

## **NOTIFICATION TO THE SCOTTISH PARLIAMENT (OCTOBER 2018)**

### **The name of the instrument in question (if known) or a title describing the policy area:**

Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019

### **A brief explanation of law that the proposals amend**

The legislation, which the proposal amends, is the domestic legislation which implemented the European Council Directive 2004/80/EC (the Directive) on compensation to victims of violent crime in the UK law.

The Directive requires member states to facilitate cross-border access to compensation and to establish compensation arrangements to victims of violent crime in their territory. Currently the access to compensation in cross border situations is handled by the Criminal Injuries Compensation Authority (CICA) which administers the Criminal Injuries Compensation Scheme to compensate victims of violent crime in Scotland, England and Wales. Northern Ireland has a separate scheme.

While this is a devolved matter, the Scottish Government has chosen to participate in the UK Government scheme rather than establish a separate scheme. This arrangement ensures continuity of the UK scheme.

Under the Directive, the CICA assists UK residents who have been victims of violent crime in another Members State submit an application to the relevant authority in the Member State where the crime occurred, and will also decide applications from residents of other Members States where the crime occurred in the UK.

### **Summary of the proposals and how these correct deficiencies:**

This proposal is to revoke the implementing legislation in respect of Directive 2004/80/EC on compensation to crime victims – i.e. the Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005.

The intention is for the Victims of Violent Intentional Crime (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019 to come into force on exit day.

This is necessary to address the deficiencies in these arrangements when the UK ceases to be a member of the EU whereby reciprocity between the UK and remaining Member States will not be possible.

### **An explanation of why the change is considered necessary:**

Upon exiting the EU, the UK will become a third country and no longer party to the cooperation of Member States assisting and deciding authorities for compensation

under the terms of the Directive. As a result the regulations will be redundant, on the basis that reciprocal arrangements under the Directive would no longer be recognised by the remaining Members States.

**Scottish Government categorisation of significance of proposals:**

Category A, with the following characteristics:

Removing redundant legislation from law; and ensuring continuity of law; and clear there is no significant policy decision for Ministers to make.

**Impact on devolved areas:**

The Scottish Government has devolved responsibility for compensating victims of crime. As reciprocal arrangements will fall as a result of a no deal Brexit, the regulations in themselves merely reflect this position – i.e. cross-border arrangements will not operate either for Scottish victims of crime injured abroad or EU citizens injured in Scotland.

**Summary of stakeholder engagement/consultation:**

As the purpose is to remove redundant legislation which could not operate without reciprocity, no further engagement or consultation has been undertaken.

**A note of other impact assessments (if available):**

The UK Government do not foresee any adverse impact on private or voluntary sectors. We would concur with this assessment. Approximately 70-80 UK citizens per year currently receive assistance from the Criminal Injuries Compensation Authority in pursuing claims abroad, figures are not kept for cases decided for EU citizens in the UK.

**Summary of reasons for Scottish Ministers' proposing to consent to UK Ministers legislation:**

The Criminal Injuries Compensation Scheme is operated on a UK basis, with the consent of Scottish Ministers, and legislation relating to this scheme is made on a UK wide basis. It therefore makes sense that this legislation is taken forward on this basis.

**Intended laying date (if known) of SI/SIs:**

Intended date is 5 November 2019 (subject to change).

**If the Scottish Parliament will not have 28 days to scrutinise Scottish Minister's proposal to consent, why not?**

As noted above, the date on which the UK Government proposes to lay these regulations is currently 5 November. Given the October recess, this will leave less than the 28 days for consideration of the notification by the Scottish

Parliament. However, I would appreciate it if you could consider this notification as soon as possible.

**Any significant financial implications:**

No significant financial implications have been identified.