

PARLIAMENTARY BUREAU

REFERRAL OF DRAFT PROPOSAL FOR THE VICTIMS, CRIMINAL JUSTICE AND FATAL ACCIDENT INQUIRIES (SCOTLAND) BILL

1. A draft proposal for a Victims, Criminal Justice and Fatal Accident Inquiries (Scotland) Bill was lodged on 15 December 2021 by Jamie Greene MSP.
2. The proposal is for a Bill:

(a) To make changes to the criminal justice system and increase the rights of victims, including by:

(i) Increasing measures for victims and their families to make representations and access relevant information;

(ii) Improving and introducing measures for considerations relevant to:

- the safety and wellbeing of victims and their families, and
- the offender's cooperation in the disclosure of information, to be taken into account when decisions are made in, and related to, release of offenders; and

(iii) Removing the not proven verdict; and

(b) To expand the criteria for mandatory fatal accident inquiries, and set maximum timescales for mandatory and discretionary fatal accident inquiries.”

3. The draft proposal is accompanied by a consultation document which runs from 16 December 2021 to 9 March 2022.
4. In terms of Standing Orders (Rule 9.14.5) the Parliamentary Bureau is required to refer the draft proposal to a committee (or committees) within whose remit the subject matters falls.
5. This referral is for information only – there is no expectation that the committee will scrutinise or report on the draft proposal at this stage.
6. The proposal falls within the remit of the following committee.

Committee	Remit and relevance
Criminal Justice	To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

7. While the Fatal Accident Inquires element does not fit comfortably into the criminal justice category, all other elements of the proposal fall within that

Committee's remit. The proposal therefore clearly engages the Criminal Justice Committee's remit.

Recommendation

8. The Bureau is invited to refer the draft proposal for the Victims, Criminal Justice and Fatal Accident Inquiries (Scotland) Bill to the Criminal Justice Committee.

Non-Government Bills Unit

December 2021