

Justice Committee

Petition PE1633: Private Criminal Prosecution in Scotland

Written submission from the Faculty of Advocates

We write in response to the request for comments on Petition 1633, and to the specific questions formulated by the committee.

We do not consider that we have sufficient information about investigation of alleged breaches of health and safety law to enable us to comment on whether they are or are not being performed robustly. We are not aware of systemic issues in connection with how health and safety prosecutions are conducted, although we have previously communicated our concern about delays in these being commended (see paragraph 11 of our response to the committee's 2016 inquiry into the role and purpose of the Crown Office and Procurator Fiscal Service).

Whether there should be greater access to private prosecution is a matter of policy and not, therefore, something on which we would normally comment. We are unpersuaded that the petition process is the most appropriate vehicle for the analysis of this issue.

We regret that we are only able to provide this limited response.

Faculty of Advocates
14 March 2018