

Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025

2025 asp 14

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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The Bill for this Act of the Scottish Parliament was passed by the Parliament on 7th October 2025 and received Royal Assent on 19th November 2025

An Act of the Scottish Parliament to modify the law in relation to procedures in the criminal courts; and to make provision for the holding of reviews to enable lessons to be learned following abusive domestic behaviour.

PART 1

CRIMINAL JUSTICE MODERNISATION

Modernisation of criminal procedures

1 Electronic signatures and alternative methods of sending documents

(1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) Before section 304 (and the Part heading immediately preceding it) insert—

"Electronic signatures and alternative methods of sending documents

303C Electronic signatures

(1) An electronic signature fulfills any requirement (however expressed and for whatever purpose) for the signing or initialling of—

(a) a document of a type mentioned in section 303E(1), or

(b) a deletion or correction to such a document.

(2) In this section, "electronic signature" is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000, but includes a version of an electronic signature which is reproduced on a paper document.

303D Sending documents electronically and to a solicitor

(1) Any requirement (however expressed) that a document of a type mentioned in section 303E(1) be given to a person may be fulfilled by—

(a) transmitting it to the person electronically, or

(b) transmitting it (electronically or otherwise) to a solicitor engaged to act on the person's behalf in relation to the proceedings in question.

(2) For the purposes of this section—

(a) electronic transmission of a document by one person ("the sender") to another person ("the recipient") must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,

(b) the recipient's indication of willingness to receive a document in a particular way may be—

(i) specific to the document in question or generally applicable to documents of that kind,

(ii) expressed specifically to the sender or generally (for example on a website),

(iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,

(c) the sender's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document from the sender to the recipient.

(3) In this section, references to giving a person a document include—

(a) serving a document on a person,

(b) sending a document to a person, and

(c) lodging a document with, or otherwise applying to or petitioning, a court.

303E Documents to which sections 303C and 303D apply

(1) The types of document referred to in sections 303C and 303D are—

(a) an order, warrant, sentence, citation, minute or any other document produced by a court,

(b) an extract of any document mentioned in paragraph (a),

(c) any document that an enactment requires to be given to a person in connection with, or in order to initiate, criminal proceedings,

(d) any document that an enactment requires to be signed or initialled in order that it, or any other thing, may be used in criminal proceedings for any purpose including—

(i) being used as evidence, or

(ii) being treated as sufficient evidence of a matter.

(2) But a type of document mentioned in subsection (1) is not to be regarded as mentioned in that subsection for the purposes of section 303C or 303D (or both) if the Lord Justice General directs that it is not.

(3) A direction under subsection (2)—

(a) may relate to some or all criminal proceedings,

(b) may be varied or revoked,

(c) must be made publicly available for so long as it has effect.

303F Interpretation of sections 303C to 303E

In sections 303C to 303E of this Act—

(a) references to a court include an office holder of a court,

(b) "document" includes a copy of a document.".

(3) The following provisions are repealed—

(a) in section 66 (service and lodging of indictment, etc.), subsections (6C), (6D) and (6E),

(b) section 72G (service etc. on accused through a solicitor),

(c) section 148D (service etc. on accused through a solicitor).

2 Virtual attendance at court

(1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) After section 303F (inserted by section 1) insert—

"Virtual attendance at court

303G Suspension of requirement for physical attendance in criminal trials

(1) This section applies in relation to a hearing in criminal proceedings in which—

(a) a person is to give evidence, and

(b) section 303H does not apply.

(2) A court may disapply any requirement (however expressed) that a person physically attend the court by directing that the person need not do so.

(3) A court may disapply a requirement for a person's physical attendance under subsection (2) only if it considers that allowing the person to attend by electronic means in accordance with section 303K would not—

(a) prejudice the fairness of the proceedings, or

(b) otherwise be contrary to the interests of justice.

(4) Nothing in this section affects any other basis upon which a person need not physically attend a court.

(5) References in this section to physically attending a court are to—

(a) being in a particular place, or

(b) being in the same place as another person,

for the purpose of any proceedings before a court or an office holder of a court.

303H Suspension of requirement for physical attendance in criminal proceedings where only party is a public official

(1) This section applies in relation to criminal proceedings in which the only party is a public official.

(2) Any requirement (however expressed) that a person physically attend a court does not apply, unless the court directs the person to physically attend.

(3) A court may direct a person to physically attend under subsection (2) only if it considers that allowing the person to attend by electronic means in accordance with section 303K would—

(a) prejudice the fairness of the proceedings, or

(b) otherwise be contrary to the interests of justice.

(4) Nothing in this section affects any other basis upon which a person need not physically attend a court.

(5) References in this section to physically attending a court are to be construed in accordance with section 303G(5).

303I Directions under sections 303G and 303H

(1) A court may issue a direction under section 303G(2) or 303H(2) on the motion of a party or of its own accord.

(2) The power to issue a direction under section 303G(2) or 303H(2) includes the power to revoke an earlier direction under that section.

(3) In considering whether to issue a direction under section 303G(2) or 303H(2), the court must—

(a) give all parties an opportunity to make representations (subject to subsection (4)), and

(b) have regard to any guidance issued by the Lord Justice General.

(4) A court may, of its own accord, issue the first direction under section 303G(2) or 303H(2) in relation to a hearing or proceedings without having given the parties an opportunity to make representations.

(5) Where a direction under section 303G(2) or 303H(2) is issued as described in subsection (4), the court must—

(a) take steps to ensure that the parties are aware of their right to make a motion for the revocation of the direction, and

(b) deal with any motion for the direction's revocation,

before dealing with any other matter at the hearing, other than a decision to adjourn or a matter that an enactment requires that the court deal with before another hearing could practicably be arranged.

303J Suspension of requirement for physical attendance in other criminal hearings or proceedings

(1) This section applies in relation to any criminal proceedings other than—

(a) a hearing to which section 303G applies, or

(b) proceedings to which section 303H applies.

(2) Any requirement (however expressed) that a person physically attend a court does not apply if—

(a) a determination made by the Lord Justice General states that it does not, and

(b) the court has not directed the person to physically attend.

(3) A determination under subsection (2)(a)—

(a) may, in particular, disapply a requirement for physical attendance—

(i) in relation to persons, hearings or proceedings described in the determination,

(ii) by enabling a court to disapply it in circumstances specified in the determination,

(b) may make different provision for—

(i) different purposes,

(ii) different areas,

(c) may be varied or revoked,

(d) must set out the reason for making the determination,

(e) must be made publicly available for so long as it has effect.

(4) The Lord Justice General may make a determination under subsection (2)(a) disapplying a requirement for physical attendance only if (taking into account the discretion conferred by subsection (2)(b)), the Lord Justice General is satisfied that it would not—

(a) prejudice the fairness of proceedings, or

(b) otherwise be contrary to the interests of justice.

(5) A direction under subsection (2)(b)—

(a) may be issued by a court on the motion of a party or of its own accord,

(b) may be revoked.

(6) Where, by reason of a determination under subsection (2)(a), a person is to attend a court hearing by electronic means in accordance with section 303K, the court must—

(a) take steps to ensure that the parties are aware of their right to make a motion for a direction under subsection (2)(b), and

(b) deal with any motion for a direction under that subsection,

before dealing with any other matter at the hearing, other than a decision to adjourn or a matter that an enactment requires that the court deal with before another hearing could practicably be arranged.

(7) Nothing in this section affects any other basis upon which a person need not physically attend a court.

(8) References in this section to physically attending a court are to be construed in accordance with section 303G(5).

303K Attending by electronic means

(1) A person excused from a requirement to physically attend a court by virtue of section 303G(2), 303H(2) or 303J(2)(a) must instead appear before the court or office holder (as the case may be) by electronic means in accordance with a direction issued by the court.

(2) A person who fails to do so is to be regarded as having failed to comply with the requirement to physically attend from which the person is excused.

(3) A direction under subsection (1)—

(a) is to set out how the person is to appear by electronic means before the court or office holder, including what requirements must be satisfied by the location from which the person is to appear,

(b) may include any other provision which the court considers appropriate,

(c) may be made by a court on the motion of a party or of its own accord.

(4) The power to issue a direction under subsection (1) includes the power to vary or revoke an earlier direction issued under that subsection.

(5) Before issuing a direction under subsection (1), the court must—

(a) give all parties an opportunity to make representations (subject to subsection (6)), and

(b) have regard to any guidance issued by the Lord Justice General.

(6) The court may, of its own accord, issue the first direction under subsection (1) in relation to a hearing or proceedings without having given the parties an opportunity to make representations.

(7) Where a direction is issued as described in subsection (6), the court must—

(a) take steps to ensure that the parties are aware of their right to make a motion for the variation or revocation of the direction, and

(b) deal with any motion for the variation or revocation of the direction,

before taking a decision about any other matter at the hearing, other than a decision to adjourn, a decision in respect of a motion for a direction under section 303G, 303H or 303J or a matter that an enactment requires that the court deal with before another hearing could practicably be arranged.

(8) A direction under subsection (1) setting out—

(a) how a party to proceedings is to attend by electronic means a hearing in which a person is to give evidence, must provide for the party to use

means that enable the party to both see and hear all of the other parties, the judge and (where applicable) the jury and any witness who is giving evidence,

(b) how a witness who is to give evidence at a hearing is to attend by electronic means, must provide for the witness to use means that enable all of the parties, the judge and (where applicable) the jury to both see and hear the witness.

(9) Nothing in subsection (8) is to be taken to mean that a person is to be enabled to see or hear a witness in a way that measures taken in accordance with an order of the court would otherwise prevent.

303L General directions under section 303K

(1) A court may—

(a) issue a direction under section 303K(1) that applies for the purpose of all proceedings of a type specified in the direction, provided that the only party to the proceedings is a public official,

(b) issue a further direction under section 303K(1) overriding, for the purpose of specific proceedings, a general direction issued by virtue of paragraph (a).

(2) Section 303K(5)(a) does not apply in relation to a general direction issued by virtue of subsection (1)(a).

303M Publication of guidance

Where the Lord Justice General issues guidance relevant to the issuing of directions under section 303G(2), 303H(2) or 303K(1), the Lord Justice General must make the guidance publicly available for so long as it has effect.".

3 Review of virtual attendance provisions

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of the review period—

(a) undertake a review of the operation of the virtual attendance provisions,

(b) prepare a report on that review,

(c) publish the report and lay a copy of it before the Scottish Parliament.

(2) In undertaking the review, the Scottish Ministers must consult—

(a) the Lord Justice General,

(b) the Scottish Courts and Tribunals Service,

(c) the chief constable of the Police Service of Scotland,

(d) the Lord Advocate,

(e) the Scottish Legal Aid Board,

(f) the Law Society of Scotland,

(g) the Faculty of Advocates, and

(h) such other persons as the Scottish Ministers consider appropriate.

(3) For the purposes of this section—

"review period" means the period of 2 years beginning with the day on which section 2 comes into force,

"virtual attendance provisions" means sections 303G to 303M of the Criminal Procedure (Scotland) Act 1995, as inserted by section 2.

4 Sections 1 and 2: transitional provisions and interpretation

(1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) After section 303M (inserted by section 2) insert—

"Sections 303C to 303M: transitional provisions and interpretation

303N Transitional provisions

(1) A direction or determination under a provision of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 mentioned in the first column of the table below is, insofar as it relates to criminal proceedings, to be treated as though it were a direction or determination under the provision of this Act mentioned in the corresponding entry in the second column.

Provision of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 under which the direction or determination was issued	Provision of this Act under which the direction or determination is to be treated as having been issued
paragraph 3(2)(b)	section 303E(2)
paragraph 6(2)	section 303H(2)
paragraph 6(4)	section 303G(2)
paragraph 7(2)(a)	section 303J(2)(a)
paragraph 7(2)(b)	section 303J(2)(b)
paragraph 8(1)	section 303K(1)

(2) A general direction issued by virtue of paragraph 9(1)(a) of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 is to be treated as though it were issued by virtue of section 303L(1)(a) of this Act.

303O Interpretation of sections 303C to 303N

(1) In sections 303C to 303N of this Act—

"court" means any of—

(a) the High Court of Justiciary,

(b) the Sheriff Appeal Court when exercising criminal jurisdiction,

(c) the sheriff courts when exercising criminal jurisdiction, and

(d) justice of the peace courts,

"enactment" includes—

(a) an enactment contained in any local Act or any order, regulation or other instrument having effect by virtue of an Act, and

(b) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament,

"proceedings" includes any process before a court, or any office holder of a court (for example, a process by which a warrant may be obtained for the purpose of investigating a suspected offence),

"public official" means—

(a) a person who is a public authority and is acting in that capacity, or

(b) a person who is acting on behalf of a public authority,

"requirement" means a requirement arising from an enactment or rule of law.

(2) For the purposes of the definition of "public official", "public authority" is to be construed in accordance with section 6 of the Human Rights Act 1998.".

5 Digital productions

(1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) In section 68 (productions)—

(a) in subsection (2), at the end insert "(but see subsection (2A))",

(b) after subsection (2), insert—

"(2A) But subsection (2) does not apply to a production if—

(a) it is in electronic form, and

(b) the accused is otherwise given an opportunity to see it in such form.",

(c) in subsection (3), after "lodged" insert "or the accused has otherwise been given an opportunity to see the production in an electronic form",

(d) after subsection (3), insert—

"(3A) Where—

(a) a person is adduced to give evidence in relation to a physical item which the person has examined,

(b) an image of the item is a production in the proceedings (by virtue of section 279B), and

(c) the image has been lodged as a production or the accused has otherwise been given an opportunity to see it in an electronic form as mentioned in subsection (3),

subsection (3) applies to the physical item as if it were a production.".

(3) In section 71 (first diet), in subsection (2A), after "section 275" insert ", or subsection (2) of section 279B".

(4) In section 79 (preliminary pleas and preliminary issues)—

(a) in subsection (2)(b)—

(i) the word "and" immediately following sub-paragraph (v) is repealed,

(ii) after sub-paragraph (v), insert—

"(va) any other point raised by a party, as regards any matter not mentioned in paragraph (a) or sub-paragraphs (i) to (v), which concerns the accessing, examination, production or use of evidence in an electronic form; and",

(b) after subsection (2), insert—

"(2A) Subsection (2)(b) is subject to section 279B(7).".

(5) After section 279A, insert—

"Reproductions of evidence

279B Images of physical evidence

(1) In any criminal proceedings an image of physical evidence is, unless the court otherwise directs, to be treated for evidential purposes as if it were the physical evidence itself, whether or not the physical evidence is still in existence.

(2) A direction under subsection (1) may be issued only where, on the application of a party, the court is satisfied that treating the image as if it were the physical evidence itself would prejudice the fairness of the proceedings.

(3) Any application under subsection (2) for a direction must be made—

(a) where an image is disclosed in summary proceedings, no later than 28 days after the date the image is disclosed to the party making the application,

(b) in the case of proceedings on petition or indictment—

(i) where the application is made by the prosecutor in respect of an image of which written notice has been given by the accused in accordance with section 78(4)(a) of this Act, no later than 28 days after the date the notice is given,

(ii) where the application is made by the accused in respect of an image that is included in the list of productions lodged in accordance with section 66(5) of this Act, no later than 28 days after the date the indictment is served.

(4) Subsection (3) does not apply to the extent that the court considers that the application was made as soon as was reasonably practicable.

(5) Where an application under subsection (2) for a direction is made in respect of an image not mentioned in subsection (3), the application may be made—

(a) in the case of summary proceedings, at any time,

(b) in the case of proceedings on petition or indictment, at any time prior to the image being led as evidence in the proceedings.

(6) Where the court issues a direction under subsection (1) in proceedings on petition or indictment, the court may permit the physical evidence to be produced in evidence, notwithstanding that it is not included in any list lodged by the parties and that the notice required by sections 67(5) and 78(4) of this Act has not been given.

(7) An application under subsection (2) for a direction is not a preliminary issue for the purpose of section 79(2)(b) of this Act.

(8) For the purposes of subsection (1), an image of physical evidence—

(a) is a moving or still image,

(b) may include accompanying explanatory material and authenticating documents.

(9) This section does not apply to documents within the meaning of paragraph 8 of schedule 8.

279C Guidance on use of images of physical evidence by prosecutors

(1) The Lord Advocate must prepare and publish guidance setting out—

(a) factors that prosecutors will take into account when deciding whether to produce an image of physical evidence in reliance on section 279B(1), and

(b) in general terms, where an image is so produced, the approach of prosecutors to the physical evidence.

(2) The Lord Advocate—

(a) may revise the guidance from time to time, and

(b) where the guidance is so revised, must publish the guidance as revised.

(3) In this section, "prosecutor" means the Lord Advocate, the Solicitor General, Crown Counsel or the procurator fiscal (and any person duly authorised to represent or act for them).".

(6) In section 281 (production of autopsy and forensic science reports)—

(a) in subsection (1), after "prosecutor" insert ", or the accused has otherwise been given an opportunity to see the report in an electronic form,",

(b) in subsection (2) after "production" insert ", or providing the accused with an opportunity to see the report in an electronic form,".

6 Authentication of electronic copy documents

(1) Schedule 8 (documentary evidence in criminal proceedings) of the Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) After paragraph 1(1), insert—

"(1A) For the purposes of any criminal proceedings, where—

(a) a copy of, or of a material part of, a document is stored on the digital evidence storage system, and

(b) either—

(i) the copy was created by the document, or the material part, being uploaded to that system from another electronic device ("the initial copy"), or

(ii) the copy is a subsequent version of the initial copy,

the copy is to be deemed and treated as mentioned in sub-paragraph (1) unless, in the case mentioned in paragraph (b)(ii), the court otherwise directs.

(1B) The court may direct that a copy of a document, or of a material part of a document, to which sub-paragraph (1) or (1A) does not apply is to be deemed and treated as mentioned in sub-paragraph (1)(a) and (b).".

(3) After paragraph 1(2), insert—

"(2A) This paragraph is without prejudice to section 279A(2) (evidence from certain official documents).".

(4) In paragraph 1(3), for "a transcript or reproduction" substitute "—

(a) a transcript,

(b) a reproduction,

(c) a document uploaded to an electronic device from another electronic device.".

(5) In paragraph 6(1)(b), after "1(1)," insert "1(1A)(b)(ii),".

(6) In paragraph 8, after the definition of "criminal proceedings" insert—

""digital evidence storage system" means—

(a) the system operated by the Police Service of Scotland for the digital storage, sharing and presentation of evidence in criminal investigations and proceedings known as the Digital Evidence Sharing Capability, or

(b) such other digital system as may be prescribed,".

7 Body-worn video evidence

(1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.

(2) After section 283 insert—

"283A Evidence as to time and place of body-worn video recordings

(1) For the purposes of any criminal proceedings—

(a) where visual images (and any sounds) recorded on a body-worn video camera are produced in evidence by the prosecution, and

(b) any or all of the time, date and place of the events recorded are displayed on the recording produced,

the recording is, so far as not disputed under subsection (3), sufficient evidence of the details that are displayed.

(2) Subsection (1) does not apply in relation to visual images (and any sounds) recorded on a body-worn video camera unless the prosecutor has—

(a) disclosed the recording to the accused, and

(b) informed the accused in writing of the accused's ability to serve a notice under subsection (3) and the period within which any such notice must be served.

(3) If the accused, within the period specified in subsection (4), serves notice on the prosecutor that the accused disputes the accuracy of the details of the time, date or place of the events recorded (or of any part of those events) as displayed on the recording, subsection (1) does not apply in relation to the details that are disputed.

(4) The period within which any notice under subsection (3) must be served is the period of 7 days beginning with the date on which the requirements of subsection (2) were met (or if they were met on different dates, the later of those dates).

(5) For the purposes of this section, "body-worn video camera" means a video recording device issued to and worn by—

(a) a constable, or

(b) a person appointed as a member of police staff under section 26(1) of the Police and Fire Reform (Scotland) Act 2012,

together with any associated equipment required for recording visual images (and any sounds).

(6) The Scottish Ministers may by regulations modify subsection (5) so as to add a person, vary the description of a person, or remove a person.

(7) Before making regulations under subsection (6), the Scottish Ministers must consult—

(a) the chief constable of the Police Service of Scotland,

(b) the Lord Advocate, and

(c) the Lord Justice General.

(8) Regulations under subsection (6)—

(a) may include transitional, transitory or saving provision,

(b) are subject to the negative procedure.".

Fixed penalties

8 Increase of fixed penalty limit

(1) In section 302 (fixed penalties) of the Criminal Procedure (Scotland) Act 1995—

(a) in subsection (7A), for "£300 or such higher sum as the Scottish Ministers may by order specify" substitute "£500",

(b) after subsection (7A), insert—

"(7B) The Scottish Ministers may by regulations amend subsection (7A) so as to substitute for the sum for the time being specified there a higher sum.",

(c) in subsection (8), for "or (7A)" substitute "or regulations under subsection (7B)".

(2) In the Criminal Procedure (Scotland) Act 1995 Fixed Penalty Order 2008 (S.S.I. 2008/108), for the schedule substitute—

"SCHEDULE
Article 2

THE SCALE OF FIXED PENALTIES

Level on the scale	Amount of fixed penalty
1	£50
2	£75
3	£100
4	£150
5	£200
6	£250
7	£300
8	£400
9	£500".

National jurisdiction for custody cases

9 National jurisdiction for custody cases in sheriff courts and JP courts

(1) The Criminal Procedure (Scotland) Act 1995 is modified in accordance with subsections (2) and (3).

(2) Before section 6, insert—

"5B National jurisdiction for callings of custody cases in a sheriff court

(1) A calling of criminal proceedings in the sheriff court to which subsection (2) or (3) applies may be dealt with—

(a) in any sheriff court in Scotland, and

(b) by a sheriff of any sheriffdom.

(2) This subsection applies to a calling of criminal proceedings in which the person who is the subject of the proceedings is appearing from custody—

(a) having been arrested by a constable in connection with the matter to which the proceedings relate, and

(b) without having subsequently—

(i) been released from custody, or

(ii) had a court authorise the person's continued remand in custody.

(3) This subsection applies to a calling of proceedings on petition in which—

(a) the person who is the subject of the proceedings is appearing from custody after a court authorised the person's remand, and

(b) the hearing is not able to be held in that court due to the closure of the court building by reason of emergency or other special circumstances.

(4) If more than one person is the subject of the proceedings, the reference in subsection (2) or, as the case may be, (3) to the person who is the subject of the proceedings is to be read as referring to any of them.

(5) It is for the Lord Advocate or the procurator fiscal to determine in which sheriff court a calling to which subsection (2) or (3) applies is to be taken.

(6) Where proceedings have come before a sheriff court by virtue of subsection (1), and are proceedings to which subsection (2) applies, the proceedings may continue to be dealt with—

(a) in the same sheriff court, and

(b) by a sheriff of any sheriffdom.

(7) The ability for proceedings to be dealt with by virtue of subsection (6) comes to an end as follows—

(a) in the case of summary proceedings, insofar as the proceedings relate to a charge in respect of which the accused person has tendered a plea of not guilty which has not been accepted by the prosecutor, the proceedings cannot continue to be dealt with by virtue of subsection (6) after the end of the diet at which that plea was tendered,

(b) in the case of proceedings on petition or indictment—

(i) insofar as the proceedings relate to a charge in respect of which the accused person has tendered a plea of not guilty which has not been accepted by the prosecutor, the proceedings cannot continue to be dealt with by virtue of subsection (6) after the end of the diet at which that plea was tendered,

(ii) the proceedings cannot continue to be dealt with by virtue of subsection (6) after the committal of the accused person until liberation in due course of law,

(iii) the first diet, and any proceedings which follow on from it, cannot be dealt with by virtue of subsection (6).

(8) Insofar as the ability to deal with proceedings by virtue of subsection (6) is not brought to an end by subsection (7), proceedings may continue to be dealt with by virtue of subsection (6) until their conclusion.

(9) For the purposes of subsection (6), proceedings on petition and any subsequent proceedings on indictment are to be treated as the same proceedings.

5C National jurisdiction for cases in a sheriff court after failure to appear

(1) This section applies where—

(a) a calling of criminal proceedings has come before a sheriff court by virtue of section 5B(1), and

(b) the proceedings are in respect of an accused person's failure to attend a diet in summary proceedings or proceedings on indictment ("the principal proceedings").

(2) If the principal proceedings are proceedings on indictment, the court may deal with them until the end of the diet in which the calling mentioned in subsection (1)(a) takes place.

(3) If the principal proceedings are summary proceedings, they may be dealt with—

(a) in the same sheriff court, and

(b) by a sheriff of any sheriffdom,

unless, and until the end of the diet at which, a plea of not guilty is rejected.

(4) Despite subsections (2) and (3), the court may pass a sentence or otherwise dispose of the principal proceedings only where—

(a) evidence has not been led in the principal proceedings, or

(b) the court considers that for it to pass a sentence or otherwise dispose of the case would be in the interests of justice.

(5) For the purposes of subsection (3), a plea of not guilty is rejected where—

(a) the accused person—

(i) tenders a plea of not guilty, or

(ii) confirms that the person is adhering to a previously tendered plea of not guilty, and

(b) that plea is not accepted by the prosecutor.

5D Further provision about national jurisdiction of sheriff courts

(1) A sheriff has jurisdiction for all cases which come before the sheriff by virtue of section 5B or 5C.

(2) A procurator fiscal for a sheriff court district has—

(a) power to prosecute or, as the case may be, represent the interests of the prosecutor in any case that comes before the sheriff court of that district by virtue of section 5B or 5C,

(b) the like powers in relation to such cases as the prosecutor has for the purposes of other cases that come before the sheriff when exercising criminal jurisdiction.

(3) For the purposes of sections 5B and 5C—

(a) a sheriff may, in every sheriffdom, without the need for further commission, exercise the jurisdiction and powers that attach to the office of sheriff in relation to criminal proceedings,

(b) paragraph (a) applies accordingly to any other member of the judiciary, so far as that member has the jurisdiction and powers that attach to the office of sheriff in relation to criminal proceedings.

(4) This section, and sections 5B and 5C, are without prejudice to—

(a) any other provision in this Part, and

(b) sections 34A and 137C.

5E Interpretation of sections 5B to 5D

In sections 5B to 5D of this Act, "criminal proceedings" means any proceedings in which a sheriff court is exercising criminal jurisdiction including in particular—

(a) proceedings on petition,

(b) proceedings on indictment,

(c) summary proceedings,

(d) ancillary proceedings, such as proceedings in respect of—

(i) breach of bail,

(ii) non-payment of a fine or other monetary penalty,

(iii) breach of an order of a court, or

(iv) failure of an accused person or a witness to attend a diet.".

(3) After section 7, insert—

"7A National jurisdiction for callings of custody cases in a JP court

(1) A calling of criminal proceedings in a JP court to which subsection (2) applies may be dealt with—

(a) in any JP court in Scotland, and

(b) by a justice of the peace, summary sheriff or sheriff of any sheriffdom.

(2) This subsection applies to a calling of criminal proceedings in which the person who is the subject of the proceedings is appearing from custody—

(a) having been arrested by a constable in connection with the matter to which the proceedings relate, and

(b) without having subsequently—

(i) been released from custody, or

(ii) had a court authorise the person's continued remand in custody.

(3) If more than one person is the subject of the proceedings, the reference in subsection (2) to the person who is the subject of the proceedings is to be read as referring to any of them.

(4) It is for the procurator fiscal to determine in which JP court a calling to which subsection (2) applies is to be taken.

(5) Where proceedings have come before a JP court by virtue of subsection (1), the proceedings may continue to be dealt with—

(a) in the same JP court, and

(b) by a justice of the peace, summary sheriff or sheriff of any sheriffdom.

(6) Insofar as proceedings relate to a charge in respect of which the accused person has tendered a plea of not guilty which has not been accepted by the procurator fiscal, they cannot continue to be dealt with by virtue of subsection (5) after the end of the diet at which that plea was tendered.

(7) Insofar as the ability to deal with proceedings by virtue of subsection (5) is not brought to an end by subsection (6), proceedings may continue to be dealt with by virtue of subsection (5) until their conclusion.

(8) For the purposes of this section and section 7B, the jurisdiction and powers of the JP court are exercisable by a sheriff.

7B National jurisdiction for cases in a JP court after failure to appear

(1) This section applies where—

(a) a calling of proceedings has come before a JP court by virtue of section 7A(1), and

(b) the proceedings are in respect of an accused person's failure to attend a diet in criminal proceedings ("the principal proceedings").

(2) The principal proceedings may be dealt with—

(a) in the same JP court, and

(b) by a justice of the peace, summary sheriff or sheriff of any sheriffdom,

unless, and until the end of the diet at which, a plea of not guilty is rejected.

(3) Despite subsection (2), the court may pass a sentence or otherwise dispose of the principal proceedings only where—

(a) evidence has not been led in the principal proceedings, or

(b) the court considers that for it to pass a sentence or otherwise dispose of the case would be in the interests of justice.

(4) For the purposes of subsection (2), a plea of not guilty is rejected where—

(a) the accused person—

(i) tenders a plea of not guilty, or

(ii) confirms that the person is adhering to a previously tendered plea of not guilty, and

(b) that plea is not accepted by the procurator fiscal.

7C Further provision about national jurisdiction of JP courts

(1) A JP court has jurisdiction for all cases which come before it by virtue of section 7A or 7B.

(2) A procurator fiscal for the area of a JP court has—

(a) power to prosecute or, as the case may be, represent the interests of the prosecutor in any case that comes before the JP court of that area by virtue of section 7A or 7B,

(b) the like powers in relation to such cases as the procurator fiscal has for the purposes of other cases that come before the JP court.

(3) For the purposes of sections 7A and 7B, a justice of the peace, summary sheriff or sheriff may, in every sheriffdom, without the need for further commission, exercise the jurisdiction and powers that attach to the office of justice of the peace.

(4) This section, and sections 7A and 7B, are without prejudice to—

(a) any other provision in this Part,

(b) section 137CC, and

(c) section 62 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.

7D Interpretation of sections 7A to 7C

(1) In sections 7A to 7C of this Act, "criminal proceedings" means any proceedings in which a JP court is exercising jurisdiction including in particular ancillary proceedings, such as proceedings in respect of—

(a) breach of bail,

(b) non-payment of a fine or other monetary penalty,

(c) breach of an order of a court, or

(d) failure of an accused person or a witness to attend a diet.

(2) For the purposes of sections 7A to 7C, sections 61 and 63 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 apply in respect of a sheriff as they apply in respect of a summary sheriff.".

(4) In section 62 (area and territorial jurisdiction of JP courts) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, in subsection (3), after "Sections" insert "7A to 7D,".

10 Section 9: transitional provision

Proceedings which have come before a sheriff court by virtue of paragraph 16(1) of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 are, for the purposes of sections 5B to 5D of the Criminal Procedure (Scotland) Act 1995 (as inserted by section 9(2) of this Act), to be treated as though they came before that court by virtue of section 5B(1) of the Criminal Procedure (Scotland) Act 1995.

Amendment of indictment

11 Addition of charge to indictment

(1) The Criminal Procedure (Scotland) Act 1995 is modified in accordance with subsections (2) to (6).

(2) In section 65 (prevention of delays in trials), after subsection (2) insert—

"(2A) For the avoidance of doubt, where a charge has been added to the indictment under section 70AA, nothing in subsection (1A) affects the indictment as respects the additional charge (and, accordingly, the accused is not discharged from the indictment in relation to that charge).".

(3) In section 70 (proceedings against organisations), in subsection (4), after paragraph (a) insert—

"(aa) making representations regarding an application to add an additional charge to the indictment under section 70AA; or".

(4) After section 70A insert—

"70AA Addition of charge to indictment

(1) After the service of the indictment on the accused, it is competent, on application by the prosecutor, to amend the indictment to add an additional charge against the accused (or any or all of the accused if more than one).

(2) The court—

(a) may grant an application only where the conditions mentioned in subsection (3) are satisfied, and

(b) must, if those conditions are so satisfied, grant the application, unless it considers there is just cause not to.

(3) The conditions are that—

(a) the prosecutor was not aware, and could not reasonably have been aware, of the act or omission forming the subject matter of the additional charge before the service of the indictment, and

(b) the prosecutor made the application as soon as reasonably practicable after becoming so aware.

(4) Any application under subsection (1)—

(a) must be made at least two months before the trial diet, or

(b) may be made at a later date on special cause shown.

(5) Subsection (4) does not apply where the trial diet has not been fixed at the time of making the application.

(6) At the same time as an application under subsection (1) is made, the application must be intimated to the accused or, if more than one, to all of the accused (regardless of whether the additional charge would be against all of them).

(7) On receipt of an application under subsection (1) the court must, subject to subsection (8), fix a diet for hearing the application and, in a case where subsection (4)(b) applies, for considering any representations regarding a late application.

(8) The court may proceed to determine the application without fixing a diet under subsection (7) where—

(a) a diet has already been fixed at which such matters can be appropriately dealt with, or

(b) the accused consents to the charge being added to the indictment.

(9) The court may determine an application at a first diet only if the accused has first stated how the accused pleads to the indictment under section 71(6) (as to preliminary hearings, see section 72(6)).

(10) Where an application is being heard at a first diet or preliminary hearing—

(a) if a plea of guilty is tendered and accepted in respect of the indictment, the court must refuse the application,

(b) in the event that the court grants the application, the court is to require the accused to tender a plea in respect of the additional charge at that diet.

(11) Where the court is determining an application at a diet other than a first diet, the court may, on cause shown, allow a hearing in respect of an application to proceed notwithstanding the absence of the accused.

(12) Where it appears to the court that the accused may in any way be prejudiced in the accused's defence on the merits of the case by an amendment to the indictment under this section, the court must grant such remedy to the accused by adjournment or otherwise as appears to the court to be just.

(13) An amendment to an indictment made under this section must be sufficiently authenticated by the initials of the clerk of court.

(14) Where—

(a) the charge added to the indictment under this section is of committing an offence listed in section 66(14A)(b), and

(b) the accused has not previously received a notice containing intimation of the matters specified in section 66(6A)(a) in respect of the current proceedings,

the accused must, as soon as is reasonably practicable after the charge is added to the indictment, be served with a notice specifying such matters.

(15) A failure to comply with subsection (14) does not affect the validity or lawfulness of the proceedings against the accused.

(16) Intimation of an application under subsection (1) and service of any notice under subsection (14) may be effected by any officer of law.

(17) Where an application under subsection (1) is determined at a diet other than the first diet or preliminary hearing, section 74 and any Act of Adjournal made under that section apply to the determination as they apply to a decision taken at a first diet or a preliminary hearing.

(18) In this section, "the court" means—

(a) where the indictment has been served on the accused in respect of the High Court, a single judge of that court,

(b) in any other case, the sheriff.".

(5) In section 71 (first diet)—

(a) in subsection (2A), after "of" where it first appears insert "section 70AA,",

(b) in subsection (3), for the words from "for" to the end substitute "mentioned in subsection (2A)".

(6) In section 72 (preliminary hearing procedure), in subsection (6)(b)(iii), after "section" insert "70AA,".

(7) The Criminal Justice and Licensing (Scotland) Act 2010 is modified in accordance with subsections (8) to (12).

(8) In section 117 (provision of information to prosecutor: solemn cases)—

(a) in subsection (1)—

(i) the word "or" immediately following paragraph (a) is repealed,

(ii) in paragraph (b) at the end insert ", or

(c) a charge is added to the indictment under section 70AA of the 1995 Act after the accused has appeared as mentioned in paragraph (a) or (b).",

(b) in subsection (2)—

(i) after "appearance" where it first appears insert "or, as the case may be, the addition of the charge",

(ii) after "appearance" where it second appears insert "or additional charge",

(iii) at the end, insert "(other than, in the case of an additional charge, any information that has previously been provided to the prosecutor in relation to the accused under this section)".

(9) In section 118 (continuing duty to provide information: solemn cases), in subsection (2), at the end insert "(other than, in the case of an additional charge, any information that has previously been provided to the prosecutor in relation to the accused under this section)".

(10) In section 121 (prosecutor's duty to disclose information)—

(a) in subsection (1)—

(i) the word "or" immediately following paragraph (b) is repealed,

(ii) after paragraph (b) insert—

"(ba) a charge is added to the indictment under section 70AA of the 1995 Act after the accused has appeared as mentioned in paragraph (a) or (b), or",

(b) in subsection (2)—

(i) in the opening words after "appearance" insert ", the addition of the charge",

(ii) in paragraph (b), at the end insert "(other than, in the case of an additional charge, any information that has previously been disclosed to the accused under this section)".

(11) In section 122 (disclosure of other information: solemn cases)—

(a) in subsection (1), for "or (b)" substitute ", (b) or (ba)",

(b) in subsection (2), at the end insert "(other than, in the case of an additional charge, any information that has previously been disclosed to the accused under this section)".

(12) In section 123 (continuing duty of prosecutor), in subsection (3)—

(a) for "or (b)" substitute ", (b) or (ba)",

(b) at the end insert "(other than, in the case of an additional charge, any information that has previously been disclosed to the accused under this section)".

PART 2

DOMESTIC HOMICIDE AND SUICIDE REVIEWS

Reviewable events

12 Domestic homicide or suicide review

(1) In this Part, "domestic homicide or suicide review" means a review—

(a) of the circumstances in which a domestic abuse death, or a connected death of a young person, occurred,

(b) held with a view to identifying the lessons to be learned—

(i) from the death and the circumstances leading up to it, and

(ii) in cases where the remit of the review is expanded under section 20, also from certain events following the death.

(2) In this section, "person A" is a person who has, or appears to have, behaved in an abusive manner towards another person ("person B") who, at the time of the behaviour, was—

(a) person A's partner or ex-partner,

(b) person A's child,

(c) a child of person A's partner or ex-partner, or

(d) a young person, not falling within paragraphs (a) to (c), living in the same household as—

(i) person A, or

(ii) person A's partner or ex-partner.

(3) A domestic abuse death is one where it is, or appears to be, the case that—

(a) persons A and B were partners or ex-partners and—

(i) person B has or may have died (otherwise than by suicide) as a result of person A's abusive behaviour,

(ii) person B has died by suicide and person A's abusive behaviour was or may have been a contributing factor to person B's death, or

(iii) person B has killed person A, or

(b) person B's relationship to person A at the time of the abusive behaviour was as mentioned in paragraph (b), (c) or (d) of subsection (2) and—

(i) person B has or may have died (otherwise than by suicide) as a result of person A's abusive behaviour, and

(ii) at any point prior to the behaviour which resulted in person B's death, there has been or appears to have been abusive behaviour between person A and any partner or ex-partner of person A (whether or not that partner or ex-partner had any relationship with person B, and whether the behaviour was by or directed at person A).

(4) But where person B's relationship to person A at the time of the abusive behaviour was as mentioned in subsection (2)(d), a death is a domestic abuse death only if person B was a young person at the time of the death.

(5) A connected death of a young person is one where it is, or appears to be, the case that a young person has been killed as a result of—

(a) an incident which also resulted in a domestic abuse death, or

(b) abusive behaviour by person A towards person B which, had it led to person B's death, would have resulted in a domestic abuse death.

(6) Where—

(a) there is to be a domestic homicide or suicide review in respect of a death, and

(b) the person whose behaviour resulted in, or appears to have resulted in, the death has died by suicide,

the review may also encompass the circumstances in which that suicide occurred.

(7) For the purposes of this section—

(a) a reference to behaviour which is abusive (however expressed) is to be construed in accordance with sections 2 and 3 of the Domestic Abuse (Protection) (Scotland) Act 2021,

(b) two persons are partners if they are—

(i) spouses or civil partners of each other, or

(ii) in an intimate personal relationship with each other,

and "ex-partner" is to be construed accordingly,

(c) a reference to the child of a person ("person P") includes a reference to a person ("person C") who is, or has at any time been, accepted by person P as person P's child (whatever age person C was at the point of being so accepted),

(d) "young person" means a person—

(i) who is under the age of 18, or

(ii) who—

(A) is under the age of 26, and

(B) at some point has been looked after, within the meaning of section 17(6) or 17A(2) of the Children (Scotland) Act 1995, by a local authority.

13 Power to modify matters in relation to reviews

(1) The Scottish Ministers may by regulations—

(a) make provision for the purposes of section 12 about what it means for abusive behaviour to result in or (in the case of suicide) be a contributing factor to a death,

(b) modify what relationship requires to exist or have existed between two people in order to give rise to a review for the purposes of section 12,

(c) modify the circumstances relating to abusive behaviour which may give rise to a review for the purposes of section 12 (including to encompass circumstances in which there is no death),

(d) modify the name of the review provided for by section 12 in consequence of a change made under paragraph (c),

(e) modify the basis on which a determination under section 19 is to be made (whether in consequence of a change made under a paragraph of this subsection or otherwise).

(2) Regulations under subsection (1) may modify any enactment (including this Act).

Review infrastructure

14 Review oversight committee

(1) There is to be a review oversight committee in respect of domestic homicide or suicide reviews, with responsibility for securing and overseeing the carrying out of such reviews.

(2) The committee is to consist of the following individuals—

(a) a member appointed by the Scottish Ministers as the chair of the committee,

(b) a member appointed by the Scottish Ministers as the deputy chair of the committee, who is to deputise for the chair of the committee, and

(c) such number of other members as the Scottish Ministers determine, comprising—

(i) individuals appointed by Ministers from nominations received from the persons mentioned in subsection (3), and

(ii) other individuals appointed by Ministers.

(3) The persons referred to in subsection (2)(c)(i) as those who may nominate individuals to be members of the committee are—

(a) a local authority,

(b) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

(c) the chief constable of the Police Service of Scotland,

(d) the Crown Office and Procurator Fiscal Service,

(e) Community Justice Scotland,

(f) the Risk Management Authority,

(g) Social Care and Social Work Improvement Scotland,

(h) Social Work Scotland Ltd. (company number SC317274).

(4) In appointing members under subsection (2)(c)(ii), the Scottish Ministers must ensure that the committee includes representatives of voluntary organisations which provide services to individuals in Scotland.

(5) The Scottish Ministers may by regulations modify subsection (3) so as to add a person, vary the description of a person, or remove a person.

(6) Before making regulations under subsection (5), the Scottish Ministers must consult the person in respect of whom they propose to make regulations.

(7) In this section, "voluntary organisation" means a body (other than a public authority), the activities of which are carried on otherwise than for profit.

15 Case review panels

(1) The review oversight committee must, as and when required for the purpose of securing the carrying out of a domestic homicide or suicide review—

(a) establish a case review panel to carry out the review, and

(b) maintain the panel for the duration of the review.

(2) The Scottish Ministers must appoint a pool of 3 or more individuals as panel chairs.

(3) A panel is to consist of—

(a) a member appointed to chair the panel, selected by the committee from among those appointed under subsection (2),

(b) such other members as the committee determines.

(4) An individual is not to be appointed as a panel chair or as another member of a panel if the individual is or, within the 3 years preceding the date on which the appointment is to take effect, has been a member of the review oversight committee.

16 Committee and panels: further provision

(1) The schedule makes further provision in respect of—

(a) in relation to the review oversight committee—

(i) the chair appointed by virtue of section 14(2)(a),

(ii) the deputy chair appointed by virtue of section 14(2)(b),

(iii) the appointment of a person to carry out the functions of the chair where those functions cannot be carried out by a person mentioned in sub-paragraph (i) or (ii),

(b) panel chairs appointed under section 15(2).

(2) Members of the review oversight committee appointed by virtue of section 14(2)(c)—

(a) are appointed on such terms and conditions as the Scottish Ministers determine,

(b) may be paid such expenses as the Scottish Ministers determine.

(3) Panel members appointed by virtue of section 15(3)(b)—

(a) are appointed on such terms and conditions as the review oversight committee, with the consent of the Scottish Ministers, determines,

(b) may be paid such expenses as the Scottish Ministers determine.

Notification of potentially reviewable deaths

17 Notification of deaths

(1) A notifying body must—

(a) notify the review oversight committee in writing of any death of which the notifying body is aware which it believes is a reviewable death, and

(b) provide the Scottish Ministers with a copy of any such notification.

(2) The Scottish Ministers may make a written referral to the committee where they become aware of a death—

(a) which they believe is, or may be, a reviewable death, and

(b) in respect of which a copy of a notification has not been provided to them under subsection (1)(b).

(3) Where the Scottish Ministers make a referral under subsection (2), they must provide each notifying body with a copy of the referral.

(4) A person who gives a notification or makes a referral to the committee under this section must include as part of the notification or referral such information within the person's possession or control as the person considers is likely to be of assistance to the committee for the purposes of its consideration under section 19(1).

(5) For the purposes of this section and sections 18, 19 and 21—

"notifying body" means—

(a) the chief constable of the Police Service of Scotland,

(b) the Lord Advocate,

(c) the Police Investigations and Review Commissioner,

"reviewable death" means a death which is capable of being the subject of, or encompassed by, a domestic homicide or suicide review.

18 Revocation of notification

(1) A person who gives a notification or makes a referral of a death under section 17 ("the original notice") may, at any time prior to a decision being made under section 19(1)(a) as to whether the death is reviewable, revoke the original notice.

(2) The power conferred by subsection (1)—

(a) may be exercised only where the person exercising it believes that the death to which the original notice relates is not a reviewable death, and

(b) is exercised by the person giving written notice to the review oversight committee, setting out the person's reasons for that belief.

(3) Where a person gives a notice of revocation under subsection (1), the person must provide a copy of it—

(a) where the notice is given by a notifying body, to the Scottish Ministers,

(b) where the notice is given by the Scottish Ministers, to each notifying body.

(4) Where notice of a revocation is given under subsection (1)—

(a) the original notice to which it relates is to be treated for the purposes of this Part as never having been given, and

(b) consideration of the death under section 19 is to be discontinued, unless and to the extent that it is predicated on another notification or referral which has not been revoked.

Sift stage

19 Determination as to whether to hold a review

(1) Following notification or a referral of a death under section 17, the review oversight committee must—

(a) satisfy itself as to whether the death is a reviewable death, and

(b) where it is so satisfied—

(i) determine whether a domestic homicide or suicide review should be carried out in respect of the death, or

(ii) if the committee is unable to reach a unanimous decision and the chair of the committee so decides, refer the question to the Scottish Ministers for their determination.

(2) A determination under subsection (1)(b) is to be based on—

(a) the likelihood of the review identifying lessons to be learned from the death or the circumstances leading up to it which would improve Scottish practice in—

(i) the safeguarding of those affected by abusive domestic behaviour, or

(ii) the promotion of the wellbeing of victims of abusive domestic behaviour,

(b) whether any Scottish public authorities or voluntary organisations operating in Scotland were involved, or had the opportunity to be involved, in the circumstances leading up to the death, and

(c) where the persons who are persons A and B for the purpose of section 12 in relation to the death in question were not partners or ex-partners, whether and to what extent there appears to be a connection between—

(i) the death, and

(ii) abusive behaviour (within the meaning of section 12) between person A and any partner or ex-partner of person A.

(3) In assessing matters as mentioned in subsection (2), the factors to which regard is had must include—

(a) the extent of the apparent connection between the abusive domestic behaviour and the death in question,

(b) the information available to the committee or a case review panel, or likely to be obtainable by either of them, in respect of the circumstances leading up to the death,

(c) the extent of the connection which the persons mentioned in section 12(3) or (as the case may be) 12(5) have or had to Scotland.

(4) Where the committee is making a determination under subsection (1)(b)(i), it may, if the chair of the committee so decides, seek advice from the Scottish Ministers in relation to the making of the determination.

(5) Where the committee satisfies itself that a death is not reviewable or determines that a review should not be carried out in respect of it (whether or not advice has been sought under subsection (4))—

(a) the chair of the committee must provide the Scottish Ministers with the committee's reasons for reaching that outcome, and

(b) the Scottish Ministers may step in and direct the committee to secure the carrying out of a review in respect of the death.

(6) The chair of the committee must, when making a referral under subsection (1)(b)(ii) or seeking advice under subsection (4), provide the Scottish Ministers with such information within the chair's possession or control as the chair considers is likely to be of assistance to Ministers in the exercise of their functions under those subsections.

(7) In this section—

"abusive domestic behaviour" means abusive behaviour by person A towards person B, within the meaning of section 12(2),

"voluntary organisation" means a body (other than a public authority), the activities of which are carried on otherwise than for profit.

20 Determination as to whether to expand the remit of a review

(1) Where the outcome of consideration of a death under section 19 is that a domestic homicide or suicide review is to be carried out in respect of the death, the review oversight committee must, if subsection (2) applies to the death, determine whether to expand the remit of the review in accordance with subsection (3).

(2) This subsection applies to a death only where—

(a) it is a death mentioned in section 12(3)(a), and

(b) either or both of the persons who are persons A and B for the purpose of that section—

(i) at the time of the death had a child who was—

(A) a young person, or

(B) an adult at risk, or

(ii) at the time of the death had a young person, not falling within sub-paragraph (i), living in their household.

(3) Subject to subsection (5), the remit of a review may, in line with a determination under subsection (1), be expanded to also examine any or all of the following—

(a) the extent to which the person mentioned in subsection (2)(b)(i) or (ii) ("the relevant person") was able to provide views in relation to any decisions made by a public authority in the period following on from the death which directly concerned the person's welfare and in which the person's best interests were a primary consideration (such as where the person lives or the family members with whom the person has contact),

(b) the extent to which the relevant person received any support the person reasonably required in order to provide those views,

(c) more broadly, the extent to which the relevant person received any support the person reasonably required following on from the death (whether such support is normally provided by a public authority or not).

(4) Where more than one person is a relevant person for the purpose of subsection (3), the remit of the review may be expanded in respect of any or all of those persons.

(5) The remit of a review may be expanded in accordance with subsection (3) only where the Lord Advocate has given consent to the expansion.

(6) For the purposes of this section—

"adult at risk" means a person whom the committee considers to have been, immediately prior to the death in question, an adult at risk within the meaning of section 3 of the Adult Support and Protection (Scotland) Act 2007,

"child" is to be construed in accordance with section 12(7)(c),

"public authority" has the meaning given by section 6(3) of the Human Rights Act 1998 but does not include a court or tribunal,

"young person" has the meaning given by section 12(7)(d).

21 Reconsideration of whether to hold a review

(1) The question of whether a death is a reviewable death and, if so, whether a domestic homicide or suicide review should be carried out in respect of it may be reconsidered where—

(a) the outcome of the previous consideration under section 19 was that a review was not to be carried out, and

(b) the decision-maker in respect of that consideration believes it appropriate to reconsider the death as a result of becoming aware of relevant information which was not held by the decision-maker at the time of that consideration.

(2) Where reconsideration of a death is to take place by virtue of subsection (1)—

(a) section 19 applies as it applies following notification or a referral of a death under section 17, with the exception that if the Scottish Ministers were the decision-maker in respect of the previous consideration then they are to perform the review oversight committee's functions under section 19(1)(a) and (b)(i) in the reconsideration,

(b) for the purposes of this Part, the outcome of the reconsideration is to be treated as being the outcome of consideration of a death under section 19 (and, accordingly, may itself be reconsidered if subsection (1) is satisfied in respect of it).

(3) Where the outcome of reconsideration of a death is itself subject to reconsideration, references in this section to the previous consideration are to be read as references to the previous reconsideration (or, where applicable, to the most recent reconsideration) in respect of the death.

(4) For the purposes of this section, the decision-maker in respect of consideration of a death is—

(a) where the Scottish Ministers made the determination under section 19(1)(b)(ii) or (as the case may be) performed the review oversight committee's functions in a reconsideration as mentioned in subsection (2)(a), the Scottish Ministers,

(b) otherwise, the review oversight committee.

Conduct of reviews

22 Carrying out of review

(1) Where the outcome of consideration of a death under section 19 is that a domestic homicide or suicide review is to be carried out in respect of the death, the chair of the review oversight committee must establish a case review panel to carry out the review.

(2) Where the committee considers it appropriate to do so, it may—

(a) establish a panel to carry out a combined review of two or more deaths,

(b) instruct the panel to carry out its review in conjunction with a review of another type being carried out by someone else into circumstances relating to the death in question.

(3) In respect of each domestic homicide or suicide review, the committee—

(a) must specify the terms on which the review is to be undertaken (the review's "terms of reference"), and

(b) may modify the terms of reference as it considers appropriate.

(4) Where the remit of a review is expanded under section 20, the terms of reference must reflect the expansion.

(5) The terms of reference of a review may be modified under subsection (3)(b) so as to set any remit which could have been set following consideration under section 20, but subsection (5) of that section applies to any expansion of the remit by modification as it applies to any expansion of the remit under that section.

(6) The committee must ensure that the panel established to carry out a review—

(a) makes satisfactory progress in doing so,

(b) acts in accordance with the review's terms of reference, and

(c) suspends, discontinues or resumes its review in accordance with any notice received by the committee under section 23.

(7) The Scottish Ministers may reimburse the expenses reasonably incurred by any person who participates in a domestic homicide or suicide review.

23 Lord Advocate's power to order suspension or discontinuation of review proceedings

(1) The Lord Advocate may at any time order the suspension of consideration of a death under section 19, or of a domestic homicide or suicide review, for such period as appears to the Lord Advocate to be necessary to allow for—

(a) the completion of any other investigation, or

(b) the determination of any criminal proceedings, or any relevant inquiry,

which the Lord Advocate considers to be connected.

(2) The Lord Advocate may at any time order the discontinuation of consideration of a death under section 19, or of a domestic homicide or suicide review, where the Lord Advocate has concluded that it is appropriate to do so in light of—

(a) any other investigation, or

(b) any criminal proceedings, or any relevant inquiry.

(3) The powers conferred by subsections (1) and (2) are exercised by the Lord Advocate giving written notice to the review oversight committee, setting out the Lord Advocate's reasons for exercising the power.

(4) Before exercising a power conferred by subsection (1) or (2), the Lord Advocate must consult the chair of the review oversight committee.

(5) A notice under subsection (1)—

(a) may be given whether or not the investigation, criminal proceedings or inquiry has begun, and

(b) may order the suspension of consideration of a death under section 19, or of a domestic homicide or suicide review, until—

(i) a day specified in the notice,

(ii) the happening of a specified event, or

(iii) the giving by the Lord Advocate of a further notice to the committee.

(6) Where the Lord Advocate gives a notice under subsection (1), (2) or (5)(b)(iii), the Lord Advocate must provide the Scottish Ministers with a copy of it.

(7) For the purposes of this section—

(a) consideration of a death under section 19 is to be taken to commence upon receipt by the review oversight committee of a notification or referral in respect of the death,

(b) "relevant inquiry" means—

(i) an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, or

(ii) an inquiry under the Inquiries Act 2005 for which the Scottish Ministers are solely responsible (see section 28 of that Act).

24 Protocol in relation to interaction with criminal investigations etc.

(1) The persons mentioned in subsection (2) must agree and maintain a protocol in respect of—

(a) the consideration of deaths under section 19, and

(b) the carrying out of domestic homicide or suicide reviews.

(2) The persons who are to be the parties to the protocol are—

(a) the chair of the review oversight committee,

(b) the chief constable of the Police Service of Scotland,

(c) the Lord Advocate,

(d) the Police Investigations and Review Commissioner, and

(e) the Scottish Ministers.

(3) The protocol must describe in general terms the processes and arrangements which the parties to it intend to follow—

(a) in order to prevent, insofar as within their power, the matters mentioned in subsection (1)(a) and (b) causing prejudice to—

(i) any criminal investigation, or any other investigation directed by the Lord Advocate or a procurator fiscal,

(ii) any criminal proceedings,

(iii) any relevant inquiry within the meaning of section 23(7)(b), and

(b) in relation to the provision by the review oversight committee, or a case review panel carrying out a review, to the chief constable or, as the case may be, the Police Investigations and Review Commissioner of information obtained in connection with the matters mentioned in subsection (1)(a) and (b).

(4) The processes and arrangements covered by the protocol must include the circumstances in which a person is not to be interviewed or required to provide information to the review oversight committee or a case review panel without the prior consent of—

(a) the chief constable,

(b) the Lord Advocate,

(c) the Police Investigations and Review Commissioner.

(5) The parties to the protocol must keep it under review and may at any time revise it.

25 Duty on designated core participants to co-operate

(1) A designated core participant is to co-operate, in relation to the consideration of a death under section 19 and the carrying out of a domestic homicide or suicide review, with—

(a) the review oversight committee,

(b) a case review panel established to carry out a review, and

(c) other designated core participants.

(2) For the purposes of subsection (1), co-operation includes—

(a) participating, on request, in a domestic homicide or suicide review,

(b) providing, as soon as reasonably practicable following a request, such information or assistance as the committee or (as the case may be) the panel reasonably considers necessary for the purpose of fulfilling its functions under this Part.

(3) But, subject to subsection (4), a designated core participant is not required by virtue of subsection (1) to provide information which that person would be entitled to refuse to provide in proceedings in a court in Scotland.

(4) Subsection (3) does not relieve a designated core participant of the obligation under subsection (1) to provide any information to which a request mentioned in subsection

(2)(b) extends by virtue of provision made under section 4(4) or paragraph 6 of schedule 3 of the Rehabilitation of Offenders Act 1974.

(5) Where the Lord Advocate gives an order under section 23(1) requiring the suspension of consideration of a death, or of a review, subsection (1)—

(a) ceases to have effect in relation to the consideration or review, but

(b) once again has effect in relation to the consideration or review if it is resumed following the suspension.

(6) In this section, "designated core participant" means—

(a) a local authority,

(b) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

(c) a special health board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978,

(d) the chief constable of the Police Service of Scotland,

(e) the Scottish Police Authority,

(f) the Police Investigations and Review Commissioner,

(g) the Lord Advocate,

(h) the Scottish Courts and Tribunals Service,

(i) the Scottish Ministers in the exercise of their functions under the Prisons (Scotland) Act 1989,

(j) Community Justice Scotland,

(k) the Risk Management Authority,

(l) Social Care and Social Work Improvement Scotland,

(m) the Scottish Social Services Council,

(n) Social Work Scotland Ltd. (company number SC317274).

(7) The Scottish Ministers may by regulations modify subsection (6) so as to add a designated core participant, vary the description of a designated core participant, or remove a designated core participant.

(8) Before making regulations under subsection (7), the Scottish Ministers must consult the public authority or other person in respect of which they propose to make regulations.

26 Provision of information

(1) A requiring authority may, by notice in writing, require a person (including another requiring authority) to provide it, as soon as reasonably practicable, with information—

(a) which is in the person's possession or control, and

(b) which the requiring authority giving the notice reasonably considers is necessary for the carrying out of its functions under this Part.

(2) But, subject to subsection (3), a person is not required by virtue of subsection (1) to provide information which that person would be entitled to refuse to provide in proceedings in a court in Scotland.

(3) Subsection (2) does not relieve a person of the obligation under subsection (1) to provide any information to which a notice extends by virtue of provision made under section 4(4) or paragraph 6 of schedule 3 of the Rehabilitation of Offenders Act 1974.

(4) A requiring authority may not give a notice under subsection (1) to a person who is a designated core participant for the purposes of section 25 (but information may be obtained from the person under that section).

(5) Where the Lord Advocate gives an order under section 23(1) requiring the suspension of consideration of a death, or of a review—

(a) a notice under subsection (1) ceases to have effect so far as it relates to the consideration or review, but

(b) a further notice under subsection (1) may be issued in relation to the consideration or review if it is resumed following the suspension.

(6) For the purposes of subsection (1), the following are requiring authorities—

(a) the Scottish Ministers,

(b) the chair of the review oversight committee,

(c) the chair of a case review panel.

(7) In this section, "information" includes unrecorded information.

Reporting

27 Reports on case reviews: content and preparation

(1) A case review panel must prepare a report on each domestic homicide or suicide review it completes.

(2) A report must include—

(a) the dates, or approximate dates, of any events prior to the death in question which have been identified by the panel as being of significance,

(b) where the persons who are persons A and B for the purpose of section 12 in relation to the death in question were partners or ex-partners, a summary of—

(i) any significant relationships each of them had with others at the time of the death, and

(ii) any changes in the significant relationships each of them had with others in the period leading up to the death,

(c) information about any occasions when, in the panel's opinion, an opportunity was either missed or taken to—

(i) safeguard those affected by abusive domestic behaviour, or

(ii) promote the wellbeing of victims of abusive domestic behaviour,

(d) the conclusions the panel has drawn from the review,

(e) the panel's reasons for reaching those conclusions,

(f) any recommendations the panel has as a result of those conclusions.

(3) If the panel is unable to produce a unanimous report, the report must reasonably reflect the points of disagreement.

(4) Once the panel has prepared a report, the chair of the panel must submit the report to the review oversight committee for approval.

(5) On receipt of a report, the committee may—

(a) approve the report either without modification or with such modifications as it considers appropriate for the purpose of ensuring that the report is of satisfactory quality and accords with the review's terms of reference, or

(b) direct the chair of the panel to resubmit the report with such modifications made to it as the direction specifies, and any further changes the panel considers appropriate, for the purpose mentioned in paragraph (a).

(6) Subsection (5) applies to a report which is resubmitted following a direction to do so as it applies to the originally submitted report.

(7) The chair of the panel and the chair of the review oversight committee may each share a draft report, or part of a draft report, with any person with whom the chair in question considers it appropriate to share the draft for the purpose of checking its accuracy.

(8) In relation to the sharing of a draft report (or any part of it) under subsection (7)—

(a) the chair in question's taking of a decision as to whether to share material and, if so, the sharing of it must be carried out in accordance with the protocol produced under section 24,

(b) the person sharing the material—

(i) may redact or anonymise it as the person considers appropriate,

(ii) must, at the same time as sharing it, provide a copy of it to the Scottish Ministers for information, and

(c) the person with whom the material is shared under subsection (7) may not share it with any other person and must keep its content confidential unless and until it is subsequently published under section 28(1).

(9) The review oversight committee must provide a copy of a report approved under subsection (5)—

(a) in every case, to the Scottish Ministers, and

(b) where the review relates to the death of a young person or an adult at risk, to Social Care and Social Work Improvement Scotland.

(10) The Scottish Ministers may by regulations make provision for or in connection with the resolution (by them, by such person as they appoint, or between the parties) of any disputes between the chair of a panel and the review oversight committee in respect of—

(a) any modifications which the committee proposes to make to a report under subsection (5)(a),

(b) any direction to resubmit a report which the committee gives under subsection (5)(b).

(11) In this section—

"abusive domestic behaviour" means abusive behaviour by person A towards person B, within the meaning of section 12(2),

"adult at risk" means a person whom the panel considers to have been, immediately prior to the person's death, an adult at risk within the meaning of section 3 of the Adult Support and Protection (Scotland) Act 2007,

"young person" means a person—

(a) who is under the age of 18, or

(b) who—

(i) is under the age of 26, and

(ii) at some point has been looked after, within the meaning of section 17(6) or 17A(2) of the Children (Scotland) Act 1995, by a local authority.

28 Reports on case reviews: publication and sharing

(1) The review oversight committee—

(a) may publish a report, or part of a report, approved under section 27(5) only with the consent of the Lord Advocate, but

(b) must publish (in the report or otherwise) such information as it considers appropriate about the recommendations made in the report.

(2) The chair of the review oversight committee must take all reasonable steps to ensure that a published report does not identify, or include information which would or might allow the identification of—

(a) the person whose death is the subject of the review, or who is person A or person B for the purpose of section 12 in relation to the death in question,

(b) any individual (including a deceased individual) who—

(i) is or was connected with a person mentioned in paragraph (a) (for example, as a family member, friend or acquaintance), or

(ii) was involved in events which were examined by the review.

(3) The chair of the review oversight committee and the Scottish Ministers may each share reports, or parts of reports, approved under section 27(5) with any person with whom the chair or, as the case may be, Ministers consider it appropriate to share them for the purpose of promoting the learning of lessons with a view to—

(a) safeguarding those affected by abusive domestic behaviour, or

(b) promoting the wellbeing of victims of abusive domestic behaviour.

(4) Where a report approved under section 27(5) contains material which has not been published under subsection (1)—

(a) the taking of a decision under subsection (3) as to whether to share the report (or any part of it) and, if so, the sharing of it must be carried out in accordance with the protocol produced under section 24,

(b) the person sharing the report (or the part of the report) may redact or anonymise material as the person considers appropriate, and

(c) the person with whom the report (or the part of the report) is shared may not share any unpublished material within it with any other person and must keep the content of that material confidential.

(5) In subsection (3), "abusive domestic behaviour" means abusive behaviour by person A towards person B, within the meaning of section 12(2).

29 Requirement to respond to report recommendations

(1) A person may be required, by a statement to that effect in a report approved under section 27(5), to respond to a recommendation in the report.

(2) Where a requirement to respond is imposed by virtue of subsection (1)—

(a) the review oversight committee must give a copy of the report to the person, and

(b) the person must, within such reasonable period as the committee specifies, provide the committee and the Scottish Ministers with a written statement which sets out—

(i) what the person has done, or proposes to do, to give effect to the recommendation,

(ii) to the extent that the person does not intend to give effect to the recommendation, the person's reasons for that.

(3) The review oversight committee and the Scottish Ministers may each—

(a) publish (in full or in part) a person's written response to a recommendation,

(b) publicise a person's failure to comply with a requirement to respond.

30 Periodic reports

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of each reporting period—

(a) prepare and publish a report in respect of activity relating to domestic homicide or suicide reviews during the reporting period,

(b) lay a copy of the report before the Scottish Parliament.

(2) A report under subsection (1) must include, in respect of the reporting period—

(a) information about—

(i) any common themes emerging from the outcome of reviews,

(ii) any lessons to be learned which are identified in reports and which the Scottish Ministers consider ought to be highlighted,

(iii) any actions taken as a result of recommendations made in reports provided to the Scottish Ministers under section 27 and, where known, the impact of those actions,

(iv) where the outcome of consideration of a death under section 19 was that a review should not be carried out, the reasons for reaching that outcome,

(v) the number of notices given by the Lord Advocate under section 23(1), (2) or (5)(b)(iii) and any reasons given under section 23(3) in connection with those notices,

(b) the number, broken down between homicides and suicides, of—

(i) notifications or referrals of deaths received under section 17 from—

(A) the chief constable of the Police Service of Scotland,

(B) the Lord Advocate,

(C) the Police Investigations and Review Commissioner, and

(D) the Scottish Ministers,

(ii) deaths considered for review under section 19,

(iii) deaths in respect of which the outcome of that consideration was that a review should not be carried out,

(iv) reviews commenced, and the number of deaths to which they relate,

(v) reviews completed, and the number of deaths to which they relate.

(3) In preparing a report under subsection (1), the Scottish Ministers must consult—

(a) the chair of the review oversight committee appointed by virtue of section 14(2)(a),

(b) the deputy chair of the committee appointed by virtue of section 14(2)(b),

(c) the case review panel chairs appointed under section 15(2),

(d) such other persons as the Scottish Ministers consider appropriate.

(4) In this section, "reporting period" means—

(a) the period of 2 years beginning with the day on which section 12 comes into force, and

(b) each subsequent period of 2 years.

Guidance

31 Guidance by the Scottish Ministers

(1) The review oversight committee and any case review panel established under section 15 must have regard to any written guidance issued by the Scottish Ministers as to the exercise by the committee and any panel of their functions under this Part.

(2) The review oversight committee and any case review panel chairs appointed under section 15(2) must provide the Scottish Ministers with such assistance as they reasonably request in preparing any such guidance.

(3) The Scottish Ministers must publish any such guidance as soon as reasonably practicable after issuing it.

PART 3

FINAL PROVISIONS

32 Regulation-making powers

(1) Any power of the Scottish Ministers to make regulations under this Act includes the power to make—

(a) different provision for different purposes,

(b) incidental, supplementary, consequential, transitional, transitory or saving provision.

(2) Regulations under the following provisions are subject to the affirmative procedure—

(a) section 13(1),

(b) section 27(10).

(3) Regulations under the following provisions are subject to the negative procedure—

(a) section 14(5),

(b) section 25(7),

(c) paragraph 3(3) of the schedule.

(4) Regulations under section 33—

(a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,

(b) otherwise, are subject to the negative procedure.

(5) This section does not apply to regulations under section 34.

33 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with, or for giving full effect to this Act or any provision made under it.

(2) Regulations under this section may modify any enactment (including this Act).

34 Commencement

(1) This Part comes into force on the day after Royal Assent.

(2) The sections to which subsection (3) applies come into force on whichever is the later of—

(a) the day after Royal Assent,

(b) 1 December 2025.

(3) This subsection applies to—

(a) section 1,

(b) section 2,

(c) section 4,

(d) section 8,

(e) section 9(1) insofar as it relates to section 9(2),

(f) section 9(2), and

(g) section 10.

(4) The other provisions of this Act come into force on such day as the Scottish Ministers may by regulations appoint.

(5) Regulations under subsection (4) may—

(a) make different provision for different purposes,

(b) include transitional, transitory or saving provision.

35 Short title

The short title of this Act is the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025.

SCHEDULE
(introduced by section 16)

DOMESTIC HOMICIDE AND SUICIDE REVIEWS: PUBLIC APPOINTMENTS

Offices to which this schedule applies

1 In this schedule, "relevant office" means—

(a) the chair of the review oversight committee appointed by virtue of section 14(2)(a),

(b) the deputy chair of the committee appointed by virtue of section 14(2)(b),

(c) a case review panel chair appointed under section 15(2),

and "relevant office-holder" is to be construed accordingly.

Status

2 A relevant office-holder—

(a) is not a servant or agent of the Crown, and

(b) does not enjoy any status, immunity or privilege of the Crown.

Criteria for appointment

3 (1) An individual may not be appointed to hold a relevant office if the individual is or, within the year preceding the date on which the appointment is to take effect, has been—

(a) a member of the Scottish Parliament,

(b) a member of the House of Commons,

(c) a member of the House of Lords,

(d) a councillor, employee or appointee of a local authority,

(e) a civil servant,

(f) a person who is, or who is a member, employee or appointee of—

(i) the Lord Advocate,

(ii) the chief constable of the Police Service of Scotland,

(iii) the Police Investigations and Review Commissioner,

(iv) the Scottish Courts and Tribunals Service,

(v) the Parole Board for Scotland,

(vi) the Risk Management Authority,

(vii) the Scottish Social Services Council,

(viii) a health board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,

(ix) a special health board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978,

(g) a person who is a director, employee or appointee of Social Work Scotland Ltd. (company number SC317274).

(2) In making an appointment under section 14(2) or 15(2), the Scottish Ministers must have regard to the desirability of a relevant office-holder not being and, within the year preceding the date on which the appointment is to take effect, not having been a member, employee or appointee of an organisation which Ministers consider—

(a) has as its aim, or as one of its primary aims, the provision of support to victims of crime, or

(b) is involved in overseeing the provision of services to victims of abusive domestic behaviour.

(3) The Scottish Ministers may by regulations modify sub-paragraph (1) or (2) so as to add a person, vary the description of a person, or remove a person.

(4) Before making regulations under sub-paragraph (3), the Scottish Ministers must consult such persons (if any) as they consider appropriate.

(5) In this paragraph, "abusive domestic behaviour" means abusive behaviour by person A towards person B, within the meaning of section 12(2).

Tenure

4 Subject to paragraph 5—

(a) an individual appointed to a relevant office holds office for a period of 5 years,

(b) an individual's period of appointment may be extended by the Scottish Ministers (on one or more occasions), provided that the total period by which the appointment is extended does not exceed 1 year,

(c) an individual may be reappointed to a relevant office, provided that the individual's total period of appointment to the office (including any extension under paragraph (b)) does not exceed 8 years.

Early termination

5 The appointment of an individual to a relevant office ends—

(a) in accordance with any written notice of resignation given by the individual to the Scottish Ministers in respect of the office,

(b) if the individual becomes disqualified from being appointed to the office under paragraph 3(1),

(c) if the individual is removed from office by the Scottish Ministers giving notice in writing to the individual on the grounds that the Scottish Ministers consider that the individual is—

(i) unable to perform the functions of the office,

(ii) unsuitable to continue to hold the office.

Remuneration and allowances

6 (1) The Scottish Ministers may pay a relevant office-holder such remuneration and allowances (including expenses) as the Scottish Ministers determine.

(2) The Scottish Ministers must indemnify relevant office-holders in respect of any liabilities incurred by them in the exercise of their functions.

Other terms and conditions

7 The Scottish Ministers may, subject to any provision made by this Act, determine the terms and conditions on which a relevant office-holder is appointed.

Validity of things done

8 The validity of anything done by a relevant office-holder is not affected by—

(a) a defect in the individual's appointment,

(b) the disqualification of an individual after appointment.

Review oversight committee: appointment of temporary chair

9 (1) The Scottish Ministers may appoint an individual (who may be a member of the review oversight committee) to carry out the functions of the chair of the committee during any period when both—

(a) there is no chair, or the chair is unable to act, and

(b) there is no deputy chair, or the deputy chair is unable to act.

(2) In relation to the making of an appointment under sub-paragraph (1)—

(a) an individual who is disqualified for appointment as the chair of the committee is also disqualified for appointment under sub-paragraph (1),

(b) paragraph 3(2) applies to an appointment under sub-paragraph (1) as it applies to the appointment of a relevant office-holder.

(3) An individual appointed under sub-paragraph (1)—

(a) may be dismissed by the Scottish Ministers at any time,

(b) may resign at any time by giving written notice to the Scottish Ministers to that effect,

(c) is appointed on such terms and conditions (including as to remuneration) as the Scottish Ministers determine.

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