

## **PARLIAMENTARY BUREAU**

### **DESIGNATION OF BILLS AT STAGE 1**

#### **Bankruptcy and Diligence (Scotland) Bill**

1. The Bankruptcy and Diligence (Scotland) Bill was introduced in the Parliament on 27 April 2023 by the Deputy First Minister and Cabinet Secretary for Finance, Shona Robison MSP.

2. The Bill modifies existing laws related to bankruptcy and diligence. It also provides regulation-making powers for the introduction of a moratorium on debt recovery action for debtors who have a mental illness.

3. The Bill appears to engage the remits of the Economy and Fair Work Committee and Social Justice and Social Security Committee. Committee remits have yet to be updated following the cabinet reshuffle.

4. The current remit of the Economy and Fair Work Committee includes consideration of matters relating to the economy within the responsibility of the Cabinet Secretary for Finance and the Economy.

5. The current remit of the Social Justice and Social Security Committee is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.

6. The Bill relates to statutory debt management and debt relief, diligence and the Accountant in Bankruptcy, which are matters within the responsibility of the Minister for Community Wealth and Public Finance who supports the Deputy First Minister and Cabinet Secretary for Finance. As such, the Economy and Fair Work Committee's remit is engaged. The Cabinet Secretary for Social Justice has responsibility for tackling poverty and inequalities as well as the development and delivery of Scottish benefits. Bankruptcy and debt issues are sometimes linked to poverty when people are unable to pay bills and have deficit incomes. The Social Justice and Social Security Committee's remit is therefore also engaged.

7. It is understood that the Economy and Fair Work Committee has the main interest in this Bill. We are not aware of any desire on the part of the Social Justice and Social Security Committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent that committee from considering the Bill if it so wishes.

#### **Victims, Witnesses, and Justice Reform (Scotland) Bill**

8. The Victims, Witnesses, and Justice Reform (Scotland) Bill was introduced in the Parliament on 25 April 2023 by the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP.

9. The Bill covers a wide range of matters, many of which relate to the experience of victims and witnesses in the justice process, especially sexual offence cases. The Bill also makes some broader reforms to the criminal justice process.

10. Specifically, the Bill:

- creates the office of Victims and Witnesses Commissioner for Scotland
- embeds trauma-informed practice in criminal and civil courts
- increases the availability of special measures for vulnerable witnesses and parties in civil court proceedings
- changes the size of a criminal jury
- makes rules about majority verdicts and what happens when a juror is dismissed or unable to continue on the jury
- removes the not proven verdict
- creates a new sexual offences court and sets out how it will operate within the criminal justice system
- provides automatic life-long anonymity for victims of sexual offences
- gives complainers in sexual offence cases an automatic right to independent legal representation when an application is made to introduce evidence about the complainer's character
- gives power to the Scottish Ministers to carry out a pilot of rape trials conducted by a single judge

11. The Bill appears to engage the remits of the Criminal Justice Committee and the Equalities, Human Rights and Civil Justice Committee. Committee remits have yet to be updated following the Cabinet reshuffle.

12. The current remit of the Criminal Justice Committee includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans (now Justice and Home Affairs). The Bill reforms criminal justice procedure in a number of ways and makes provision relating to victims of crime. The remit of the Criminal Justice Committee is therefore engaged.

13. The current remit of the Equalities, Human Rights and Civil Justice Committee includes to consider and report on matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans (now Justice and Home Affairs). Several of the Bill's provisions make changes in the field of civil justice, such as provision for special measures for witnesses in civil court cases or giving victims a right to lifelong anonymity. The remit of the Equalities, Human Rights and Civil Justice Committee is therefore engaged.

14. It is understood that the Criminal Justice Committee has the main interest in this Bill. We are not aware of any desire on the part of the Equalities, Human Right and Civil Justice Committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent that committee from considering the Bill if it so wishes.

**Recommendation**

**15. The Bureau is invited to recommend to the Parliament by motion that it agrees, under Rule 9.6.1, that—**

- **the Economy and Fair Work Committee be designated as lead committee for consideration of the Bankruptcy and Diligence (Scotland) Bill at Stage 1.**
- **that the Criminal Justice Committee be designated as the lead committee for the Victims, Witnesses, and Justice Reform (Scotland) Bill at Stage 1.**

**Parliamentary Business Team  
May 2023**