

Bail and Release from Custody (Scotland) Bill — Stage 3

Section 1

Pauline McNeill

- 67 In section 1, page 1, line 14, leave out <must> and insert <may>

After section 1

Katy Clark

- 68 After section 1, insert—

<Report on operation of section 1

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, prepare a report on the operation of section 1 during the reporting period.
- (2) The report must, in particular, include information on—
 - (a) the impact of section 1 on local authorities,
 - (b) whether local authorities have adequate resources to meet the requirements set out in section 1, and
 - (c) where further resources are required, what action is being taken to address this.
- (3) In preparing a report under subsection (1), the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) any professional body representing social workers in Scotland,
 - (c) such other persons as the Scottish Ministers consider appropriate.
- (4) The reporting period is the period of 1 year beginning with the day on which section 1 comes into force.
- (5) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

Section 2

Pauline McNeill

- 69 In section 2, page 2, line 35, after <(1)> insert <—
<()>

Pauline McNeill

- 70 In section 2, page 2, line 36, at end insert—
<() after paragraph (a) insert—
“() the person has previously breached bail conditions,”>

Pauline McNeill

71 In section 2, page 2, line 36, at end insert—

<() after paragraph (a) insert—

“() any substantial risk that the person might, if granted bail, breach bail conditions,”>

Katy Clark

72 Leave out section 2

Section 3

Pauline McNeill

73 Leave out section 3 and insert—

<Report on bail in certain solemn cases

- (1) The Scottish Ministers must, within 12 months of Royal Assent, review restrictions on bail in solemn cases.
- (2) The review must consider, in particular, the effect of removing the restrictions on bail in certain solemn cases (as provided for in section 23D of the 1995 Act).
- (3) The Scottish Ministers may commission independent research to inform the review.
- (4) As soon as practicable after the review has concluded, the Scottish Ministers must—
 - (a) publish a report on the findings, and
 - (b) lay a copy of the report before the Scottish Parliament.
- (5) The report must include information on the action that the Scottish Ministers plan to take in response to the review, in particular, whether they intend to propose repealing section 23D.>

Section 4

Katy Clark

74 Leave out section 4

After section 4

Pauline McNeill

75 After section 4, insert—

<Grant of bail: duty to provide information

- (1) The 1995 Act is amended as follows.
- (2) After section 33, insert—

“33A Grant of bail: duty to provide information

- (1) This section applies in any proceedings where the court grants bail to an accused person.
- (2) The Scottish Ministers must take all reasonable steps to ensure that a person against whom the offence is alleged to have been perpetrated is aware that the accused person has been granted bail.”>

Section 5A

Katy Clark

76 In section 5A, page 5, line 37, at end insert—

<() the number of individuals who left the remand population by reference to the individual’s gender,>

Katy Clark

77 In section 5A, page 5, line 39, at end insert—

<() in relation to women within the remand population—

- (i) the offences (or types of offence) in respect of which women were remanded in custody,
- (ii) the age profile of women who were remanded in custody,
- (iii) the number of women who transferred from the remand population to the population of prisoners serving a sentence of imprisonment or detention,>

Katy Clark

78 In section 5A, page 5, line 39, at end insert—

<() information on common health issues experienced by women on remand, including—

- (i) physical health issues,
- (ii) mental health issues,
- (iii) drug addiction.>

Jamie Greene

79 In section 5A, page 6, line 7, at end insert—

<() The report must include an analysis of—

- (a) the effects of this Act on the remand population,
- (b) whether any changes to the remand population as a result of this Act has had an impact on the experience of victims.>

Katy Clark

80 In section 5A, page 6, line 9, after <information> insert <, including gender-specific information,>

After section 5A

Katy Clark

81 After section 5A, insert—

<Report on impact of remand on women

- (1) Within 3 years of Royal Assent, the Scottish Ministers must publish a report on common health issues experienced by women on remand, including—
 - (a) physical health issues,
 - (b) mental health issues,
 - (c) drug addiction.
- (2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

Katy Clark

82 After section 5A, insert—

<Report on resourcing of bail conditions

- (1) Within 3 years of Royal Assent, the Scottish Ministers must prepare and publish a report on the impact on resources of the imposition of bail conditions.
- (2) The report must, in particular, consider whether, in cases where the court grants bail subject to conditions, the implementation of the conditions is being adequately resourced.
- (3) In preparing the report, the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

After section 6

Russell Findlay

83 After section 6, insert—

<Release of short-term prisoners

- (1) The 1993 Act is amended as follows.
- (2) In section 1 (Release of short-term, long-term and life prisoners.), in subsection (1), for “the Secretary of State shall, without prejudice to any supervised release order to which the prisoner is subject, release him unconditionally” substitute “the Scottish Ministers must release the prisoner on licence if recommended to do so by the Parole Board or the prison governor”.>

After section 7

Jamie Greene

84 After section 7, insert—

<Powers to block release in cases of undisclosed information

- (1) The 1993 Act is amended as follows.
- (2) In section 2 (Duty to release discretionary life prisoners.), in subsection (5), for “and” substitute—

“() the Board is satisfied that the prisoner concerned has no information about where or how their victim’s remains were disposed of which that person has not disclosed, and”,>

Section 8

Russell Findlay

- 85** In section 8, page 12, line 38, at end insert—

<() serving a sentence of imprisonment for fraud.>

Section 9

Pauline McNeill

- 86** In section 9, page 15, line 30, at end insert—

<() In section 2, in paragraph (e) of the definition of “relevant general services”, after “services” insert “and prescription services”.>

Section 10

Pauline McNeill

- 87** In section 10, page 18, line 3, at end insert—

<() the provision of, and facilitation of access to, prescription drugs,>

Pauline McNeill

- 88** In section 10, page 19, line 5, after <procedure.> insert—

<Throughcare support: duty to report on access to prescription drugs

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, prepare a report on the operation of section 34C during the reporting period.
- (2) The report must, in particular, include information on—
 - (a) whether individuals falling within section 34B(7) have access to the prescription drugs that they require for their physical and mental health, and
 - (b) whether medical and prison services have sufficient resources to meet that demand.>

Section 11

Russell Findlay

89 In section 11, page 19, line 7, at end insert—

<() In section 16 (victim’s right to receive information concerning release etc. of offender), in subsection (1), in paragraph (a), the words “for a period of 18 months or more” are repealed.>

Pauline McNeill

90 In section 11, page 19, line 7, at end insert—

<() In section 16, after subsection (1) insert—

“() The Scottish Ministers must take all reasonable steps to ensure that a person entitled to receive information under subsection (1) is—

(a) aware of their right to the information, and

(b) given every opportunity to intimate whether they wish to receive the information.”.>