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Our ref: A 41411585

23 November 2022

Dear Convener

SSI 2022/249: THE CIVIL PROTECTION MEASURES, EUROPEAN PROTECTION ORDER AND VICTIMS RIGHTS (EU EXIT) (SCOTLAND) (AMENDMENT ETC.) REGULATIONS 2022

Thank you for your letter of 28 October 2022 to the Cabinet Secretary for Social Justice, Housing and Local Government. You asked how the Scottish Government will monitor any impacts on victims and survivors, given that Scottish orders will not be recognised elsewhere. I am replying as my predecessor as Minister for Community Safety led on this SSI.

The Scottish Government regrets having to put forward this SSI, which was forced upon us by Brexit. However, the impact generally is expected to be low given that the European Protection Order (EPO) was rarely used and the EU regulation on mutual recognition of civil protection orders was rarely used as well.

However, we will discuss with Scottish Women's Aid whether they consider the changes made by this SSI as a consequence of Brexit do have a practical negative impact on victims and survivors.

We will also monitor relevant research and information published at EU level. For example, the Scottish Government is aware of this 2020 report by the European Commission: [EUR-Lex - 52020DC0187 - EN - EUR-Lex \(europa.eu\)](#) At section 5, on conclusions, the report notes in relation to the 26 Member States bound by the EPO Directive that "According to the information available to the Commission, only 37 EPOs were issued and only 15 were executed." That is in line with the limited use of EPOs in Scotland before Brexit.

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The SSI also made a change to the Victims and Witnesses (Scotland) Act 2014. This relates to complaints made to a Police Officer in Scotland about an offence or alleged offence in the EU. Where criminal proceedings for that offence or alleged offence cannot be raised in Scotland, the Chief Constable has to send details of the complaint to the relevant Member State. The change made by the SSI kept the substantive provision but made a minor amendment to the wording to reflect that the UK is no longer an EU Member State.



ELENA WHITHAM

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