

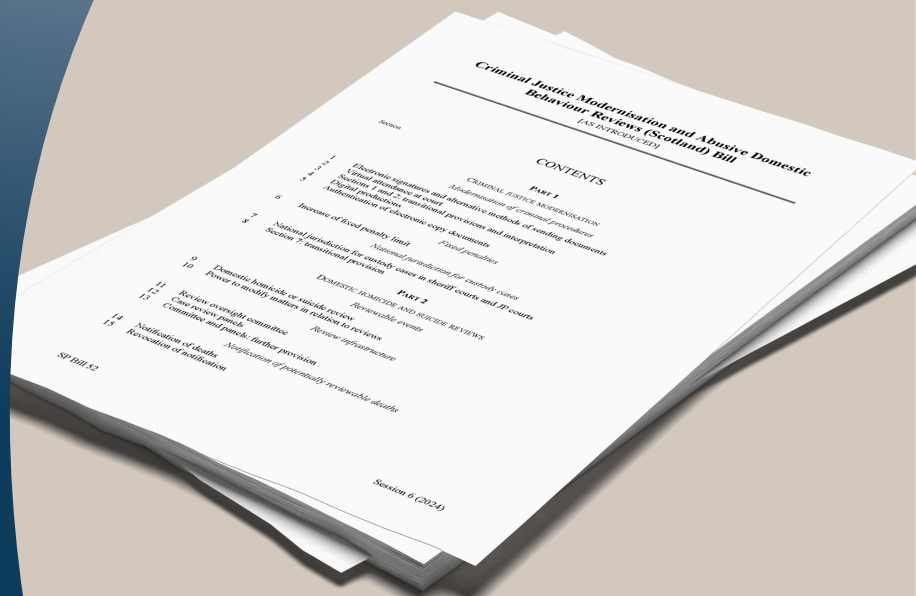


SPICe Briefing  
Pàipear-ullachaidh SPICe

# Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Consideration prior to Stage 3

Frazer McCallum

This briefing seeks to inform Stage 3 proceedings of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. It outlines the main issues considered during Stages 1 and 2.



# Contents

<b>Summary</b>	<b>3</b>
<b>Overview</b>	<b>5</b>
<b>Part 1 - Criminal Justice Modernisation</b>	<b>7</b>
Electronic signing and sending of documents	7
Stage 1	7
Stage 2	8
Virtual attendance at court	8
Stage 1	9
Stage 2	10
Digital productions	11
Stage 1	11
Stage 2	11
Authentication of electronic copy documents	12
Stage 1	12
Stage 2	12
Body-worn video evidence	13
Stage 2	13
Fixed penalties	13
Stage 1	14
Stage 2	14
National jurisdiction for custody cases	14
Stage 1	15
Stage 2	16
Time limits in solemn cases	16
<b>Part 2 - Domestic Homicide and Suicide Reviews</b>	<b>17</b>
Deaths which may be reviewed	17
Connection with domestic abuse	18
Honour killings	19
Complexity of the existing review landscape	20
Review bodies	21
Reporting on reviews	21
Resources	22
<b>Bibliography</b>	<b>24</b>

# Summary

The main provisions of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill are set out in two parts, with a third part covering issues such as commencement.

## Part 1 - Criminal Justice Modernisation

Part 1 of the Bill seeks to make permanent some of the temporary justice measures set out in the Coronavirus (Recovery and Reform) (Scotland) Act 2022. The measures covered in the Bill are in following areas:

- electronic signing and sending of documents in criminal cases
- enabling virtual attendance at a criminal court
- higher fiscal fines (a type of financial penalty which can be offered by the prosecution as an alternative to going to court)
- removing geographical limitations on which criminal courts in Scotland can deal with the initial stages of a case where the accused appears from police custody.

Part 1 of the Bill also sets out three new provisions aimed at supporting digital innovation in the criminal justice system. These relate to:

- the use of digital productions instead of producing physical evidence in criminal proceedings
- allowing digital copies to be treated as equivalent to items copied without the need for additional authentication
- evidence from police body-worn video.

The first two were in the Bill as introduced, with the third being added at Stage 2.

## Part 2 - Domestic Homicide and Suicide Reviews

Part 2 of the Bill sets out a statutory framework for a national system of reviews into homicides or suicides connected to domestic abuse. The purpose of such reviews would be to identify what lessons can be learned following a death where domestic abuse is known or suspected, with the aim of helping to prevent future abuse and deaths. Reviews would focus on those cases where:

- relevant public authorities or voluntary organisations were, or could have become, involved in the circumstances leading up to the death
- a review might lead to improvements in practice in safeguarding and promoting the well-being of those affected by abusive domestic behaviour.

## Parliamentary scrutiny

The Criminal Justice Committee Stage 1 Report expressed support for the general principles of the Bill, whilst also setting out recommendations aimed at strengthening its

proposals.

The Bill completed Stage 1 with the Stage 1 debate on 1 April 2025, following which the general principles of the Bill were agreed to without division.

Stage 2 consideration of amendments took place at a meeting of the Criminal Justice Committee on 11 June 2025.

# Overview

The Scottish Government introduced the [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Bill](#) (the Bill) <sup>1</sup> in the Scottish Parliament on 24 September 2024. Its provisions are set out in three parts.

Part 1: Criminal Justice Modernisation - seeks to make permanent provision in relation to some (but not all) of the temporary justice measures set out in the Coronavirus (Recovery and Reform) (Scotland) Act 2022, which are due to expire on 30 November 2025. It also provides for some new provisions aimed at supporting digital innovation in the criminal justice sector.

Part 2: Domestic Homicide and Suicide Reviews - provides for a national system of domestic homicide and suicide reviews. The purpose of such reviews would be to identify what lessons can be learned following a death where domestic abuse is known or suspected, with the aim of helping to prevent future abuse and deaths.

Part 3: Final Provisions - covers issues such as regulation-making powers and commencement.

An [earlier SPICe briefing](#) <sup>2</sup> provides more detail on the Bill as introduced.

The Parliament's Criminal Justice Committee was designated as lead committee for parliamentary scrutiny of the Bill. Its [Stage 1 Report](#) <sup>3</sup> was published on 11 March 2025. In relation to the general principles of the Bill, the report stated (paras 367-369):

“ This is a dual-purpose bill which modernises certain procedures relating to criminal cases and the courts, and creates a process for reviewing deaths which relate to abusive behaviour within relationships.”

“ In this report, we have welcomed many of the provisions in the Bill. In some areas, we have commented on the specific provisions and on occasion have made recommendations to the Scottish Government to strengthen the proposals.”

“ Overall, however, we are content to support the general principles of the Bill.”

The Scottish Government provided a [written response](#) <sup>4</sup> to the Stage 1 Report on 28 March 2025.

The Bill completed Stage 1 with the [Stage 1 debate](#) <sup>5</sup> on 1 April 2025, following which the general principles of the Bill were agreed to without division.

Stage 2 consideration of proposed amendments took place at a [meeting of the Criminal Justice Committee on 11 June 2025](#). <sup>6</sup> This was followed by publication of the [Bill as amended at Stage 2](#). <sup>7</sup> Supplementary [financial](#) <sup>8</sup> and [delegated powers](#) <sup>9</sup> memorandums were also published.

Significant amendments agreed to at Stage 2 included:

- Part 1 - seeking to clarify the circumstances in which national jurisdiction could extend beyond initial custody hearings; and dealing with evidence from police body-work

video

- Part 2 - requiring a connection between reviewable deaths and the domestic abuse of a partner or ex-partner.

Further information on Stage 2 amendments is provided in the rest of this briefing.

# Part 1 - Criminal Justice Modernisation

Part 1 of the Bill seeks to make permanent some of the temporary justice measures set out in the [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022](#), which are currently in force until 30 November 2025.

The ones covered in the Bill are in following areas:

- electronic signing and sending of documents in criminal cases
- enabling virtual attendance at a criminal court
- higher fiscal fines (a type of financial penalty which can be offered by the prosecution as an alternative to going to court)
- removing geographical limitations on which criminal courts in Scotland can deal with the initial stages of a case where the accused appears from police custody.

Part 1 of the Bill also set out three new provisions aimed at supporting digital innovation in the criminal justice system. These relate to:

- the use of digital productions instead of producing physical evidence in criminal proceedings
- allowing digital copies to be treated as equivalent to items copied without the need for additional authentication
- evidence from police body-worn video.

The first two were in the Bill as introduced, with the third being added at Stage 2.

Parliamentary scrutiny of these provisions is outlined below in the order they appear in the Bill.

Also included below, is one issue which is not covered by the Bill but was considered during Stage 1 scrutiny - time limits in solemn cases.

## Electronic signing and sending of documents

Section 1 of the Bill seeks to make permanent provision on the electronic signing and transmission of legal documents (e.g. by email or secure website).

The Bill's [Policy Memorandum](#)<sup>10</sup> stated that, prior to temporary changes made in response to COVID-19, hard copy legal documents were signed and physically delivered. But that, since relevant temporary changes were introduced in 2020, electronic alternatives "have become firmly embedded in Scotland's justice system, have made many justice processes more efficient, and have reduced costs" (para 19).

### Stage 1

In its [Stage 1 Report](#), the Criminal Justice Committee expressed its backing for the measures (para 33):

“ We support these provisions on the basis that the current temporary arrangements have demonstrated that such changes can contribute to the efficient operation of the justice system. Moreover, if the provisions are not made permanent, as proposed in the Bill, then the justice system would need to revert to a requirement for physically signed documents, which would clearly be a backward step.”

The Stage 1 Report did, however, highlight a concern that the use of relevant technology should not lead to digital exclusion. On this point, the Scottish Government's [response to the Stage 1 Report](#) noted that (p 2):

“ While these provisions in the Bill allow for certain documents to be signed and lodged electronically, they do not make it a requirement to do so. In fact, in the absence of the recipient's permission to receive documents electronically, the prevailing requirement is to issue hard copy documents.”

## Stage 2

The issue of people still being able to access paper documents was also raised during Stage 2, with Sharon Dowey MSP lodging two amendments seeking to further clarify the point.

Responding to these amendments, at the [meeting of the Criminal Justice Committee on 11 June 2025](#),<sup>6</sup> the Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) stated that (col 10):

“ The bill already permits individuals to receive documents in hard copy. The provisions simply offer an additional option to those who wish to, and are able to, use electronic means. Although I cannot support the amendments in their current form, I would be happy to work with Ms Dowey in advance of stage 3 to explore whether any provision is required to achieve her intentions, while ensuring that no disruption is caused to operational practices that have been in place for five years or, in some situations, longer.”

On this basis, the proposed amendments were withdrawn or not moved.

## Virtual attendance at court

Section 2 of the Bill seeks to make permanent the current temporary provisions relating to when virtual attendance at criminal court proceedings is permitted. Arguments advanced in favour of greater use of virtual attendance include that it can support more efficient use of resources by reducing the need to travel to court.

In situations where someone is to give evidence, the general default requirement would be for in-person attendance at court. However, courts would have the power to allow virtual attendance in individual cases (e.g. to allow virtual attendance at a trial). Courts would be able to exercise this power where satisfied that virtual attendance would not be contrary to the interests of justice.

The default position of in-person attendance where giving evidence, would also be subject

to:

- an exception applying to proceedings where the only party is a public official (e.g. where the police or prosecution are seeking a warrant or court order)
- separate rules allowing for virtual attendance in particular circumstances (e.g. where special measures apply to vulnerable witnesses).

Where the relevant proceedings do not involve the giving of evidence, the Lord Justice General (Scotland's most senior criminal judge) would have the power to issue determinations to change the default position to virtual attendance for particular categories of case. The Bill's [Policy Memorandum](#) (para 32) noted that the Lord Justice General has used temporary powers in this area to change the default to virtual attendance in some High Court procedural and appeal hearings.

The Policy Memorandum also highlighted various examples of where the current temporary provisions have been used to allow virtual attendance in court in specific cases. These included allowing police officers to give evidence remotely and some use of virtual custody courts.

## Stage 1

In its [Stage 1 Report](#), the Criminal Justice Committee stated that (paras 15-16):

“ Our position is that, in principle, we are not against the concept of virtual attendance at court. For example, it has been seen to deliver improvements for some users of the justice system, particularly professional witnesses.”

“ In principle, we are also supportive of making aspects of the current temporary arrangements permanent. This is because we would not wish to lose the improvements for some users which have been achieved under the temporary provisions which are due to expire in November. However, our support in principle is subject to more detail being included in the Bill about the circumstances in which virtual attendance is permitted.”

The Committee went on to highlight three areas where it was seeking a response to concerns raised in evidence:

1. Power of the Lord Justice General to change the default position to virtual attendance in proceedings not involving the giving of evidence - the Committee recommended that the Bill should set out more detailed criteria to be applied in determining whether this is appropriate.
2. Location of virtual attendance - the Committee recommended that the Bill should provide additional safeguards in relation to the appropriateness of arrangements for virtual attendance (e.g. to ensure that a witness providing evidence virtually is not being influenced by someone off-camera).
3. Previous problems with virtual attendance - the Committee sought reassurance that these will be addressed in future plans for using virtual attendance in the various stages of a case. In particular, the Committee pointed to concerns about previous arrangements for virtual custody courts.

In relation to these areas, the Scottish Government's [response to the Stage 1 Report](#)

commented that:

1. The power of the Lord Justice General to change the default position to virtual attendance could only be used where it would not prejudice the fairness of proceedings, or otherwise be contrary to the interests of justice. These are the criteria used under the current temporary provisions, allow consideration of relevant matters and are well understood by the courts.
2. The Bill already allows courts to address the issue of whether any location is suitable for virtual attendance. It does this by requiring that the parties have an opportunity to make representations, and through the application of the fairness of proceedings and interests of justice tests by the courts.
3. The use of the virtual custody court model has been paused to allow the resolution of identified challenges. An evaluation is underway, with an update on the progress of the work to be available by the end of 2025.

## Stage 2

On 3 June 2025, the Scottish Government wrote to the Criminal Justice Committee [providing an overview of its proposed Stage 2 amendments](#).<sup>11</sup> The letter advised that the Scottish Government had not lodged any amendments in relation to virtual attendance at court. It referred back to the recommendations in the Stage 1 Report on providing:

- more detailed criteria as to when it might be appropriate for the Lord Justice General to make a determination changing the default position to virtual attendance
- additional safeguards regarding the types of location where it is appropriate for virtual attendance to take place from.

On these issues, the letter stated that:

“ Since the conclusion of the Stage 1 debate, we have engaged with a number of partners and stakeholders including the Lord Justice General on this issue and all stakeholders are of the view that the provisions have been in place for some time, practitioners are familiar with them, and they work well as currently framed.”

“ Furthermore, no concerns have been raised with me or my officials that the courts are permitting witnesses to attend virtually from unsuitable remote locations, nor have there been concerns with the one determination that has been issued to date by the Lord Justice General. Therefore, we have been unable to identify meaningful amendments that can be brought forward.”

Both Pauline McNeill MSP and Liam Kerr MSP did lodge amendments exploring possible changes to the provisions on virtual attendance. Following debate, these amendments were withdrawn or not moved. However, this was with the possibility of returning to some relevant issues at Stage 3 (e.g. on the use of virtual custody courts).

## Digital productions

Section 4 of the Bill sets out new measures in relation to the use of digital productions in criminal proceedings, with the aim of making processes more efficient (e.g. by reducing the need to store and transport physical items of evidence).

They include provisions allowing images of physical items (e.g. a digital image of a weapon) to be treated in court as if they were the item itself. This would be subject to the court having the power to direct that the physical item is produced. The Bill's [Policy Memorandum](#) (para 68) noted that under current rules a "physical production may be required as it constitutes the best evidence and therefore is usually required to be produced in court". It stated (para 69) that the Bill:

“ aims to change the law in order to allow an image (such as a scan, photograph or video) of a physical item (such as a knife) to be received in evidence in lieu of the item, without objection on the basis that the original item has not been produced to the court, and to treat the image as the equivalent of the actual production itself.”

### Stage 1

In its [Stage 1 Report](#), the Criminal Justice Committee expressed support for the principle of the provisions in this area, but sought reassurance on two issues:

1. Circumstances where the original physical item of evidence is required in preference to an image of the item - that those involved in a case would at any point, up to and including the trial, be able to see the physical item of evidence.
2. Retention of physical items of evidence - that the acceptance of an image of an item by the court would not lead to the premature disposal of the original physical item.

The Committee had, during Stage 1, received some evidence arguing that it could be important to retain access to a physical item (e.g if it has distinctive characteristics which are not captured in an image and are only identified as being significant later in the case).

In relation to these issues, the Scottish Government's [response to the Stage 1 Report](#) stated that:

1. It was working with justice partners to see if timescales might be specified within which objections to the use of digital productions would need to be raised, and what it would mean if no objection was raised within such periods.
2. That it would be appropriate for justice partners such as Police Scotland, Crown Office and Procurator Fiscal Service, and Scottish Courts and Tribunals Service to lead the work in developing an appropriate retention policy for both physical and digital productions. With the Scottish Government providing support where needed.

### Stage 2

A number of Scottish Government amendments were agreed to at Stage 2 setting out timescales within which parties would have to apply for a direction from the court that the use of an image in place of the physical evidence would prejudice the fairness of

proceedings.

Other proposed Stage 2 amendments considered by the Criminal Justice Committee included three which were disagreed to on the Convener's casting vote:

- an amendment lodged by Liam Kerr MSP seeking to ensure that the existence of an image of a physical item does not lead to the destruction of the item itself whilst proceedings are still ongoing (including any appeal)
- amendments lodged by Liam Kerr MSP and Pauline McNeill MSP seeking to ensure that those involved in a case are still able to view a physical piece of evidence despite the fact that an image of that item has been accepted as evidence.

Responding to these proposed amendments, the Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) commented that:

- the retention of all physical items of evidence whilst proceedings are still ongoing would be costly for justice partners (in storing items for longer) and delay the return of personal items to victims.
- the defence would have a right to examine any physical item relevant to the case, and that this could be exercised where the defence might want to seek the production of the item itself at trial rather than an image of that item.

## Authentication of electronic copy documents

Section 5 of the Bill sets out new provisions which would, in certain circumstances, remove the requirement for a signed certificate authenticating a copy document. This would apply where the copy was created by uploading the document from an electronic device onto a relevant digital evidence storage system.

The [Policy Memorandum](#) (para 77) states that the Digital Evidence Storage System used within the criminal justice system "incorporates multiple authentication and auditing measures to ensure the accuracy and integrity of digital documents". And that these negate the need for separate certificates of authentication.

### Stage 1

The Criminal Justice Committee expressed support for the provisions in its [Stage 1 Report](#) (paras 157-158):

“ These proposals would help streamline procedures relating to certificates of authentication by taking advantage of the new Digital Evidence Sharing Capability. The proposals are fairly technical in nature and appeared to attract broad support. As such the Committee is content to support them.”

### Stage 2

No Stage 2 amendments were lodged in relation to these provisions.

## Body-worn video evidence

### Stage 2

Section 5A of the Bill was added by Scottish Government amendment at Stage 2. It provides that where the prosecution uses police body-worn video footage as evidence, any details of time and location recorded on the footage are sufficient evidence of those matters. This would be subject to the right of the defence to serve notice that it disputes the accuracy of the time and/or location.

The Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) outlined the potential benefits of the provisions at the [meeting of the Criminal Justice Committee on 11 June 2025](#),<sup>6</sup> stating that they would (col 34):

“ put in place an evidential rule that allows for some non-controversial aspects of body-worn video evidence to be accepted by the court. That will reduce the need to routinely cite police officers to speak to those aspects, and it will benefit victims and witnesses by allowing cases to be brought to court sooner. That is in line with the current practice and legislation for fixed camera video footage, such as that taken on closed-circuit television, which is contained in section 283 of the Criminal Procedure (Scotland) Act 1995.”

## Fixed penalties

Where a criminal allegation is reported to the Crown Office and Procurator Fiscal Service, prosecutors have a range of actions they can take instead of prosecution through the criminal courts.

In appropriate cases, these alternatives to prosecution include offering the alleged offender the opportunity to pay a fixed penalty under section 302 of the Criminal Procedure (Scotland) Act 1995. This form of penalty is commonly referred to as a 'fiscal fine'. The offer does not have to be accepted, but the possibility of prosecution remains if it is not.

Section 6 of the Bill seeks to amend the [Criminal Procedure \(Scotland\) Act 1995 Fixed Penalty Order 2008](#) to make permanent provision in relation to higher fiscal fines. A prosecutor would be able to select between nine levels, ranging from £50 to £500. These are the same as currently provided for on a temporary basis in the Coronavirus (Recovery and Reform) (Scotland) Act 2022. Prior to the COVID-19 pandemic, seven levels of fiscal fine were in use, ranging from £50 to £300.

The Bill's [Policy Memorandum](#) (para 57) argued that:

“ Making the increased maximum level of fiscal fine of £500 permanently available to prosecutors as a non-court disposal allows prosecutors to continue to deal with less serious offending appropriately, freeing up capacity in the criminal courts system for more serious cases.”

In addition, it commented that the pre-pandemic scale had not been changed since it was introduced in 2008, and its maximum of £300 would now be the equivalent of almost £430 if inflation is taken into account.

Section 6 of the Bill also replaces an existing power (introduced in 2006) allowing the Scottish Government to use secondary legislation to set a higher maximum level of fiscal fine (i.e. more than £500). The change from the existing power is that any change would be made on the face of the primary legislation.

## Stage 1

In its [Stage 1 Report](#), the Criminal Justice Committee noted the support of several organisations (including the Crown Office and Procurator Fiscal Service) for the provisions in this area, and that the increase is broadly in line with inflation.

However, it also noted some concerns in evidence about the ability of people to pay increased level of fiscal fines. On this point, the Scottish Government's [response to the Stage 1 Report](#) stated that it would continue to monitor how fiscal fines work in practice.

The Stage 1 Report also noted calls for victims to be informed when a fiscal fine is accepted. Although not focused on fiscal fines, the issue of whether more information about prosecution decisions should be provided to victims was also raised during parliamentary scrutiny of the [Victims, Witnesses, and Justice Reform \(Scotland\) Bill](#).<sup>12</sup> This is outlined in a SPICe briefing on parliamentary scrutiny of that bill prior to Stage 3 - under the heading of '[Victims and decisions on prosecution](#)'.<sup>13</sup>

## Stage 2

Two proposed amendments were considered by the Criminal Justice Committee at Stage 2.

Liam Kerr MSP lodged an amendment seeking to remove the ability of the Scottish Government to use secondary legislation to set a higher maximum level of fiscal fine (i.e. more than £500). He explained that he was concerned that any further increase could result in fiscal fines being used inappropriately for serious criminal activity. In response, the Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) noted that the Scottish Government currently has the power to use secondary legislation to raise the maximum level, and argued that requiring primary legislation would not represent an efficient use of parliamentary time. The amendment was disagreed to on the Convener's casting vote.

Sharon Dowey MSP lodged an amendment which would have required the Scottish Government to publish a report on the impact of the provisions on fiscal fines. The Cabinet Secretary for Justice and Home Affairs said that she was not persuaded of the necessity for this, noting that there had already been opportunities to consider the impact of the higher levels currently provided for on a temporary basis. In response, Sharon Dowey MSP did not move her amendment but noted that she would consider the matter further in advance of Stage 3.

## National jurisdiction for custody cases

In some cases, suspects are held in police custody until their first appearance in court (e.g. where the police consider that release would present a significant risk to a complainer). In

addition, an accused person who has been allowed to remain in the community until trial or sentencing may be arrested following a failure to appear in court and held in police custody until returned to court.

Prior to the COVID-19 pandemic, the normal practice was for a custody case to go to a court within the sheriffdom where the offence was allegedly committed. A sheriffdom is an area of the country for the purposes of court administration, with Scotland being split into [six sheriffdoms](#).<sup>14</sup>

Temporary provisions in COVID-19 legislation (currently under the Coronavirus (Recovery and Reform) (Scotland) Act 2022) provide greater flexibility in relation to which sheriff courts can deal with appearances from police custody. The prosecution is given the power to select which sheriff court should deal with the case - choosing from sheriff courts across the whole of Scotland. Depending on what happens in a case, national jurisdiction generally ceases to apply to later stages of a case (e.g. national jurisdiction does not apply to trials).

Section 7 of the Bill would amend the Criminal Procedure (Scotland) Act 1995 to make permanent provision for national jurisdiction when courts are dealing with appearances from police custody. It goes further than the current temporary provisions by applying this national jurisdiction to justice of the peace courts as well as sheriff courts.

The Bill's [Policy Memorandum](#) (para 48) argued that:

“ Maintaining a national jurisdiction for custody cases as a feature of Scotland's criminal justice system would enable a flexible response in the management of custody business.”

The national jurisdiction may be used in managing cases where an accused is appearing in person at a court (e.g. where severe weather makes transport to another sheriffdom difficult). However, the Policy Memorandum, also highlighted potential advantages in relation to virtual custody courts (para 50):

“ a national jurisdiction for custody cases would enable the increased use of virtual custody courts by allowing accused persons to attend any sheriff court in Scotland remotely by electronic means from the local police station they are being held at, and have their case dealt with by any sheriff across the country.”

## Stage 1

In its [Stage 1 Report](#), the Criminal Justice Committee stated that it was "supportive of the premise of these temporary measures becoming permanent" (para 223).

However, the Committee sought more clarity on the stage at which a case would revert to local jurisdiction. The Scottish Government's [response to the Stage 1 Report](#) sought to emphasise that national jurisdiction would not apply to trials in sheriff or justice or the peace courts. It also provided more detail on when national jurisdiction ends under both solemn and summary procedures.

With regard to the use of national jurisdiction in the context of developing virtual custody courts, as noted above the Committee's Stage 1 Report [highlighted practical concerns about virtual custody courts when commenting on virtual attendance more generally](#).

## Stage 2

Stage 2 involved further consideration of the appropriate limits of national jurisdiction. This included the agreement of several Scottish Government amendments which sought to:

- clarify the circumstances in which national jurisdiction could extend beyond initial custody hearings
- set out rules for the situation where a person has been convicted following a trial and appears from police custody following a failure to appear at a subsequent court hearing for sentencing.

## Time limits in solemn cases

Stage 1 scrutiny of the Bill included consideration of time limits in solemn procedure cases. Current temporary measures in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 include some extended time limits for such cases. They were originally introduced to assist in managing the backlog of cases that built up during the pandemic.

The Bill does not seek to make the extended time limits permanent. However, during Stage 1 scrutiny of the Bill, concerns were raised that the solemn court system could struggle to revert to relevant pre-COVID time limits by the end of November 2025 (when the temporary provisions are due to expire). The issue was outlined in the Criminal Justice Committee's [Stage 1 Report](#) (paras 226-244).

The matter was subsequently dealt with by regulations - the [Coronavirus \(Recovery and Reform\) \(Scotland\) Act \(Saving Provisions\) Regulations 2025](#). They provide that the extended time limits will continue to apply to cases where certain initial stages of a case have taken place before the end of 30 November 2025. The [policy note](#) published along with the regulations states that:

“ This is with the intent to provide more time for those involved in the operation of criminal proceedings to be ready for the pre-pandemic time limits to apply once again and avoid a situation where a large number of cases all time out simultaneously on 1 December 2025. It is intended to ensure that there is as smooth a transition as possible back to pre-pandemic time limits by avoiding a situation where a large number of cases all reach their time limit at the end of 30 November 2025. It implements the policy recommendation made by the Criminal Justice Committee in their Stage 1 report on the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill in respect of effecting as smooth a transition as possible.”

## Part 2 - Domestic Homicide and Suicide Reviews

Part 2 of the Bill sets out a statutory framework for a national system to review domestic homicides and suicides. The Bill's [Policy Memorandum](#) (para 104) explained that the purpose of such reviews would be:

“ to identify what lessons can be learned and applied following a death where abuse is known or suspected in order to help prevent future abuse and deaths.”

The [Explanatory Notes](#) <sup>15</sup> (para 102) stated that:

“ The review is not about attributing liability to anyone but rather is about working with relevant agencies (whether statutory or voluntary) where either the victim or the perpetrator came into contact with them, in order to learn any wider systemic lessons.”

In its [Stage 1 Report](#), the Criminal Justice Committee expressed support for the principle of establishing a system of domestic homicide and suicide reviews (para 350):

“ Part 2 of the Bill proposes the establishment of domestic homicide and suicide reviews. This has been broadly welcomed by stakeholders owing to Scotland not currently having a statutory system to review deaths linked to domestic abuse and the need to identify areas of change and improvement to help to prevent future abuse and deaths. As such, we welcome the principle in the Bill to establish domestic homicide and suicide reviews. We are aware that there is a gap in the review landscape in Scotland that means deaths linked to domestic abuse may not be subject to any review process and therefore the opportunity to learn lessons is lost.”

However, the Stage 1 Report did highlight several issues which were raised in evidence. These are outlined below, along with some key areas of amendment and debate during Stage 2.

It is also worth noting that in May 2025 the Scottish Government published a report as part of ongoing development of the proposed system of reviews - [Testing Scotland's Proposed Domestic Homicide and Suicide Review Model: Phase One Report and Scottish Government Response](#). <sup>16</sup> Publication of the report was after the Stage 1 debate on the Bill but before consideration of Stage 2 amendments by the Criminal Justice Committee. It includes comments on the proposed legislative provisions.

### Deaths which may be reviewed

This part of the briefing considers two issues relating to the circumstances in which a death may come within the scope of the proposed system of domestic homicide and suicide reviews:

- whether the circumstances in which a review might be held should be limited to those where there has been domestic abuse
- whether the system of reviews should be extended to cover honour killings.

## Connection with domestic abuse

Section 9 of the Bill sets out the circumstances in which a death may fall within the scope of the proposed system of domestic homicide and suicide reviews. These would include situations where the death of a partner or ex-partner follows domestic abuse:

- the abuser kills their partner/ex-partner
- an abused partner/ex-partner commits suicide
- an abused person kills their abusive partner/ex-partner.

In some situations the death of a child of either partner/ex-partner, or another young person, could also fall within the scope of the proposed system of reviews.

The Criminal Justice Committee's [Stage 1 Report](#) noted that, under the provisions of the Bill as introduced, the circumstances in which a review might be held would not be limited to those where there had been domestic abuse as defined in the [Domestic Abuse \(Scotland\) Act 2018](#). The 2018 Act created a statutory offence of domestic abuse which focuses on situations where a person abuses a partner or ex-partner.

The Bill as introduced allowed for reviews in a range of circumstances where a child or young person dies following abuse, including situations where there was no evidence of this happening within the wider context of a person abusing a partner or ex-partner.

The Stage 1 Report commented that the Committee had "heard conflicting views on whether the definition used in the Bill was too wide in scope" (para 353). It sought reassurance from the Scottish Government that the approach taken in the Bill would not undermine the current approach to tackling domestic abuse, which focuses on abuse within partner/ex-partner relationships.

The Scottish Government's [response to the Stage 1 Report](#) sought to provide such reassurance, stating that (p 10):

“ Whilst the definitions in the 2018 Act and Part 2 of the Bill are broadly similar, the Bill takes a broader position in relation to children to ensure that more deaths are covered by the review model. We know that the impact of domestic abuse or the 'ripple effect', particularly where there is a death, is far reaching. There is valuable learning to be gained in considering the wider impact of incidents of domestically abusive behaviour and as such it is right that the definition reflects a wider set of relationships to ensure the model captures the wider impact.”

However, the Scottish Government subsequently lodged amendments at Stage 2 requiring a connection between reviewable deaths and the domestic abuse of a partner or ex-partner. The Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) noted that she had reflected on the points made in the Committee's Stage 1 Report, and that her amendments would ensure that nothing contained in the Bill would undermine the commonly understood definition of domestic abuse in Scotland.

Under the provisions of section 9 as amended at Stage 2, the proposed system of reviews would still cover a range of circumstances where a child or young person dies following abuse, but only where this may be connected to the abuse of a partner/ex-partner.

The Cabinet Secretary outlined how Stage 2 amendments would affect the proposed

system of reviews during the [Criminal Justice Committee's meeting on 11 June 2025](#).<sup>6</sup> For example (col 58):

“ Amendment 14 provides that the deaths of children who are killed by a parent where there was not domestic abuse, or where it was not believed that there was domestic abuse, will not be included in the domestic homicide and suicide review model. It does that by requiring there to have been, or to appear to have been, domestic abuse between the perpetrator and a current or former partner before the death can be a reviewable death.”

“ That ensures that abusive behaviour is out of scope of a domestic homicide and suicide review if it is not anchored in domestic abuse between partners or ex-partners. I would clarify that that does not create or leave a gap in respect of deaths of minors, because cases that are, for instance, purely child abuse-related would continue to be reviewed, as they currently are, through existing child protection learning reviews.”

## Honour killings

Section 10 of the Bill would (amongst other things) allow the Scottish Government to use secondary legislation to expand the scope of domestic homicide and suicide reviews to cover deaths arising from other types of relationship. In its [Stage 1 Report](#), the Criminal Justice Committee stated that it would "welcome the inclusion of deaths in the context of honour-based abuse and homicide by family members" (para 356).

In its [response to the Stage 1 Report](#), the Scottish Government stated that (p 10):

“ We have committed to including other types of deaths within the model, including 'so-called honour killings' which are not captured under the 2018 Act but we recognise that these deaths should be included within the model and that the impact and behaviours of abusive domestic behaviour go further than the 2018 Act definition does.”

The issue was also highlighted in the Bill's [Policy Memorandum](#) (para 138), which stated that the Scottish Government was committed to expanding the system of reviews to other family relationships where the death was an honour killing. It said that this would be taken forward once work on developing an approach to address [honour-based abuse](#)<sup>17</sup> (including how to define it) had been completed.

During Stage 2, Sharon Dowey MSP lodged amendments which sought to extend the scope of domestic homicide and suicide reviews to cover deaths involving a wider range of family relationships (with less of a focus on partners). The amendments also included reference to honour abuse and honour killings.

At the [Criminal Justice Committee's meeting on 11 June 2025](#),<sup>6</sup> Sharon Dowey MSP referred to the Scottish Government's amendments narrowing the scope of the proposed system of reviews by [requiring a connection with domestic abuse](#). She noted that she supported those amendments and so would not be pressing any of her amendments in this area. However, she indicated that she intended to consider the matter further in advance of Stage 3, adding that (col 55):

“ Given that the bill retains the ministers' ability to expand the scope of reviews in future, and that the cabinet secretary referenced honour killings specifically in her letter to the committee as one of the reasons for that, I ask her to confirm under what circumstances she would use the powers to include honour killings in the scope of reviews, and whether she has a timeline for doing so.”

In response, the Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP) said (col 55):

“ I make it clear to the committee that I fully intend to include so-called honour killings in the review model. However, there is on-going work that needs to be concluded before that can be achieved. I am referring to work that is currently being undertaken by the Scottish Government and stakeholders to develop a policy definition of what so-called honour abuse means in a Scottish context. That will lay the foundation of how we then look to define such deaths for review purposes.”

She concluded by offering to discuss the issue of honour killings further with Sharon Dowey MSP.

The amendments lodged by Sharon Dowey MSP were withdrawn, not moved or pre-empted.

## Complexity of the existing review landscape

In its [Stage 1 Report](#), the Criminal Justice Committee highlighted some concerns expressed in evidence on how the proposed system of reviews might impact on existing review processes (e.g. adding to complexity and leading to duplication of work).

The need to deal with situations where more than one type of review could be relevant was recognised in the Bill's Explanatory Notes (para 146), which commented that the Review Oversight Committee would (under section 17(2) of the Bill) be able to instruct a Case Review Panel to carry out its review in conjunction with a review of another type being carried out by someone else. It added that:

“ Examples of this might include a child protection learning review or an adult support and protection learning review conducted in respect of the death of a vulnerable adult. Another example would be a mental health homicide review into the care and treatment of a homicide perpetrator with a mental disorder.”

The Committee's Stage 1 Report (para 357) recommended that the Scottish Government provide detail on the handling of situations where more than one type of review may be relevant, including how the duplication of existing processes might be avoided.

The Scottish Government's [response to the Stage 1 Report](#) commented that (p 12):

“ The review landscape in Scotland in relation to children and young people is particularly complex. There are also known gaps within existing review processes regarding children and young people and instances of domestic abuse. The domestic homicide and suicide review process will address this gap whilst also ensuring a high standard is set in relation to learning reviews.”

The response went on to say that a set of principles and practical measures for reviews

involving children and young people had been developed to help mitigate concerns about the impact of multiple reviews on families (e.g. there should be only one review of the death of a child or young person unless multiple reviews are unavoidable). It added that these would be included in statutory guidance.

It may be noted that Scottish Government amendments agreed at Stage 2 [requiring a connection between a reviewable death and the domestic abuse of a partner or ex-partner](#) would somewhat reduce the likelihood of a review under the Bill being carried out in conjunction with another type of review into the death of a child or young person.

## Review bodies

The Bill provides for the establishment of a Review Oversight Committee, with responsibility for securing and overseeing the carrying out of domestic homicide and suicide reviews, and for the setting up of a Case Review Panel to carry out each review.

In its [Stage 1 Report](#), the Criminal Justice Committee stated that it supported the proposed model, whilst also highlighting the need for members of the Review Oversight Committee and Case Review Panels to have appropriate training. In relation to the latter, it added (para 358):

“ We seek reassurances that all panel members, including chairs, will undergo robust and comprehensive training, guided by those with expertise in domestic abuse, before undertaking their roles.”

The Scottish Government's [response to the Stage 1 Report](#) sought to provide reassurance that there would be comprehensive training, adding that a training group had been established in 2024 with a remit including (p 13):

“ the development of the job descriptions for the various roles under the model and the development and procurement of a training programme which are being guided by those with expertise in domestic abuse.”

## Reporting on reviews

The Bill provides for two types of report:

1. Case review reports - following the completion of each review, the relevant Case Review Panel would produce a report for consideration by the Review Oversight Committee. The report would cover various issues (e.g. whether opportunities to safeguard or promote the well-being of affected people were missed) and set out any recommendations. The Committee would be required to publish information on the recommendations of each report. This might include publishing part or all of a report, although any information which might identify a living individual could only be published with the consent of that person.
2. Periodic reports - the Scottish Government would be required to report on domestic homicide and suicide reviews every two years. These periodic reports would cover a range of matters, including emerging themes arising from reviews, lessons learned

and actions taken.

In relation to case review reports, the Criminal Justice Committee's [Stage 1 Report](#) stated (para 359):

“ Given the relatively small population of Scotland, we have some concerns about the ability to truly anonymise such reports, and the subsequent impact of this on families, including children. It is clear to the Committee that there is a potential risk of further traumatising families by making these reports publicly available. We ask that the impact on surviving family members is central in the consideration of how reports are published, shared or distributed. We recommend that further details be provided on how reports will be sufficiently anonymised and the level of detail that would be in the public domain following a review.”

In its [response to the Stage 1 Report](#), the Scottish Government noted that (p 14):

“ The anonymisation of review reports is an aspect of the model where there are a range of views from stakeholders and there will also be a range of views between families and family members. We are very aware that careful consideration needs to be given to the narration of events, the implications of publishing sensitive information and how this information will be considered by bereaved children as they get older. A key question to be asked in the publication of reports is 'what is the purpose of publishing the report?'. The answers vary across stakeholders and families, demonstrating that there is not a one size fits all approach in relation to the publication of reports and anonymity.”

And that:

“ A series of options on the approach to the publication of reports, the associated risks and mitigations, have been prepared for consideration by subject-matter experts who are members of the Information Governance Delivery Group. These options will be refined further to help inform what will be the starting position in relation to the publication and anonymisation of review reports, whilst ensuring there is flexibility where a different approach may be requested or required.”

Scottish Government amendments agreed to a Stage 2 included some adding to the information which case review reports must include (e.g. providing that they should highlight instances of good practice).

## Resources

In its [Stage 1 Report](#), the Criminal Justice Committee noted that (para 360):

“ Finally, we heard some significant concerns from public sector organisations about the financial implications of developing and implementing the domestic homicide and suicide review model. We recognise the budgetary pressures facing public sector organisations and we note the Cabinet Secretary's views expressed at paragraph 348. That said, the organisations that take part in these reviews must be provided with the necessary resources to enable their effective participation.”

Paragraph 348 of the Report quoted a letter from the Cabinet Secretary for Justice and Home Affairs (Angela Constance MSP), in which she said that it was anticipated that the

costs for relevant agencies would be minimal but that the matter would be explored with them as part of ongoing engagement.

The Scottish Government's response to the Stage 1 Report added that (p 15):

“ Ensuring sufficient resource is available is a key component to the successful delivery of the proposed domestic homicide and suicide review model. Identifying what those real costs are and ensuring they are met forms part of the consideration of the Domestic Homicide and Suicide Review Taskforce.”

# Bibliography

- 1 Scottish Parliament. (n.d.) Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. Retrieved from <https://www.parliament.scot/bills-and-laws/bills/s6/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill>
- 2 Scottish Parliament. (2024, November 14). Scottish Parliament Information Centre (SPICe), Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. Retrieved from <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2024/11/14/2a4b67e4-65bc-4dbf-be97-44cddca984d5>
- 3 Scottish Parliament. (2025, March 11). Criminal Justice Committee, Stage 1 report - Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill. Retrieved from <https://digitalpublications.parliament.scot/Committees/Report/CJ/2025/3/11/547bd929-6232-4c9f-929b-c8f9d3a99051#Introduction>
- 4 Scottish Government. (2025, March 28). Response to Stage 1 report. Retrieved from <https://www.parliament.scot/-/media/files/committees/criminal-justice-committee/correspondence/2025/criminal-justice-modernisation-bill-scottish-government-stage-1-response28-march-2025.pdf>
- 5 Scottish Parliament. (2025, April 1). Scottish Parliament Official Report, Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Stage 1. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-01-04-2025?meeting=16355&iob=139696>
- 6 Scottish Parliament. (2025, June 11). Criminal Justice Committee, Scottish Parliament Official Report, Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Stage 2. Retrieved from <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/CJ-11-06-2025?meeting=16497&iob=140873>
- 7 Scottish Parliament. (2025, June 11). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill [as amended at Stage 2] Session 6 (2025) SP Bill 52A. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill/stage-2/spbill52as062025.pdf>
- 8 Scottish Parliament. (2025, June 25). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill [as amended at Stage 2] Supplementary Financial Memorandum Session 6 (2025) SP Bill 52A FM. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill/stage-2/spbill52afms062025accessible.pdf>

- 9 Scottish Parliament. (2025, June 23). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill [as amended at Stage 2] Supplementary Delegated Powers Memorandum Session 6 (2025) SP Bill 52A–DPM . Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill/stage-2/spbill52adpms062025accessible.pdf>
- 10 Scottish Parliament. (2024, September 24). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Policy Memorandum Session 6 (2024) SP Bill 52-PM. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill/introduced/policy-memorandum-accessible.pdf>
- 11 Scottish Parliament. (2025, June 3). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews Bill Stage 2 Amendments - letter from the Cabinet Secretary for Justice and Home Affairs to the Criminal Justice Committee. Retrieved from <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-criminal-justice-committee/correspondence/2025/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-bill-stage-2-amendments>
- 12 Scottish Parliament. (n.d.) Victims, Witnesses, and Justice Reform (Scotland) Bill. Retrieved from <https://www.parliament.scot/bills-and-laws/bills/s6/victims-witnesses-and-justice-reform-scotland-bill>
- 13 Scottish Parliament. (2025, May 15). Scottish Parliament Information Centre (SPICe), Victims, Witnesses, and Justice Reform (Scotland) Bill: Consideration prior to Stage 3. Retrieved from <https://digitalpublications.parliament.scot/ResearchBriefings/Report/2025/5/15/6943c170-71e3-41be-a83a-8d023dd3e2b2#>
- 14 Scottish Courts and Tribunals Service. (n.d.) Sheriff Courts. Retrieved from <https://www.scotcourts.gov.uk/courts-and-tribunals/sheriff-and-justice-of-the-peace-courts/sheriff-courts/>
- 15 Scottish Parliament. (2024, September 24). Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill: Explanatory Notes Session 6 (2024) SP Bill 52-EN. Retrieved from <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/criminal-justice-modernisation-and-abusive-domestic-behaviour-reviews-scotland-bill/introduced/explanatory-notes-accessible.pdf>
- 16 Scottish Government. (2025, May 14). Testing Scotland's Proposed Domestic Homicide and Suicide Review Model: Phase One Report and Scottish Government Response. Retrieved from <https://www.gov.scot/publications/testing-scotlands-proposed-domestic-homicide-suicide-review-model-phase-one-report-scottish-government-response-report-commissioned-scottish-government/>
- 17 Shakti Women's Aid. (n.d.) 'Honour-based' abuse. Retrieved from <https://shaktiedinburgh.co.uk/what-is-domestic-abuse/honour-based-abuse/>

Scottish Parliament Information Centre (SPICe) Briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of these papers with MSPs and their staff who should contact Frazer McCallum on telephone number 85189 or [Frazer.McCallum@parliament.scot](mailto:Frazer.McCallum@parliament.scot).

Members of the public or external organisations may comment on this briefing by emailing us at [SPICe@parliament.scot](mailto:SPICe@parliament.scot). However, researchers are unable to enter into personal discussion in relation to SPICe Briefing Papers. If you have any general questions about the work of the Parliament you can email the Parliament's Public Information Service at [sp.info@parliament.scot](mailto:sp.info@parliament.scot). Every effort is made to ensure that the information contained in SPICe briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

