OFFICIAL REPORT
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Criminal Justice Committee

Wednesday 25 February 2026

Session 6

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CRIMINAL JUSTICE COMMITTEE
8th Meeting 2026, Session 6

CONVENER

*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

DEPUTY CONVENER

*Liam Kerr (North East Scotland) (Con)

COMMITTEE MEMBERS

*Katy Clark (West Scotland) (Lab)
*Sharon Dowey (South Scotland) (Con)
*Jamie Hepburn (Cumbernauld and Kilsyth) (SNP)
*Fulton MacGregor (Coatbridge and Chryston) (SNP)
*Rona Mackay (Strathkelvin and Bearsden) (SNP)
*Pauline McNeill (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kristy Adams (Scottish Government)
Angela Constance (Cabinet Secretary for Justice and Home Affairs)
David Doris (Scottish Government)
Patrick Down (Scottish Government)
Jasmin Hepburn (Scottish Government)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 25 February 2026

[The Convener opened the meeting at 10:00]

Subordinate Legislation

Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026 [Draft]

The Convener (Audrey Nicoll): Good morning and welcome to the eighth meeting in 2026 of the Criminal Justice Committee. We have received no apologies this morning.

Our first item of business is an oral evidence-taking session on an affirmative instrument. We are joined by the Cabinet Secretary for Justice and Home Affairs, who is supported by Patrick Down, criminal law, procedure and sentencing team, and Jasmin Hepburn, legal directorate, from the Scottish Government. Welcome to you all.

I refer members to committee papers 1 and 2, and I thank everyone who has provided written submissions. I intend to allow up to 60 minutes for the item.

I invite the cabinet secretary to make some opening remarks on the Scottish statutory instrument.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): Good morning. The Scottish Government is committed to strengthening Scotland's criminal law to protect women and girls from hate and prejudice. That is why, on 28 January 2026, we laid the SSI before Parliament, setting out our proposal to add the characteristic of sex to the Hate Crime and Public Order (Scotland) Act 2021. This marks a milestone in our work to deliver stronger, clearer hate crime protections, particularly for women and girls, who we know experience disproportionately high levels of harassment, abuse and threatening behaviour that is motivated by prejudice based on their sex. The legislation that we have laid builds on the evidence and ensures that our justice system can respond, as it does already, to hate crime concerning, for example, race, religion or sexual orientation.

As is required under the 2021 act, a draft SSI was laid in Parliament last year, and a public consultation was undertaken to seek views on it. We have published an analysis of the responses that we received, which found that, although there was a range of views, there was support from a significant majority both for the addition of the characteristic of sex to the 2021 act and for the specific approach that was taken in the SSI. I take this opportunity to thank the numerous organisations and individuals who took the time to share their views during the process.

The measures that are set out in the SSI will make it a specific criminal offence to stir up hatred against a group of persons because of their sex and will ensure that, where any offence is motivated by or demonstrates malice and ill will towards someone because of their sex, it may be treated as an aggravated offence, which is rightly recognised as more serious in our justice system.

Designating sex as a characteristic under the 2021 act will ensure that women and girls will benefit from specific hate crime protections that are equivalent to those that are already in place for age, disability, religion and other characteristics. Although the provisions apply to men and boys, too, the evidence is clear and consistent that women and girls face the greatest harms most frequently and most severely. That is why I indicated in my evidence to the committee in September that I was not prepared to allow that gap to continue and that women and girls deserve that protection. The SSI strengthens the tools that are available to police, prosecutors and courts, sends a clear message that abuse driven by misogyny and sex-based prejudice has no place in our communities and ensures that women and girls will receive the same level of legal protection as victims targeted because of other characteristics in hate crime law.

Protecting women and girls from violence and hate is not simply a legislative priority but a moral imperative. The regulations represent a necessary further step towards a justice system that recognises and responds effectively to the lived reality of women and girls across Scotland.

As always, I am more than happy to take questions.

The Convener: Thank you. I invite questions from members. We will start with Liam Kerr.

Liam Kerr (North East Scotland) (Con): Good morning, cabinet secretary. You have said that the regulations are about protecting women and girls in law. The policy note suggests that they will implement the first two recommendations in Baroness Kennedy's report, but they will not, because Baroness Kennedy specifically recommended, for example, the creation of a new statutory misogyny aggravation that would operate outside the Hate Crime and Public Order (Scotland) Act 2021.

You referred to the consultation. Many respondents to the consultation—which,

interestingly, resulted in no amendments being made to what is proposed—said that the mechanism was "ill-suited" to dealing with the misogynistically motivated crime that women and girls face.

Do you accept that the proposed mechanism is a poor second to the full misogyny act that women were promised? What else will be lost as a result of that mechanism being used, rather than a full misogyny act being introduced?

Angela Constance: I refute the suggestion that the approach that we are taking in the regulations is a poor second. For the reasons that I have outlined today and previously, it is important that sex is included in the 2021 act. I have said previously that I do not want there to be a gap with respect to women and girls. The model followed in the 2021 act is a proven model for providing legal protections for other characteristics, such as age, religion, sexual orientation, disability and so on, and, in my view, it is imperative that sex is included in those protections. The advantage of the 2021 act is that it offers a proven model for providing legal protections.

Will the regulations be the last step, legislatively or non-legislatively? I expect not. That will be an issue for the next session of Parliament.

Hate crime legislation is effective in responding to overt behaviour, by which I mean behaviour that is evidently based on prejudice. Particular evidence of that requires to be provided. However, I have considerable sympathy for the comments and views that have been expressed in relation to, for example, misogynistic harassment. Work on that has been done by many organisations, as well as by Baroness Kennedy, and I do not think that that will be lost, whatever steps Parliament decides to take in the next session. Is there an argument for further steps being taken to tackle that more nuanced behaviour? I think that there is.

I have an open mind with regard to the future, but I strongly refute the view that the approach that we are taking in the regulations is a poor second. It is a necessary step. We all need to have humility when we look at the scale of misogynistic behaviour, harassment, violence and sexual crime against women and girls. We would be doing women and girls a disservice if we ever pretended that one measure was the silver bullet. I would never be prepared to do that.

Liam Kerr: You say that it is important that sex is included in the 2021 act and that it offers a proven model, but that is not how the Government felt in 2020, when it persuaded Parliament that we needed a stand-alone misogyny act.

I well recall, during the passage of the Hate Crime and Public Order (Scotland) Bill, joining colleagues from across the parties in saying that we did not believe that the Government would introduce the promised misogyny bill, and it seems that we were right. Given that Baroness Kennedy reported in 2022, the consultation was launched in 2023 and the decision in the For Women Scotland case was made this time last year, what work has the Government done on a stand-alone bill since it promised the Parliament in 2021 to introduce such a bill so that, following its abandonment of its promise in May 2025, a new Government could pick up the issue and get something in place very quickly? Can the cabinet secretary reassure colleagues that this is not the end of the process? What is she doing to ensure that a new Government can pick up the issue and get something in place?

Angela Constance: I respect the views that have been articulated. Some members in the Parliament, including some who are sitting around this table, argued for a misogyny bill and for sex to be included in what became the 2021 act at the time. The Government most certainly was pursuing a misogyny bill in line with Baroness Kennedy's recommendations. Indeed, a draft bill was published, so significant work has been done on a stand-alone misogyny bill.

However, it is a complex area of policy and law, and I do not imagine for a minute that anyone who has sat around this table for a considerable time would argue otherwise. Any bill relating to criminal law must be clear and unambiguous. For good reasons, members around this table have always pursued that goal.

There are policy implications following the Supreme Court judgment, so further work needs to be done. There was insufficient time to complete the next stage of that work prior to a bill being introduced and going through three stages of the legislative process in this parliamentary session.

I do not think that it is credible to say that a stand-alone misogyny bill is anything other than a complex policy area. It would certainly take our criminal law into an area that it has not been in before.

Liam Kerr: I certainly recognise that it is a complex area, but I have argued that the Government prioritises what it chooses to prioritise and makes time for what it thinks it should do.

On the point about delay, events will not become aggravators until after 5 April 2027, which is more than a year away. On 24 September last year, the cabinet secretary said to the committee:

"I am not having a gap in the law for women."—[*Official Report, Criminal Justice Committee*, 24 September 2025; c 33.]

However, it has been acknowledged that there is

a gap, which is why we are considering the SSI today.

We know that what is proposed is a different concept from what Baroness Kennedy envisaged—the cabinet secretary has acknowledged that the SSI will not go the whole way in addressing what Baroness Kennedy has said—so it will not fill the gap. That gap will now remain for more than a year. Given that the 2021 act has now been in place for several years, what on earth is delaying the protection of women and girls for another 14 months?

Angela Constance: I understand the question that Mr Kerr has raised—it is a more than legitimate one. My previous commitment was to ensure that we do not have a gap in the law. As members around this table will well understand, more often than not, there is a commencement period to allow for the preparation and implementation of a law. I wanted to take the opportunity to introduce the SSI under the super-affirmative procedure. It is not a simple, straightforward process. It is not overly complex, but it has particular requirements that demand more attention and time than an affirmative or negative procedure. We will address the gap in the law.

10:15

The commencement of the regulations will be on 5 April next year. Via officials, I discussed the matter closely with Police Scotland and the strong advice that the police gave me was that they need adequate time to train their officers in identifying offences and applying the law in the light of the change. I point out that, although the Hate Crime and Public Order (Scotland) Act 2021 was passed in 2021, it was not commenced until 2024, so I have explored and tested the matter with Police Scotland. It has been clear in its assessment and view that an achievable timescale for training its police officers supports a commencement date of 5 April next year.

The Convener: I will pick up on the points that you set out with regard to the time that Police Scotland will require to put training in place and develop guidance and policy. I know from experience that responding to hate crime as an operational officer is not necessarily straightforward. It can sometimes be difficult to distinguish between a hate crime and an ordinary criminal act, if there is such a thing. Investigations can also be complex and often merit a partnership response.

Will the cabinet secretary set out a little bit more about plans for training not just for police officers and staff, but for individuals who work in the wider stakeholder space who might have a role in a whole-system response to a hate crime being perpetrated, particularly—assuming that the SSI is agreed to—where the characteristic of sex is appropriate?

Angela Constance: That is an interesting point that speaks to the comprehensive approach that is required to the implementation of, and preparation for the commencement of, the legislation if it is agreed to. It is important to point out that Police Scotland is a partner in the hate crime strategic partnership group, which provides an opportunity for engagement with other partners to explore the issues that you have identified.

The Convener: I am interested in the partnership group. Tell us a bit more about its membership, aims and objectives.

Angela Constance: The partnership group has been established for a considerable time. I cannot recall the date of its establishment, but I suspect that it predates my time as Cabinet Secretary for Justice and Home Affairs. It involves a range of stakeholders with whom the Minister for Victims and Community Safety regularly engages. The group helped to drive forward the hate crime strategy delivery plan, which is broader but nonetheless an important underpinning to our legislative approach. If it is not going to be too late for the committee, and unless Patrick Down can recall the membership off the top of his head, I would be happy to supply more information about the group.

Patrick Down (Scottish Government): I am not a member of the group and would not like to give a definitive list of exactly who is involved, but it includes prosecutors, Police Scotland and various groups supporting victims of hate crime. We could come back to the committee about that in writing if it would be helpful.

The Convener: I would certainly be interested in receiving that information so that we can understand a little more about what the group's role might be, particularly in the context of what we are discussing today. I appreciate the offer.

Katy Clark (West Scotland) (Lab): Cabinet secretary, if the instrument passes, it might create a situation in which there are different definitions of sex in different parts of the Hate Crime and Public Order (Scotland) Act 2021 due to the use of the terms "sex" and "biological sex". Do you agree?

Angela Constance: No, I do not agree. The definition of sex that has been used relates to section 12 of the 2021 act, which means that we are enabled to give a definition of sex only for the purpose of the characteristic of sex, which is quite focused.

I certainly hope that members will agree that the documentation makes it clear that sex is defined as biological sex, which is equivalent to sex at birth. That is the definition of the characteristic of sex that is used for the purposes of the act.

Katy Clark: When you gave evidence last year, you were clear that you were relatively restricted in the framing of any subordinate legislation that you introduced, because of the crafting of the original legislation. Did you look at whether it might be possible to use the same terminology on sex throughout the legislation, perhaps not by using the section 12 power but in relation to other consequential powers within it? Is that something that you explored? You will have seen the representations on the issue that a range of organisations have made to the committee and, I am sure, to the Scottish Government. There is a view that the use of different terminology in different parts of the act could mean that there will be different interpretations. Did you explore whether it might be possible to get a consistent definition by using either section 12 or another part of the act?

Angela Constance: That was explored. I may come back in but will ask Jasmin Hepburn to begin by going over the technicalities. The question touches on the commentary around interpretive provisions.

Jasmin Hepburn (Scottish Government): When we were considering which power to use in order to add sex as a characteristic, we looked first at section 12 of the act. As you rightly say, there are other provisions, including an ancillary provision in section 17. We looked at both and came to the view that the power in section 12 was the appropriate one to use. As the cabinet secretary said, that is limited to amending only the characteristic of sex and the associated interpretive provision at section 11, so we were confined to that.

Katy Clark: Does the Scottish Government have a view on how "sex" should be interpreted in relation to sexual orientation? Would having the provision on sex in the SSI interpreted as referring to biological sex mean that the interpretation of "sex" that is used elsewhere in the 2021 act would become uncertain? Is the Scottish Government saying that "sex"—whether described as "biological sex" or simply "sex" throughout the 2021 act—is to be defined in accordance with the Supreme Court judgment as meaning biological sex?

Angela Constance: It is worth emphasising that our work stems from section 12 of the act, and that the definition for the purposes of the instrument is specific to the characteristic of sex.

If I have understood you correctly, you are asking about the interpretive provision concerning sexual orientation and any interplay there. The Government's view is that that would not have a significant practical effect on the operation of the act. If someone is targeted for being gay, bisexual or heterosexual, the sexual orientation aggravation or stirring up hatred offence will be available, regardless of whether they define their sexual preferences by reference to birth sex or lived-in gender. If someone is targeted not because of their sexual orientation but because they are, let us say, in a relationship with a trans person, that could be covered by the transgender characteristic, as they would be targeted because of their association with a characteristic.

Jasmin, do you want to add anything?

Jasmin Hepburn: Only to say that the enabling power is very limited, so adding the characteristic of sex is for that characteristic only. It does not read across in that way, as the cabinet secretary said. The SSI amends a particular characteristic, and that is as far as the power goes.

Katy Clark: You will have seen the representations that have been made, and you will be very aware of all the arguments. Is it the Scottish Government's view that the term "sex" in the act will always be interpreted as "biological sex", in accordance with the Supreme Court judgment?

Angela Constance: For the purposes of the act, where hate crime is targeted at people on the basis of their sex, yes.

Katy Clark: Thank you.

Pauline McNeill (Glasgow) (Lab): Good morning. This is quite complex, to be fair. I think that you said to Katy Clark that, in the section that the SSI refers to relating to characteristics, the Government has decided to define sex as biological sex. Does that mean that sex is not defined in that way elsewhere in the act? Is it fair to say that it is defined for the purposes of section 12, but it is not defined elsewhere? It is just left without being defined. Is that right? That must be the case.

Jasmin Hepburn: Sorry, but could you repeat your question?

Pauline McNeill: I am sorry. I am not saying that I understood this. I think that you said to Katy Clark that you have used section 12 to alter the section on characteristics only, as you want to add the characteristic of sex, and that, for that section only, you are defining it as biological sex.

Jasmin Hepburn: That is correct.

Pauline McNeill: You are not defining it elsewhere in the act; it is just left undefined. Is that fair?

Jasmin Hepburn: That is correct.

Pauline McNeill: Right. So we cannot conclude anything from that as to what is meant by the rest of the act—it is only that bit. Is that fair?

Jasmin Hepburn: That is correct.

Pauline McNeill: That is important, because of the representations that we have had, which Katy Clark referred to, from For Women Scotland and Scottish Trans, who have concerns. On a technicality, the rest of the act does not define sex. I think that Jasmin said that it does not define it.

Angela Constance: Before I go back to Jasmin—

Pauline McNeill: It does not define it. Do not confuse me now.

10:30

Angela Constance: Let me try to explain this in my layperson's terms. I think of the Hate Crime and Public Order (Scotland) Act 2021 in chapters. It addresses all the characteristics, and we do not want sex to be the only characteristic that is not in the act. That is my view.

The only area in which there was discussion of sex was with regard to sexual orientation. Section 12 is quite limiting in that it is clear that we can define sex only for the purpose of placing the characteristic of sex.

We have received correspondence from the Equality Network and Scottish Trans, which raised concerns directly with ministers and officials, and we have responded. It is fair to say that we have a respectful difference of opinion on various aspects of the legislation.

It is hard to envisage circumstances in which the Scottish Government's consideration of the meaning of sex in the interpretative provision that concerns sexual orientation, as it stands, would make a practical difference as to whether an offence was aggravated or whether an offence of stirring up hatred on grounds of sexual orientation has been committed.

There was commentary about the issue during stage 2 of the Hate Crime and Public Order (Scotland) Bill when amendments were lodged that sought to alter the definition of sexual orientation. It was explained that the reference to

"persons of a different sex"

in the bill instead of the "opposite sex" was intended to ensure that the definition is more inclusive, particularly for non-binary persons. As such, the definition is intended to cover attraction that is based on birth sex, gender identity or both.

Again, to put it in laypeople's terms—Jasmin Hepburn or Patrick Down can correct me if I am wrong—the Hate Crime and Public Order (Scotland) Act 2021 is, for want of a better word, siloed into what I consider to be different chapters, protections and characteristics.

Pauline McNeill: All I was asking was a simple question, but thank you for the explanation. You have defined sex for the purposes of the characteristic but, for everything else—as far as the act is concerned, and for the reasons that you have outlined—you have not defined it. That is all that I wanted to know.

Jasmin Hepburn: It has been defined for the characteristic of sex.

Pauline McNeill: Thank you.

I want to address the issue that Liam Kerr mentioned. You said—and, just for the record, you were not the Cabinet Secretary for Justice and Home Affairs at the time of the Hate Crime and Public Order (Scotland) Bill's passage—that those of us who supported the addition of sex to the bill did so in order to fill a gap. However, that was not the primary argument for doing so. We did so because of the same argument that the Government is putting today, which is that there should be a stand-alone crime.

In your answer to Liam Kerr's question, you said something about the Supreme Court judgment. Did you mean that it is the Supreme Court judgment that is holding up the work to create a stand-alone offence?

Angela Constance: No. In my time as the Cabinet Secretary for Justice and Home Affairs, considerable work has been done on a misogyny bill. There was a consultation and a draft bill was produced. The only point I sought to make is that further policy work would have been required in light of the Supreme Court judgment.

A stand-alone misogyny bill would involve a complex area. There were issues that the working group that was led by Baroness Kennedy did not address, which relate to if and how the offence of misogyny would apply to trans women and trans men. That is not a criticism in any shape or form of Baroness Kennedy's work; I am simply making the point that further work following the Supreme Court judgment would have been required to make progress on the bill, but there was insufficient time to do that work and get the bill through the Parliament.

Pauline McNeill: Given that you have adopted biological sex for the purposes of that section in the Hate Crime and Public Order (Scotland) Act

2021, could you not just have adopted the same definition for the purposes of a stand-alone misogyny crime?

Angela Constance: That would still require significant work to be undertaken. Without rehearsing all the arguments that have played out in the chamber, significant work has been undertaken in a number of policy areas. Some of that work has been concluded and some of it is on-going. I do not think that it is simple or straightforward. In fact, I am convinced that it is not as simple or straightforward as the member suggests.

Do you have anything to add, Patrick?

Patrick Down: I simply make the general point that what we are doing here is adding the characteristic of sex. There is already separate provision for the characteristics of transgender identity and variations in sex characteristics. That would not be the case with an entirely new misogyny offence, so a more consequential policy decision would need to be made about how, when and whether it should apply when a victim is or is perceived by a perpetrator to be a trans man, a trans woman or non-binary. That is not to say that the Supreme Court's definition of a woman is based on biological sex could not be adopted, but that would be a more consequential decision than is required here, where there is already separate protection.

Pauline McNeill: There is a great deal of disappointment and Engender did not spare the Government, to be fair. The work that Helena Kennedy did is important and there is agreement across the board that we do not want an asymmetrical crime, because of the whole nature of misogyny. Most groups wanted the stand-alone crime. In its written submission, Engender notes that the United Nations Convention on the Elimination of All Forms of Discrimination Against Women—CEDAW—and the Istanbul convention talk about the asymmetry

"between men and women's experience of gender-based violence"

and the fact that the conventions

"require approaches to reflect the deep inequality, structural injustice and power imbalances".

It is therefore disappointing that we are not going to see a stand-alone offence by the end of this parliamentary session.

Engender also points out that, in the Government's consultation, more than half of the consultees did not accept that the SSI that we are looking at today is in any way an answer. I agree with Liam Kerr: I do not think the Government should give the impression that, somehow, it has achieved 25 or 30 per cent of what Helena Kennedy recommended. It has filled the gap, and I will support the Government in doing so, as I would have done in 2021. However, it is disappointing that progress has not been made on the stand-alone crime, given that everyone accepts that that approach is the right one, rather than just including misogyny as a characteristic of hate crime legislation.

Angela Constance: I understand and appreciate the disappointment that has been expressed by Engender and others. I can assure you that a misogyny bill was certainly on my agenda.

Where I disagree is that I do not think the action that we are taking today is contrary to the equally safe approach or that it conflicts with CEDAW. It is entirely correct that policy should reflect the gendered nature of violence. We have to recognise that the 2021 act covers aggravation in crimes where it can be proved that the accused was motivated by or demonstrated malice or ill will to the characteristic that is covered by the act.

We all know that domestic abuse and sexual offending are mainly committed by men towards women. I have always defended that analysis and the approach of looking at the issue through a gendered lens. That is reflected in, for example, the allocation of resources to supporting victims and awareness-raising work. However, in the criminal law, the domestic abuse offence applies to females as well as males, although the vast majority of perpetrators are men.

My final point is that we can take more than one approach to the issue. I deeply respect and understand the fact that people are disappointed that we are not pursuing a misogyny bill, but we can take more than one approach. I think that the action that we are proposing to take is crucially important, and I hope that the committee will support the regulations, but I would never present it as our final resting place.

The Convener: Rona Mackay is next, followed by Jamie Hepburn, and then we will have to move on.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. I fully support the instrument that we are discussing today, but I am concerned that the transgender community feels less protected by the inclusion of the definition of "biological sex". I realise that we have been discussing the instrument for the past half hour, but, for the record, can you reassure members of the transgender community that they will still be protected and that the provision in the 2021 act is not being watered down? Is there a differentiation in that regard between people with a gender recognition certificate and people who do not have one?

Angela Constance: My responsibility as justice secretary is to uphold everybody's rights in accordance with all our laws and expectations as a country. The 2021 act makes specific provision for variations of sex and transgender identity. It protects a range of people on the basis of age, race, religion, disability, transgender identity and sexual orientation. In my view, what we are doing in the regulations is proposing to fill a gap in our hate crime framework.

Rona Mackay: I completely understand that. I simply want to reassure members of the transgender community that their rights will be just as strong as they were before once the definition of "biological sex" is added.

Angela Constance: It is my strong view that I am not proposing any action that will reduce the rights of others.

Rona Mackay: Thank you.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): I would just like to clarify that what I understand to be the case is, in fact, the case. This picks up on some of the concerns that have been expressed to us, in relation to which Rona Mackay sought reassurance.

I think that I am correct in understanding that the aggravator relates to the motivation rather than the victim's protected characteristics per se, although I recognise that, in almost every case, there will probably be a correlation between the two. In your letter to the committee, you cite the example of a crime that has been committed against a member of the Sikh religion, but the crime was motivated by Islamophobia. Are you able to confirm that it is what has motivated the individual, rather than the characteristic of the victim per se, that the aggravation depends on? There will almost always be a correlation between the two, but that will not necessarily be the case.

10:45

Angela Constance: It is about the perpetrator's perception. If a perpetrator commits an offence against an individual on the basis that they perceive them to be of the Muslim faith but, actually, the victim is not, that is irrelevant. It is about the offender's perception or belief. It is important to stress the fact that, to achieve clarity in the law around hate crime—we need clarity in the law—we tried to limit overlap in our framing of that. The debate was well aired during the passage of the Hate Crime and Public Order (Scotland) Bill, and, when the act was implemented in April 2024, we had to make particular efforts to make the point that it is about the perception of the offender.

Jamie Hepburn: On a related point, could there be more than one aggravating factor from across a range of protected characteristics?

Angela Constance: Yes.

Jamie Hepburn: That is helpful.

The Convener: Our next item of business is consideration of the motion to approve the affirmative SSI on which we have just taken oral evidence. I remind officials—not that I need to—that only MSPs may speak in a debate on a motion.

Motion moved,

That the Criminal Justice Committee recommends that the Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026 [draft] be approved.—[*Angela Constance*]

The Convener: Do members have any points that they wish to make?

Liam Kerr: Yes, please. Cabinet secretary, you mentioned in response to Pauline McNeill that there is a misogyny bill in draft. In order that the next Government can pick up and run with it, is there value in that being published or released in some way, so that stakeholders can comment on it?

Since we are in the debate section of our consideration, the only comment that I have to make is my extreme disappointment that we are at this point, years after women and girls were promised full protection. I recall the powerful and good work done by the likes of Jenny Marra and Johann Lamont—whom the cabinet secretary will remember—in the previous parliamentary session to try to get proper protection for women and girls. Instead, what we have with this SSI is reduced protection, and it is delayed. I am not happy that Baroness Kennedy's report was published as long ago as 2022, because it is clear that the Government has failed to do the work that would have been required in the interim to get us to a position in which women and girls have full protection. However, I appreciate that what is being proposed might go some of the way, so, for that reason, I will support the SSI.

I think that the cabinet secretary wants to intervene.

Angela Constance: Thank you, Mr Kerr. I just want to note that substantial work has been undertaken on a misogyny bill. A draft bill was published and, indeed, consulted on, and all that information is available. Substantial work has been done, but further work is required.

Liam Kerr: Right. I accept that. I wonder whether information on the further work that has been undertaken since the consultation closed, which presumably has been on-going for the past year or so, might be released.

This is my final point, convener. What we have here in the SSI goes some of the way, so I will support it. What I, certainly, and perhaps my committee colleagues would be keen to see is the new Government, however it is constituted, picking up and running with this issue. I make that point in the strongest possible terms on my own behalf—I do not speak for anyone else—because the Government has failed to protect women and girls. I know that the cabinet secretary will do all that she can to protect them and I hope that she will do whatever she can to help the next Government to take that forward.

Pauline McNeill: As I said in my questions, I will support the Government's SSI because I have always believed that there is a gap that should have been filled in 2021. We would prefer to see a stand-alone crime for reasons that are eloquently set out by Engender about the nature of misogyny.

The wonderful work that has been done must be recognised. I recognise that the Government and Helena Kennedy have done a lot of work on the matter.

If I am honest, the Government should have been presented in the first place with the point that most women probably want a crime that is based on biological sex. That is not to say that there are not people with other characteristics who should have equal protection in law but the nature of misogyny necessitates it. I am sorry to say that that is probably what has held up the misogyny bill. However, that is for a future Parliament to decide and I wanted to acknowledge the work that had been done by everyone on the matter in the hope that the Parliament will take it on in the next session.

Jamie Hepburn: It seems that everyone supports the SSI so I will not labour the point and take up too much time.

It strikes me that we should not overcomplicate the process. The SSI looks to be an eminently sensible measure. The 2021 act always left open the possibility that an SSI of this nature could be introduced. We recognise that, if we could go back, we might have done it differently and included misogyny in primary legislation at that time but we did not. The Parliament should now ensure that we fill that gap. I am satisfied that adding the category of sex does not restrict or impede charging or, ultimately, prosecuting an individual. It does not disadvantage any other group specified so far.

I hear the disappointment that colleagues express about the misogyny bill not having been introduced. They are perfectly entitled to be disappointed about that and I understand why there is disappointment but that does not strike me as an argument against agreeing to the SSI. We should agree to the motion.

The Convener: I share members' disappointment that the misogyny bill has not been introduced, given the extent to which the work of Baroness Helena Kennedy and the working group was applauded and supported. I note that the Kennedy report says that the idea

"of creating a … stand-alone offence based on misogyny … was finding favour with many women in Scotland and elsewhere, because hate crime legislation is principally designed to protect minorities, and women are not a minority."

The report goes on to acknowledge the extent of the work that has already been done in Scotland, particularly on tackling crimes of rape, sexual offences and domestic abuse. However, it goes on to say that

"many potentially protective laws are hidden away in myriad pieces of legislation and some behaviours are so normalised that"

the current law can fail to act.

For the record, I am supportive of any work that can be done to ensure that the misogyny bill as previously drafted can be brought back in the next session of the Parliament.

The cabinet secretary has already moved her motion, so the question is, that motion S6M-20601 be agreed to.

Motion agreed to,

That the Criminal Justice Committee recommends that the Hate Crime and Public Order (Scotland) Act 2021 (Characteristic of Sex) (Amendment and Transitional Provisions) Regulations 2026 [draft] be approved.

The Convener: Are members content to delegate to me and the clerks responsibility for producing and approving a short factual report to the Parliament on the affirmative instrument?

Members *indicated agreement.*

The Convener: Thank you; that report will be published shortly.

We will have a short suspension and comfort break before we move on to our next item of business.

10:54

Meeting suspended.

11:02

On resuming—

Crime and Policing Bill

The Convener: Our next item of business is an evidence-taking session on a supplementary legislative consent memorandum, LCM-S6-57c, for the United Kingdom Government's Crime and Policing Bill.

The Cabinet Secretary for Justice and Home Affairs remains with us for this item, and she is joined by her Scottish Government officials: Yvonne Edmond, international justice co-operation team; Kristy Adams, organised crime unit; Patrick Down, criminal law, procedure and sentencing team; and Siân Morland, child protection unit—a warm welcome to you all.

I refer members to paper 3. I intend to allow up to 25 minutes for this item, and I invite the cabinet secretary to make some opening remarks on the LCM.

Angela Constance: Thank you, convener. I welcome the opportunity to discuss the supplementary legislative consent memorandum that was lodged in December in relation to the additional proposals in the UK Government's Crime and Policing Bill that require the consent of the Scottish Parliament.

I appeared at committee in October 2025 to give evidence on the LCMs that were lodged in May, June and August 2025. Following that, the Criminal Justice Committee recommended to the Parliament that consent be given for the provisions that were covered by those LCMs. At committee, I set out that further LCMs were anticipated. Since then, we have lodged a third supplementary LCM, on 19 December, covering offensive weapons, child criminal exploitation prevention orders, online child sexual abuse and pornographic images. A fourth supplementary LCM is anticipated covering the remote sale or letting of knives and the application of the definition of "law enforcement employer".

I have recently addressed the questions that were raised by the Delegated Powers and Law Reform Committee in relation to some of the clauses that confer powers on UK ministers that may be exercised within devolved competence. We have taken a pragmatic approach to the issue wherever necessary and hope to see that reflected in the committee's report. Where there are benefits to Scotland, the Scottish Government is happy to recommend support for legislative consent to the relevant provisions in the bill.

The bill covers a range of important topics, and I would like to draw the committee's attention to some of the provisions.

For offensive weapons, changes extend to Scotland that are being made on a UK-wide basis. They relate to penalties that are available for certain offences. That includes increasing the maximum penalty that can be imposed on retailers who sell relevant items to people under the age of 18, or under the age of 16 if domestic knives are being sold. I hope that the committee will support that step. Ensuring that a robust approach is available to take against retailers who flout the law is important in helping to keep our communities safe.

There are also provisions that require remote sellers of knives to report bulk sales to the police. Again, that is for all nations in the UK, and it is a sensible preventative measure to help to keep communities safe.

The bill provides a new UK-wide offence to disrupt adults who criminally exploit children, supporting a UK-wide approach to disrupting child criminal exploitation. The offence was included in the second supplementary LCM, and there is an additional clause that provides further clarity around activity that needs to be proved to establish guilt for the offence. That was omitted from the LCM in error, and it has been included in the third supplementary LCM to rectify the omission.

As well as the new offence, the bill provides new child criminal exploitation prevention orders. Those civil orders are intended to protect children from being criminally exploited by adult perpetrators, and to prevent the adult from future offending.

There are several measures in the bill that are designed to better protect children from the spread of child sexual abuse material online. First, the bill creates a new offence that criminalises the possession, adaptation and distribution of artificial intelligence tools that are used to generate child sexual abuse material. Last month, the Internet Watch Foundation reported that last year was the worst on record for online child sexual abuse material. By extending that measure to Scotland, our priority is clear. We are committed to protecting children and preventing offenders from using AI to create that serious form of abuse.

Secondly, the bill introduces an offence covering the possession of advice or guidance—so-called paedophile manuals—that teach people how to create child sexual abuse material. That has two key purposes. It mirrors the offence that is already in place in England and Wales, and it updates the law so that those instructions also cover AI-generated material. That ensures that our legal framework keeps pace as offenders change their methods.

Finally, the bill introduces a technology-testing defence for designated bodies, such as AI

developers and child safety charities. That allows them to safety test AI models to ensure that they cannot be used to generate child sexual abuse material, extreme pornography or non-consensual intimate images. That approach helps to ensure that products are safer before they reach the public, and to address risks proactively.

My final point on the online child sexual abuse and exploitation provisions is that stakeholders, including the national strategic group on child sexual abuse and exploitation, have shown strong interest in those measures, underlining the importance of extending them to Scotland. The national strategic group recognises the serious harm that children face online and the complexity of preventing it. That is also recognised by the Scottish Government.

Later today, the Cabinet Secretary for Education and Skills will make a statement on our progress in protecting children and young people, which will also reflect our work on online safety. Those provisions represent an important step in ensuring that our criminal law keeps pace with evolving online threats.

I am aware of concerns that have been expressed in the Parliament about non-fatal strangulation and the normalisation of strangulation in sexual behaviour. Last year, the UK Government's independent review of pornography, which was chaired by Baroness Bertin, highlighted the role of pornography depicting strangulation, which is widely available on the internet, in driving the normalisation of that behaviour. The bill seeks to address that by implementing the review's recommendation to criminalise the possession or publication of pornographic images featuring strangulation or suffocation. The offence will apply across the whole of the UK.

The measures that I have outlined align with Scotland's policy priorities, and the legislative consent of the Scottish Parliament is essential if those measures are to take effect in Scotland. As I mentioned, we anticipate a further supplementary LCM.

I hope that that brief overview was helpful. As always, I am happy to answer questions.

The Convener: Thank you, cabinet secretary. I will kick off with a practical question that relates to the provisions on child criminal exploitation prevention orders, which sound very appropriate and reasonable. However, could there be situations in which they might overlap with, for example, child protection orders, which we are all familiar with and are used regularly in Scotland, or are the proposals on the new orders clearly defined as dealing with specific types of offending that would not necessarily apply to a regular CPO, if that makes sense?

Angela Constance: I will start, but I might ask Kristy Adams to come in.

The raison d'être of taking a UK-wide approach is based on recognition of the cross-border nature of some child criminal exploitation. We are all familiar with the fact that those who traffic people also operate on a cross-border basis.

Child criminal exploitation prevention orders vary in what they can do. An adult can be prohibited from doing anything that is described in the order, and it requires the adult to follow the restrictions that are imposed on them. The order must be in place for a defined period—a minimum of two years—or until a further order is granted.

The chief constable of Police Scotland will be able to apply for child criminal exploitation prevention orders. It is also worth noting that prosecutors can make an application for an order for an adult who has been convicted of any offence—it does not necessarily need to be a child criminal exploitation offence—or who has been acquitted through a special defence, has been found unfit for trial or has had successful appeals against their conviction.

There is potential for overlap, particularly in relation to human trafficking, but I do not think that that has been perceived as being particularly problematic. Such orders are another tool in the box, but I will check with Kristy Adams in case there are other relevant nuances.

Kristy Adams (Scottish Government): I am not aware of any overlap between those orders and child protection orders, but, as the cabinet secretary stated, there is potential for overlap with human trafficking and exploitation prevention orders and risk orders. It is hoped that child criminal exploitation prevention orders will be more specific to the criminal offending of the adult. However, we can consider any overlap and provide more information to the committee if that would be of interest.

The Convener: That would be appreciated. Those answers have been helpful, because you have clarified that the proposed new child criminal exploitation prevention orders will be imposed on the adult, which is slightly different from the approach with which we are familiar with CPOs. However, any further information would be appreciated.

11:15

Liam Kerr: This point might be slightly tangential, but I think that the cabinet secretary will understand why I am raising it. The cabinet

secretary is content to consent to a new clause after clause 84 that concerns new offences of possession and publication of pornographic images that depict acts of strangulation or suffocation. I agree and am perfectly comfortable with those provisions.

The cabinet secretary will be aware of Fiona Drouet's petition on non-fatal strangulation and of what she and many others want to happen in that regard. The petition concerns an offence of non-fatal strangulation, not the possession and publication of such images. However, given that I have this opportunity to question the cabinet secretary, what is her view on the proposal for such an offence? Were she to be back in the Government in session 7, would she be keen to take the proposal forward?

The Convener: As Mr Kerr will recall, because I think that he participated in it, there was a recent members' business debate in which I spoke at length about that issue—to the extent that I was incurring the wrath of the Deputy Presiding Officer.

Mr Kerr will recall that I set out the legislative provision that exists in Scotland. I hope that I fairly acknowledged the arguments for a specific named offence, particularly in relation to data and public messaging, because there is a bit of a dearth of data on the issue. However, we want to ensure that there would not be any unintended consequences. One issue relates to consent, because someone cannot consent to such behaviour, and there are some differences in the law in England and Wales.

We will consult on the matter and on a range of other matters that could enhance protections for women and girls. If my memory serves me right, Mr Kerr has been asking questions about the consultation. All that I can say is that it is imminent, so he will not require to be patient for much longer.

Liam Kerr: I am very grateful.

The Convener: No other members wish to ask questions. Do any members wish to indicate their views on the LCM before I move to the question of consent and any recommendations?

As they do not, is the committee content to recommend to the Parliament that consent should be given to the relevant provisions that are covered by LCM-S6-57c?

Members *indicated agreement*.

The Convener: Are members content to delegate responsibility to me and the clerks to approve a short factual report to the Parliament on the LCM?

Members *indicated agreement*.

The Convener: There will be a very brief suspension to allow for a change of officials.

11:18

Meeting suspended.

11:22

On resuming—

Subordinate Legislation

Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026 [draft]

The Convener: Our next item of business is an oral evidence session on a draft affirmative instrument, the Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026.

Joining the Cabinet Secretary for Justice and Home Affairs are David Doris of the prison policy team and Hannah Hutchison of the legal directorate, both from the Scottish Government. I welcome them and refer members to paper 4. I will allow around 20 minutes for this item of business and I invite the cabinet secretary to make some opening remarks.

Angela Constance: In November, I attended the committee to speak to the draft Management of Offenders (Scotland) Act 2019 and the Prisoners (Early Release) (Scotland) Act 2025 (Consequential Modifications) Regulations 2026, which was the first of two instruments relating to the early removal of foreign national offenders.

That instrument, which was approved by the Parliament on 17 December 2025, brought the point in a sentence from which the early removal period is calculated back into line with the automatic early release point for short-term prisoners, as amended by the Prisoners (Early Release) (Scotland) Act 2025. It also amended the existing order-making power enabling the Scottish ministers, by order, to change the proportion of a sentence that must be served before a prisoner can be removed from prison for the purposes of removal from the United Kingdom.

The purpose of the instrument that you are considering today is to facilitate the early removal from prison of individuals who are liable to removal from the United Kingdom or who have the settled intention of residing permanently outside the United Kingdom.

The instrument, utilising the recently amended order-making power, aligns the provisions with recent changes that have been approved by the Parliament to home detention curfew. Specifically, it provides that the minimum sentence required to be served, before removal is possible, is 15 per cent of the sentence, rather than one quarter. It also increases, from 180 to 210, the number of days, working backwards from the point of automatic release, within which the individual can be removed from prison. These changes will provide a longer and earlier timeframe for removal from prison for the purpose of removal from the country. As the committee will be aware, home detention curfew is not available to prisoners who are liable for removal from the United Kingdom.

I hope that the committee is content to approve the instrument, which helps to provide greater consistency in the management of short-term custodial sentences and may help, albeit in a limited way, to mitigate the high prison population.

The Convener: Thank you, cabinet secretary. I will open the meeting to members' questions, and I will bring in Liam Kerr.

Liam Kerr: I have two questions, and the first is more process driven. Can you help the committee understand what happens when a foreign criminal is released? Are they sent somewhere to be held and then taken from the UK to wherever they are going? Or are they released on a good bond that they will immediately remove themselves and take steps to do it? On a practical level, whether they do or not is perhaps open to question.

Angela Constance: The crux of the question is about immigration enforcement. The UK has the responsibility for the removal and deportation of foreign national prisoners. What we are debating today, for our purposes, is the point at which the Scottish Prison Service can facilitate that in someone's sentence. My understanding is that immigration enforcement take people to— [*Interruption*.] Actually, I will pass that to David Doris, because I want to make sure that I am on the right piste.

David Doris (Scottish Government): I confirm that individuals are not just released into the community in Scotland. It is an agreed process between the SPS and the Home Office, so that individuals have an agreed point of departure and the flights would be arranged. That is all part of the process when it is implemented.

Liam Kerr: How does that work on a practical level? People will be watching this and wondering whether the prison officers open the gates to let someone out and say, "There is your ticket, now off you go and head back to your home country. You will do that, won't you?" I think that people would be keen for more reassurance that there is an actual managed process, from the gate being opened to the person landing in their home jurisdiction.

Angela Constance: I can give assurances on that process. The Scottish Prison Service works very closely with immigration enforcement with regard to exchange of information or a handover. I have some reticence about speaking about UK immigration enforcement, because it is not within

our devolved responsibility, but I understand the motivation for asking the question.

Also, by way of context, the committee might recall that the numbers of foreign nationals that are currently returned are very small. Part of the motivation for this instrument is to increase that number. The figures show that, in the most recent year that the data was recorded, 17 individuals were returned.

11:30

We are quite beholden to support from the UK Government in this area. In reply to a question from Mr Hepburn, I have previously spoken about the fact that only four immigration officers are deployed to work with the Scottish Prison Service and the Northern Ireland Prison Service. They are not connected to Grampian or Inverness, so there are gaps. Of the 77 immigration officers that the UK Government has to work with prisons, only four have been allocated to work with Scotland and Northern Ireland. However, authority over someone's release rests with the prison governor, so the governor has to be satisfied that appropriate arrangements have been made for the departure of the individual.

Liam Kerr: I turn to my second question. I get why this change is being proposed. However, in listening to you, cabinet secretary, I heard that, potentially, a foreign criminal serves 15 per cent of their sentence and then says, "I will go and I promise that I will reside permanently in my home jurisdiction," so they become eligible and start going through the process. Is there not a risk that we are effectively saying to people that, if they come to Scotland and commit a crime, they will serve 15 per cent of their sentence and then go home? Does that not end up looking like soft-touch justice that makes Scotland an attractive place for people to come and commit a crime?

Angela Constance: When we look at the low numbers of return, we see that the converse of that is true. Under the Sentencing Act 2026, the UK Government has the power to release foreign nationals, including long-term prisoners, at the very start of their sentence. If people were motivated in the way that Mr Kerr has suggested, I would suggest that our nearest neighbour, a much larger jurisdiction, would be a more attractive proposition in that regard. I am not convinced that that is currently a motivation in Scotland. The numbers that are being returned are small. In part, that is because our release scheme, as it stands—parts of it could only be changed by primary legislation—applies only to short-term prisoners, who are serving three months or more, but fewer than four years.

The Convener: Cabinet secretary, you said that it would be for the Scottish Prison Service to consider suitability or eligibility for removal under the early removal scheme. That is then referred on to the Home Office for consideration. However, am I right in thinking that, should a governor feel that early removal is not appropriate, they could effectively veto it?

Angela Constance: I do not know that I would describe it as a veto. I do have something in my papers about governors' responsibilities, if you will bear with me, convener. It reads:

"Prison governors in Scotland have the final say on whether a foreign national offender will be removed during their early removal window and must authorise all removals under the scheme."

That is crystal clear.

The Convener: As there are no more questions, we will move on.

Our next item of business is to consider the motion to approve the affirmative SSI on which we have just taken evidence. I remind officials that only members may speak in a debate on a motion. I invite the cabinet secretary to move motion S6M-20532 and to make any brief additional comments that she wishes to make.

Angela Constance: I flag to the committee that there are exclusions from the early removal scheme that might be of interest and, I would contend, of importance. Those excluded from the scheme are: prisoners who are subject to notification requirements under part 2 of the Sexual Offences Act 2003; prisoners who are subject to an extended sentence under the Criminal Procedure Act (Scotland) 1995; those who are subject to a release order; a prisoner who is subject to a hospital direction under the Mental Health (Care and Treatment) (Scotland) Act 2003; and prisoners who are subject to a confiscation order being made under the Proceeds of Crime Act 2002.

Motion moved

That the Criminal Justice Committee recommends that the Early Removal of Prisoners from the United Kingdom (Amendment of Specified Time Periods) (Scotland) Order 2026 [draft] be approved.—[*Angela Constance*.]

Motion agreed to.

The Convener: Are members content to delegate responsibility to me and the clerks to approve a short factual report to the Parliament on the affirmative instrument?

Members *indicated agreement*.

The Convener: The report will be published shortly.

We will have another brief suspension before we move on to our next item of business.

11:37

Meeting suspended.

11:38

On resuming—

Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Domestic Homicide and Suicide Reviews) (Scotland) Amendment Order 2026 [draft]

The Convener: Our final item of business is an evidence session on an affirmative instrument. In addition to the Cabinet Secretary for Justice and Home Affairs, I welcome Mary Hill, criminal justice reform unit, and Louise Miller, solicitor in the legal directorate, both at the Scottish Government.

I refer members to paper 5. I intend to allow up to 20 minutes for this item. I invite the cabinet secretary to make some opening remarks on the SSI.

Angela Constance: The affirmative instrument makes the necessary changes to secondary legislation made under the Rehabilitation of Offenders Act 1974 to allow information about spent convictions and alternatives to prosecution to be shared with a domestic homicide and suicide review in Scotland.

The committee will be aware that the creation of a statutory footing for domestic homicide and suicide reviews was established by the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025, which gained royal assent last year. The provisions to bring domestic homicide and suicide review into effect will commence in full on 1 April this year. The reviews are designed not to apportion blame but to ensure that lessons can be learned following deaths where domestic abuse is known or suspected to have taken place, with the aim of better protecting victims in the future.

Sections 25 and 26 of the 2025 act place a duty on designated core participants in a review to co-operate with and provide information to a domestic homicide and suicide review and on others to provide information to a review in response to a notice requiring it. Sections 25(3) and 26(2) of the 2025 act, however, generally prevent a holder of information from being required to produce it to a review where it is not information that they could be compelled to produce in Scottish court proceedings. Sections 25(4) and 26(3) of the 2025 act specifically disapply that restriction when the material is covered by an exemption under the Rehabilitation of Offenders Act 1974. That was done to ensure that information about spent convictions and alternatives to prosecution could be obtained by a review when needed. These are the exemptions that will now be created by the affirmative SSI.

To fully understand the circumstances surrounding domestic abuse deaths, the review will need to be able to wholly understand a perpetrator's relevant history, including when a conviction has been spent or an alternative to prosecution was offered. The reason for that is clear. Having access to all the relevant information about the background to a death will ensure that the review can provide meaningful and maximum learning and recommendations.

Importantly, in cases in which that information is sought, the review panels will not make any determinations about a person's legal rights or liabilities. There will therefore be no direct impact on the person convicted should information on their spent convictions or alternatives to prosecution be disclosed to a review. If a case review report is published, section 28(2) of the 2025 act requires it to be anonymised first, including to prevent jigsaw identification.

As a further stopgap, each report will go through a process of quality assurance. Police Scotland and the Crown Office and Procurator Fiscal Service will form part of that process. Furthermore, prior to publication of a review report, a risk assessment will be undertaken and the Lord Advocate's approval will be sought.

Collectively, these measures not only help to protect those who have died and their families, they also help to ensure that those with previous convictions are not identified. The SSI will therefore ensure that domestic homicide and suicide reviews in Scotland will be able to access all the information in order to make effective recommendations and, ultimately, to prevent future deaths from occurring. I commend the SSI to the committee.

The Convener: As there are no questions, our next item of business is to consider the motion to approve the affirmative SSI on which we have just taken evidence. I remind officials that only MSPs may speak in a debate on a motion. I invite the cabinet secretary to move motion S6M-20637, in her name, and to make any brief additional comments that she wishes to make.

Motion moved,

That the Criminal Justice Committee recommends that the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Domestic Homicide and Suicide Reviews) (Scotland) Amendment Order 2026 [draft] be approved.—[*Angela Constance*.]

Motion agreed to.

The Convener: Are members content to delegate responsibility to me and the clerks to approve a short factual report to the Parliament on the affirmative instrument?

Members *indicated agreement*.

The Convener: The report will be published shortly.

That brings us to the end of today's meeting. I thank the cabinet secretary and her officials for attending.

Meeting closed at 11:45.

This is the final edition of the Official Report of this meeting. It is part of the Scottish Parliament Official Report archive and has been sent for legal deposit.

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