

Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 12

Long Title

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

Section 5

Humza Yousaf

- 2 In section 5, page 8, line 12, leave out <or sheriff> and insert <of the court which appointed the commissioner>

Humza Yousaf

- 3 In section 5, page 8, line 16, leave out <or sheriff>

Humza Yousaf

- 4 In section 5, page 8, line 22, leave out <or sheriff>

Humza Yousaf

- 5 In section 5, page 8, line 23, leave out <(1ZB)> and insert <(1ZB)(a)>

Humza Yousaf

- 6 In section 5, page 8, line 24, leave out <or, as the case may be, sheriff>

After section 8

Liam Kerr

- 1 After section 8, insert—

<Reporting requirement

Report on operation of sections 1 and 5

- (1) The Scottish Ministers must prepare a report—
- (a) evaluating whether the amendments made by sections 1 and 5 have helped witnesses participate in the criminal justice system during the review period, and
 - (b) setting out the next steps that the Scottish Ministers intend to take in relation to—
 - (i) the commencement of section 1 for any purpose for which it has not yet been commenced by the time the report is prepared, and

- (ii) the exercise of the power conferred by section 271BZD of the 1995 Act.
- (2) The report must include the following information—
- (a) the number of witnesses that section 271BZA of the 1995 Act applied to during the review period (“relevant witnesses”),
 - (b) the percentage of relevant witnesses whose evidence had, by the time the report is prepared, been taken by a commissioner,
 - (c) the percentage of relevant witnesses who, having had their evidence taken by a commissioner, had by the time the report is prepared had their evidence used at a trial diet,
 - (d) the reason that—
 - (i) the evidence of any relevant witness had not been taken by a commissioner by the time the report is prepared, despite a court having made an order authorising its being taken in that way,
 - (ii) the evidence of any relevant witness that was taken by a commissioner had not been used at a trial diet by the time the report is prepared.
- (3) In preparing the report, the Scottish Ministers must consult—
- (a) the Lord President,
 - (b) the Scottish Courts and Tribunals Service,
 - (c) the Crown Office and Procurator Fiscal Service,
 - (d) the chief constable of the Police Service of Scotland,
 - (e) the Scottish Legal Aid Board,
 - (f) the Law Society of Scotland,
 - (g) the Faculty of Advocates,
 - (h) persons or bodies who provide support to child witnesses (within the meaning of section 271(5) of the 1995 Act).
- (4) The Scottish Ministers must—
- (a) lay the report before the Scottish Parliament, and
 - (b) make it publicly available,
- as soon as practicable after the end of the review period.
- (5) In this section—
- “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,
 - “the review period” means the period of 3 years beginning with the day that section 1 comes into force for any purpose.>

Margaret Mitchell

7 After section 8, insert—

<Report on progress toward a new model for taking evidence from child witnesses in criminal proceedings

- (1) The Scottish Ministers must lay a report before the Scottish Parliament on the matters mentioned in subsection (2)—

- (a) not later than the end of the period of 3 months beginning with the day of Royal Assent,
 - (b) at 6 monthly intervals thereafter until the Parliament is satisfied that the matters have been sufficiently progressed.
- (2) Those matters are—
 - (a) what progress has been made toward taking evidence from child witnesses in criminal proceedings—
 - (i) in accommodation other than court buildings,
 - (ii) in accommodation that provides such other support to child witnesses as is considered appropriate,
 - (iii) in as few interviews as possible,
 - (b) what the timetable is for making further progress.
- (3) For the purposes of preparing a report under subsection (1), the Scottish Ministers must consult—
 - (a) the Crown Office and Procurator Fiscal Service,
 - (b) the chief constable of the Police Service of Scotland,
 - (c) the Scottish Courts and Tribunal Service,
 - (d) child witnesses (within the meaning of section 271(5) of the 1995 Act),
 - (e) persons or bodies who provide support to child witnesses (within the meaning of section 271(5) of the 1995 Act).>

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