Community Justice (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 37 Schedules 1 and 2
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Paul Wheelhouse
1 In section 1, page 1, line 13, after <arranging> insert <relevant>

Paul Wheelhouse
2 In section 1, page 1, line 16, at end insert—
   
   <( ) facilitating the provision of relevant general services which persons mentioned in paragraph (d) are likely to need immediately following their release.>

Paul Wheelhouse
3 In section 1, page 1, leave out lines 17 and 18

Paul Wheelhouse
4 In section 1, page 1, leave out lines 19 to 24

Paul Wheelhouse
5 In section 1, page 2, line 6, leave out from <opportunities> to end of line 7 and insert <things falling with paragraph (b)(i) or (ii).>

Paul Wheelhouse
6 In section 1, page 2, line 8, after <of> insert <relevant>

Paul Wheelhouse
7 In section 1, page 2, line 9, leave out subsection (2ZA)

Section 1A

Paul Wheelhouse
8 In section 1A, page 3, line 3, at beginning insert <relevant>

Paul Wheelhouse
9 In section 1A, page 3, line 4, leave out <, including services and support>
Paul Wheelhouse
26 In section 1A, page 3, line 8, leave out <looked-after>

Paul Wheelhouse
27 In section 1A, page 3, leave out lines 9 and line 10 and insert—

   <( ) physical or mental health (including, in particular, alcohol and drug treatment services),
   ( ) social welfare,
   ( ) any other matter which does or may affect the likelihood of future offending by persons falling within section 1(2A), (2D) or (2E).>

Paul Wheelhouse
10 In section 1A, page 3, line 31, after <act> insert <or made the omission>

Paul Wheelhouse
11 In section 1A, page 3, line 32, after <act> insert <or made the omission>

Section 12A

Paul Wheelhouse
12 In section 12A, page 8, line 31, leave out <in relation to community justice> and insert <falling within subsection (1A)>

Margaret McDougall
28 In section 12A, page 8, line 34, after <justice> insert <(see subsection (2A))>

Paul Wheelhouse
13 In section 12A, page 8, line 34, at end insert—

   <(1A) A service falls within this subsection if the service—
      (a) is provided to persons falling within section 1(2A), (2D) or (2E) and involves managing or supporting them with a view to eliminating or reducing future offending by them, or
      (b) is provided to persons who are being prepared for release, having been convicted of offences and sentenced to imprisonment or detention in penal institutions, and involves preparing them for that release.
      (1B) In subsection (1A)(a), “supporting” has the same meaning as in section 1(1)(b).>

Margaret McDougall
29 In section 12A, page 9, line 2, at end insert—

   <(2A) The persons referred to in subsection (1)(b)(ii) include, in particular—
      (a) families of persons mentioned in subsection (2),
      (b) victims and families of victims.
      (2B) In subsection (2A)(b), “victims” means persons who are, or appear to be, victims of offences or alleged offences.>
Section 13

Paul Wheelhouse
14 In section 13, page 9, leave out lines 15 to 20

Paul Wheelhouse
15 In section 13, page 9, line 22, leave out <housing> and insert <relevant general>

Paul Wheelhouse
16 In section 13, page 9, line 24, at end insert—
   <( ) In subsection (2)(d), “relevant general services” has the same meaning as in section 1.>

Paul Wheelhouse
17 In section 13, page 9, line 29, at end insert—
   <( ) Subsection (3) is complied with even if the consultation has been undertaken, or
   initiated, before this section comes into force.>

Section 15

Paul Wheelhouse
18 In section 15, page 10, line 28, leave out <housing> and insert <relevant general>

Paul Wheelhouse
19 In section 15, page 10, line 33, at end insert—
   <( ) In subsection (3)(a), “relevant general services” has the same meaning as in section 1.>

Paul Wheelhouse
20 In section 15, page 10, line 38, at end insert—
   <( ) Subsection (4) is complied with even if the consultation has been undertaken, or
   initiated, before this section comes into force.>

After section 18

Margaret McDougall
30 After section 18, insert—
   <Community justice outcomes improvement plan: participation statement

   (1) The community justice partners for the area of a local authority must prepare a statement
   setting out, in relation to their plan under section 17—
       (a) the action which they took in pursuance of section 18(3), and
       (b) which bodies falling within section 18(4) participated in the preparation of the
            plan by virtue of section 18(3).

   (2) A statement under subsection (1) may be incorporated in the plan under section 17 to
   which it relates.
(3) If the statement is not so incorporated, the community justice partners for the area must, as soon as reasonably practicable after the plan under section 17 to which it relates is published, publish the statement and then send a copy to Community Justice Scotland.

Section 19

Margaret McDougall

31 In section 19, page 13, line 32, at end insert—

<( ) Section (Community justice outcomes improvement plan: participation statement) applies in relation to a revised plan as it applies to a plan under section 17.>

Section 21

Paul Wheelhouse

21 In section 21, page 15, line 2, at end insert—

<( ) Subsection (3) is complied with even if the consultation has been undertaken, or initiated, before this section comes into force.>

Section 26

Paul Wheelhouse

22 In section 26, page 17, line 23, leave out <in relation to community justice> and insert <falling within subsection (2A)>

Paul Wheelhouse

23 In section 26, page 17, line 27, at end insert—

<(2A) A service falls within this subsection if the service—

(a) is provided to persons falling within section 1(2A), (2D) or (2E) and involves managing or supporting them with a view to eliminating or reducing future offending by them, or

(b) is provided to persons who are being released, having been convicted of offences and sentenced to imprisonment or detention in penal institutions, and involves preparing them for that release.

(2B) In subsection (2A)(a), “supporting” has the same meaning as in section 1(1)(b).>

Paul Wheelhouse

24 In section 26, page 18, line 16, leave out <in relation to community justice> and insert <falling within subsection (2A)>

Section 30

Elaine Murray

32 In section 30, page 20, line 37, at end insert—

<( ) In complying with subsection (1), a person or group of persons must have regard to the desirability of community justice in a particular area being best suited to the needs of that area.>
After section 32

Margaret Mitchell

33* After section 32, insert—

<Provision as to repeal of Act

Provision as to repeal of Act

(1) Sections 1 to 32 and schedules 1 and 2 of this Act are repealed at the end of the 6 year period, unless regulations are made under subsection (2).

(2) The Scottish Ministers may by regulations, after the end of the 5 year period but before the end of the 6 year period, provide that sections 1 to 32 and schedules 1 and 2 are to continue in effect despite subsection (1).

(3) The Scottish Ministers may by regulations make such provision (including provision modifying any enactment) as may be necessary or expedient in consequence of the repeal of sections 1 to 32 and schedules 1 and 2 by virtue of subsection (1).

(4) Regulations under subsection (2) or (3) are subject to the affirmative procedure.

(5) In this section—

“the 5 year period” means the period of 5 years beginning with the day of Royal Assent,

“the 6 year period” means the period of 6 years beginning with that day.>

Section 36

Paul Wheelhouse

25 In section 36, page 23, line 3, after <Sections> insert <1, 1A, 12(1), 12A(1) to (2), 13, 15, 32,>

Margaret McDougall

25A As an amendment to amendment 25, line 1, leave out <(2)> and insert <(2B)>