

Criminal Justice Committee

**29th Meeting, 2023 (Session 6), Wednesday, 8
November 2023**

**Correspondence from the Scottish
Government**

Note by the clerk

Purpose of the paper

1. This paper invites the Committee to note the contents of a letter from the Cabinet Secretary for Justice and Home Affairs (see **Annex**). This provides details of a planned consultation on the permanency of certain criminal justice measures from Coronavirus Recovery and Reform (Scotland) Act 2022.
2. The consultation will run for 12 weeks, closing on 29 January 2024.
3. The subject matter of the latter is relevant to the Committee's consideration of the following SSI at today's meeting:
 - [The Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(Extension and Expiry of Temporary Justice Measures\) Regulations 2023 \[draft\]](#)

**Clerks to the Committee
November 2023**

Annex

Letter from the Cabinet Secretary for Justice and Home Affairs (dated 6 November)

Dear Convener

CONSULTATION ON PERMANENCY OF CERTAIN CRIMINAL JUSTICE MEASURES FROM CORONAVIRUS RECOVERY AND REFORM (SCOTLAND) ACT 2022 AND MODERNISING CRIMINAL JUSTICE PROCEDURES THROUGH DIGITAL PROCESSES

I am writing to inform you that the Scottish Government has today published a consultation on *Permanency of certain criminal justice measures from Coronavirus Recovery and Reform (Scotland) Act 2022 and modernising criminal justice procedures through digital processes*. This public consultation will run for 12 weeks, closing on 29 January 2024.

When I wrote to you on the 21 September, I outlined my reasons for proposing to extend the temporary justice measures in the Coronavirus Recovery and Reform (Scotland) Act 2022 through regulations currently before the Committee. Within this letter I highlighted that one of the reasons for seeking extension was the valuable role these measures had to play in modernising Scotland's justice processes - our recent Programme for Government also committed to continue to improve the efficiency of our justice system.

Our consultation and review process for the regulations confirmed support from Justice partners for making these provisions permanent; this would require primary legislation.

I am therefore consulting on making permanent the following temporary measures from the 2022 Act:

- Allowing for the electronic signing and sending of documents in criminal cases.
- Enabling virtual attendance at a criminal court.
- National jurisdiction for callings from custody, so that custody cases can be heard in any court in Scotland.
- An increase in the maximum level of fiscal fine, to £500, along with adjustments to the scale of fines.

There are two additional proposals in the consultation which have been developed through engagement with justice partners and these are:

- Legislating to maximise the use of remote and digital ways of working including the use of digital images rather than production of physical evidence in court.

- Alternative ways to prove copy documents to provide more flexibility in the law, taking account of digital innovations such as Digital Evidence Sharing Capability.

The measures being consulted on would enable flexibility, appropriate choice and a person-centred approach in the way processes are managed for those who use the system, including victims, witnesses and the accused and maximise the use of technology where appropriate in our procedures and practices.

The consultation will allow us to hear wider views on how we might adapt and improve provisions so that they can deliver better outcomes and experiences for the people using them.

I am grateful to the Committee for the continued scrutiny of these regulations and look forward to your consideration of the findings of the consultation in due course.

Yours sincerely

ANGELA CONSTANCE