

**Delegated Powers and Law Reform Committee
Tuesday, 2nd September 2025
23rd Meeting, 2025 (Session 6)**

Instrument Responses

Teachers' Pensions (Remediable Service) (Scotland) Amendment (No. 2) Regulations 2025 (SSI 2025/197)

On 28 July 2025, the Committee asked the Scottish Government:

1. Please can you explain the reason for not including a headnote providing that the instrument will be issued free of charge given its sole purpose is to correct errors in a previous instrument?
2. Please confirm whether any corrective action is proposed, and if so, what action and when.

On 19 August 2025, the Scottish Government responded as follows:

1. It is agreed that a headnote should have been included, as referred to, on the basis that this instrument is considered to be correcting errors in, rather than making amendments to, the original instrument. This oversight is regretted.
2. Following discussions with the SI Registrar, a corrected version of the instrument, including headnote, will be published, and arrangements made to refund costs incurred by any purchasers who should have received a copy free of charge.

Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 (Commencement No. 2 and Transitional Provision) Regulations 2025 (SSI 2025/179 (C. 19))

On 19 June 2025, the Committee asked the Scottish Government:

1. Could an explanation please be provided as to why it has taken a relatively long time to commence these provisions of the 2019 Act?
2. A few other sections of the Act will remain not / not fully commenced once this instrument is in force. What are the Scottish Government's plans for commencing these?

On 26 June 2025, the Scottish Government responded as follows:

1. In the specific case of section 6, the details of the new simplified notification procedure and how it will work have been devised by the Scottish Courts and Tribunals Service and the Crown Office and Procurator Fiscal Service, which is in line with the original policy intention. It has taken these bodies some time to fully agree the new process and get it ready to be up and running.
More generally, implementation of the 2019 Act was paused during and in the aftermath of the pandemic to avoid overwhelming the justice system. The focus shifted to supporting the resumption of court processes and then helping reduce the backlogs which built up in the early stages of the pandemic. While the Scottish Government remains very committed to rolling out the presumption in favour of pre-recording of evidence further, these changes are resource-intensive for courts and practitioners. It is considered that changing the ways in which evidence is taken for such a large number of witnesses needs to be done in a controlled and achievable way, especially given pandemic legacy challenges, targeting first the youngest witnesses in the most serious cases.
2. Implementation of the Act is being overseen by a cross-sectoral group. The group published a revised implementation plan last year which is available at <https://www.gov.scot/publications/vulnerable-witnesses-criminal-evidence-scotland-act-2019-implementation-plan/>.