

Parliamentary Bureau – Referral of a Bill at Stage 1

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

Introduction

1. The Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill was introduced in the Parliament on 24 September 2024 by the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP.

Discussion

2. Part 1 of the Bill makes provision in relation to processes in the criminal courts. This includes placing on a permanent footing measures that were introduced on a temporary basis through the Coronavirus (Scotland) Act 2020 and the Coronavirus (Recovery and Reform) (Scotland) Act 2022. These measures include:
 - the use of electronic signatures on court documents
 - the transmission of documents electronically
 - virtual attendance at criminal courts
 - national jurisdiction for custody cases
 - an increase to the maximum level for fiscal fines (from £300 to £500).
3. The Bill also introduces new measures relating to digital evidence to, for example, allow the use of images of physical evidence instead of producing the physical object itself.
4. Part 2 of the Bill establishes a new model of reviews into domestic homicides and suicides, to be held with a view to identifying the lessons to be learnt from the death and the circumstances leading up to it.
5. The Bill falls within the remit of the following committees:

Criminal Justice Committee

The 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 Home Affairs. The Bill has been introduced by the Cabinet Secretary for Justice and Home Affairs and relates to criminal justice matters. The remit of the Criminal Justice Committee is therefore engaged.

Social Justice and Social Security Committee

The 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 excluding matters relating to housing and tenants' rights. The remit of the Minister for Equalities, who reports to the Cabinet Secretary for Social Justice, includes responsibility for the Equally Safe strategy which relates to violence against women and girls. Part 2 of the Bill is concerned with domestic homicide and suicide reviews, which are related to violence against women and girls. The remit of the Social Justice and Social Security Committee is therefore potentially engaged.

6. It is understood that the Criminal Justice Committee has the main interest in the Bill.

Recommendation

7. The Bureau is invited to agree to recommend to the Parliament that the Criminal Justice Committee be designated as the lead committee for this Bill. We are not aware of any desire on the part of any other committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent any committee from considering the Bill if it so wishes.

Parliamentary Business Team
September 2024

Draft motion

Designation of Lead Committee: That the Parliament agrees that Criminal Justice Committee be designated as the lead committee in consideration of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill at stage 1.