Dear Sir/Madam,

Children (Equal Protection from Assault) (Scotland) Bill – Evidence Session Thursday 21st March 2019

I thank you for the invitation to attend the Equalities and Human Rights Committee evidence session on the Children (Equal Protection from Assault) (Scotland) Bill. The Scottish Courts and Tribunals Service (SCTS) does not intend to participate by way of attendance at the evidence session. However, as discussed with the Clerk, I provide the following written response, which I hope will be of assistance to the Committee.

The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals in Scotland and does not include the views of the Judiciary.

The provisions in the Bill will impact on the SCTS if the removal of the defence of reasonable chastisement results in an increase in proceedings brought before the court. The SCTS cannot comment on the potential volume of cases that may result, the decision to prosecute being entirely a matter for the Crown Office and Procurator Fiscal Service.

The Financial Memorandum accompanying the Bill indicates that the number of additional prosecutions is expected to be minimal. It also sets out the average per case costs to the SCTS for cases prosecuted in the Justice of the Peace Court (£225) and £441 in summary proceedings in the sheriff court. The costs to, and impact on, the SCTS would, of course, be determined by the volume of cases prosecuted in court.

The SCTS cannot provide any further comment on the potential impact of the Bill, however if there is anything further that the SCTS can provide to assist the Committee, please do not hesitate to contact me.

By email to: equalities.humanrights@parliament.scot

11 March 2019
Yours faithfully

Nicola Anderson

Head of Legislation Implementation Team