



Criminal Justice (Scotland) Bill

Bill Number:	SP Bill 35
Introduced on:	20 June 2013
Introduced by:	Kenny MacAskill (Government Bill)
Passed:	8 December 2015
Royal Assent:	13 January 2016

Passage of the Bill

The [Criminal Justice \(Scotland\) Bill](#) was introduced in the Parliament in June 2013.

The Justice Committee was designated as lead committee for parliamentary consideration of the Bill. Its stage 1 report was published in February 2014, with the stage 1 debate taking place later the same month. The general principles of the Bill were agreed to following the debate.

Consideration of all stage 2 amendments was postponed in light of concerns about provisions in the Bill to abolish the general requirement for corroboration in criminal cases. During this postponement, an independent review was conducted into what additional measures might be needed in light of the planned abolition of the corroboration requirement.

The Justice Committee returned to its scrutiny of the Bill with consideration of stage 2 amendments in September and October 2015.

The Bill was passed following the stage 3 parliamentary debate in December 2015 and became the [Criminal Justice \(Scotland\) Act 2016](#) following Royal Assent in January 2016.

Purpose of the Bill

The Bill as introduced included provisions:

- setting out police powers to arrest, hold in custody and question suspects, as well as the rights of suspects

- abolishing the current general requirement for corroboration in criminal cases and changing the rules on the level of jury majority needed for a guilty verdict
- seeking to facilitate the better preparation of sheriff and jury cases
- seeking to address delays in determining appeals and making changes to the way in which references from the Scottish Criminal Cases Review Commission (SCCRC) are dealt with
- establishing a Police Negotiating Board for Scotland to provide a forum for negotiating the pay and conditions of police officers

As discussed below, the Bill was subject to a number of significant changes during its passage through the Parliament.

Parliamentary Consideration

The most controversial measures contained in the Bill as introduced related to the proposal to abolish the current general requirement for corroboration in criminal cases. This was reflected in the Justice Committee's stage 1 report, which noted that:

“The majority of Committee Members are of the view that the case has not been made for abolishing the general requirement for corroboration and recommend that the Scottish Government consider removing the provisions from the Bill.” (para 412)

In light of concerns about abolishing the requirement for corroboration, the Scottish Government established an independent review (the [Post-corroboration Safeguards Review](#) headed by Lord Bonomy) to consider what additional measures might be needed following abolition. In addition, the consideration of all stage 2 amendments was postponed until after publication of the review report. The report (the [Bonomy report](#)) was published in April 2015.

On the same day as the Bonomy report was published, the Cabinet Secretary for Justice announced that the Scottish Government now considered that the Bill should proceed with amendments to remove provisions on corroboration (and related measures dealing with jury majorities). He added that the Scottish Government still believed there to be a case for abolishing the requirement for corroboration, but that this would be best considered as part of a wider package of measures during the next parliamentary session.

As a result of stage 2 amendments, the provisions seeking to abolish the current requirement for corroboration were (along with those on jury majorities) removed from the Bill.

There was also significant debate (and changes made) in relation to a number of other topics. For example, during scrutiny of:

- provisions in the Bill dealing with police powers and the rights of suspects (including the provision of appropriate adult support for vulnerable suspects)
- amendments adding new provisions to take forward recommendations of an advisory group established in light of concerns about police use of non-statutory (or 'consensual') stop and search
- reforms dealing with the role of the High Court, in relation to possible miscarriages of justice, following a referral from the SCCRC
- amendments relating to support for children affected by parental imprisonment

The Bill, as amended, was passed without division.