

Criminal Justice Committee

**24th Meeting, 2022 (Session 6), Wednesday 27
September 2023**

Victims, Witnesses, and Justice Reform (Scotland) Bill

Note by the clerk

Background

1. The Committee is holding its first evidence session on the [Victims, Witnesses, and Justice Reform \(Scotland\) Bill](#) at [Stage 1 of the Parliament's legislative process](#).
2. The Bill proposes changes to the law to try to improve the experience of victims and witnesses in the justice system. The Bill also proposes changes to the criminal justice system to try to improve the fairness, clarity and transparency of the framework within which decisions in criminal cases are made.
3. Proposals in the Bill include a new Victims and Witnesses Commissioner, changes to the size of juries and jury majorities, the abolition of the not proven verdict, a new Sexual Offences Court and a pilot of rape trials conducted by a single judge without a jury.

Today's meeting

4. At today's meeting, the Committee will take evidence from **Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs**.
5. The purpose of the session is for the Cabinet Secretary to 'set the scene' on the Bill and answer Members' questions on areas such as—
 - How the proposals in the Bill were arrived at;
 - What the purpose and intended outcomes of the proposals are; and
 - What alternative approaches might have been considered for the Bill.
6. This is an introductory session. It is proposed that the Cabinet Secretary will be invited to give evidence again at later phases of the Committee's scrutiny of the Bill. This will be an opportunity for Members to ask more detailed questions on the specific provisions of the Bill. This will be an opportunity for Members to ask further detailed questions on the specific provisions of the Bill.

Criminal Justice Committee's approach to the Bill

7. The Bill contains a number of substantial policy proposals.
8. As such, the Committee has decided to take a phased approach to its consideration of the Bill, to divide the Bill into more manageable segments for the purposes of Stage 1 and consider these separately, one after the other.
9. The phases for evidence taking are as follows—

Phase 1 – approximately mid-Sept to mid-Nov, covering Parts 1 to 3:

- 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**

Phase 2 – approximately mid-Nov to end-Dec, covering Part 4:

- 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

Phase 3 – Parts 5 and 6:

- 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 without a jury**

Call for views

10. The Committee launched its call for written views on the Bill on Monday 19 June 2023. The consultation closed on Friday 8 September 2023. Nearly 250 submissions were received. The Committee is grateful to all those who took the time to send their views. The responses to the call for views [can be found online](#).

**Clerks to the Committee
September 2023**