriffs and sheriffs principal may not seek appointment to the role of Judge of the Sexual Offences Court. It is not possible to assess the likelihood of that risk or to quantify the cost of what measures may be required in mitigation

51. As indicated at Stage 2, the Scottish Government continues to work with partners to ensure that the appointments process is appropriate and robust and will continue to review the need for any further adjustments to the process.

Costs on local authorities

52. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

53. It is not anticipated that there will be any new costs for other bodies, individuals and businesses as a result of these provisions.

Review of the Rights of Audience (section 49A)

Background

54. Amendments agreed at Stage 2 introduced additional provisions at section 49A of the Bill which place a duty on Scottish Ministers to conduct a review into legal representation in the SOC with a specific focus on the following areas:

- rights of audience;
- legal representation of accused persons;
- the provision of legal aid to accused persons, including the granting of sanction for counsel.

55. The requirement to conduct a review takes effect five years after the SOC becomes operational. In introducing this review requirement, the provisions at Section 49A of the Bill, also require that Scottish Ministers must consult with certain justice partners when conducting this review.

Costs on the Scottish Administration

56. The only costs that are expected to arise from conducting the review into the rights of audience relate to allocating staff resource to the review. Based on other similar projects, it is anticipated that conducting this review will require 0.5FTE of a B3 member of staff to work on the project for a period of three months. At current levels of remuneration, the cost of conducting the review is therefore expected to range from between £5,500 and £6,700.

Costs on local authorities

57. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

58. It is not anticipated that there will be any new costs for other bodies, individuals and businesses as a result of these provisions.

Part 6 of the Bill – Sexual offences cases: further reform

Pilot of single judge rape trials (sections 65 and 66 in the Bill as introduced)

Background

59. When the Bill was introduced, it gave a power to the Scottish Ministers to make regulations to allow trials for rape and attempted rape, which met specified criteria, to be conducted without a jury for a time limited period. The Bill also required Ministers to review the operation of the pilot, publish a report of the review and lay a copy in the Scottish Parliament. These provisions were removed at Stage 2.

Costs on the Scottish Administration

60. The main costs arising from the provisions on the pilot would have been the costs of designing and establishing the pilot, and the costs of robustly evaluating the pilot.

61. The Financial Memorandum did not estimate the costs of designing and implementing the pilot, as these would have depended on specific design features of the pilot (such as its length and the criteria for the inclusion of cases, which would have determined the number of cases in the pilot), and it was originally intended that these would be set out in secondary legislation. It was estimated that the cost of evaluating the pilot could be around £200,000 - £500,000.

62. Now that the provisions on the pilot have been removed from the Bill, these costs will not be incurred.

Costs on local authorities

63. It is not anticipated that there will be any new costs for local authorities as a result of removing these provisions from the Bill.

Costs on other bodies, individuals and businesses

64. It is not anticipated that there will be any new costs for other bodies, individuals and businesses as a result of removing these provisions from the Bill.

Table of costs no longer incurred

Part 6 – Sexual offence cases: further reform – Pilot of single judge trials for rape cases
The costs of designing and implementing the pilot will no longer be incurred. Nor will the cost of the evaluation, which was expected to be between £200,000 - £500,000.

Part 7 of the Bill – Final provisions

Review of the operation of the Act (section 66A)

Background

65. Section 66A places a duty on Scottish Ministers to undertake two reviews of the operation of the Act. This duty requires Scottish Ministers undertake the first review as soon as reasonably practicable five years after Royal Assent and then again in a further five years after the first review. As part of each review the Scottish Ministers are required to consult with a non-exhaustive list of persons and, thereafter, publish and lay in the Parliament a report on each review.

Costs on the Scottish Administration

66. Section 66A does not prescribe the information that is to be collected, and the Scottish Government will work with those listed in section 66A(3) to develop the operational policy approach to identifying what will be most helpful in terms of assessing the effect of the legislation as part of the Bill's implementation. It is anticipated that this will largely include data that is already collected and therefore no significant costs are anticipated in relation to this.

67. There will be costs associated with the staff time required to prepare the report, albeit this will be done by existing staff members rather than requiring new staff to be employed specifically for this role. Estimating the amount of staff time carries with it a degree of uncertainty.

68. For the purposes of this supplementary Financial Memorandum, it is anticipated that up to two C1 and two B3 members of staff would be involved in the preparation of the report, spending the equivalent of one fifth of their time on this work in the year preceding publication and in the year of publication for each report.

69. The estimated average cost of a C1 member of staff, including payroll costs, per annum is £80,626 and for a B3 member of staff is £62,9743. The staff costs relating to the preparation of each report (0.2 FTE over two years) would be £16,125 per annum per C1 member of staff and £12,594 per annum per B3 member of staff. This totals £57,438 per report (2 x C1 and 2 x B3, 0.2 FTE over two years) and an overall estimated total cost for both reports of £114,876.

[3] Based on approximate mid-range C1 salary point of £60,470 and mid-range B3 salary point of £47,231 (as at January 2025), plus an additional one-third non-payroll costs such as employer pension contributions.

Costs on local authorities

70. It is not anticipated that there will be any new costs for local authorities as a result of these provisions.

Costs on other bodies, individuals and businesses

71. It is not anticipated that there will be any new costs for other bodies, individuals and businesses as a result of these provisions.

This document relates to the Victims, Witnesses, and Justice Reform (Scotland) Bill (SP Bill 26A) as amended at Stage 2

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