



The Scottish Parliament
Pàrlamaid na h-Alba

Published 21 October 2024
SP Paper 662
8th Report, 2024 (Session 6)

Criminal Justice Committee

The Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension of Temporary Justice Measures) Regulations 2024 [draft]



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
[http://www.parliament.scot/abouttheparliament/
91279.aspx](http://www.parliament.scot/abouttheparliament/91279.aspx)

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@parliament.scot

Contents

Introduction	1
Consideration by the Delegated Powers and Law Reform Committee	2
Consideration by the Criminal Justice Committee	3

Criminal Justice Committee

To consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

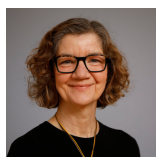


justice.committee@parliament.scot



0131 348 5973

Committee Membership



Convener
Audrey Nicoll
Scottish National Party



Deputy Convener
Russell Findlay
Scottish Conservative
and Unionist Party



Katy Clark
Scottish Labour



Sharon Dowey
Scottish Conservative
and Unionist Party



Fulton MacGregor
Scottish National Party



Rona Mackay
Scottish National Party



Ben Macpherson
Scottish National Party



Pauline McNeill
Scottish Labour

Introduction

1. At its meeting on Wednesday 9 October 2024, the Criminal Justice Committee considered the [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(Extension of Temporary Justice Measures\) Regulations 2024 \[draft\]](#)("the regulations").
2. The regulations modify the expiry dates for certain temporary justice measures which are contained in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 ("the 2022 Act").
3. Regulation 2 modifies the expiry date in section 52(1) of the 2022 Act so that it reads "30 November 2025" rather than "30 November 2024". The effect of this regulation is that all of the temporary justice measures which remain in force after 29 November 2023 will not expire at the end of 30 November 2024 but instead will be extended for 12 months, expiring at the end of 30 November 2025.
4. Details of the specific temporary justice provisions that the Scottish Government proposes to extend can be found in the [Statement of Reasons](#) produced by the Government to accompany the instrument.

Consideration by the Delegated Powers and Law Reform Committee

5. The Delegated Powers and Law Reform Committee ("the DPLR Committee") considered the instrument at its meeting on Tuesday 1 October 2024 and reported on it in its [58th Report, 2024](#). The DPLR Committee made no recommendations in relation to the instrument.

Consideration by the Criminal Justice Committee

6. Motion S6M-14590 was lodged proposing that the Committee recommends approval of the instrument. At its meeting on Wednesday 9 October 2024, the Committee took oral evidence from the Cabinet Secretary for Justice and Home Affairs, Angela Constance MSP ("the Cabinet Secretary") and officials.
7. During the evidence session, the Cabinet Secretary set out the purpose of the instrument and explained why the Scottish Government believes it is necessary to extend the some of the temporary justice provisions for a further 12 months.
8. Members put various questions to the Cabinet Secretary on the provisions to be extended. These were mainly around the use of fiscal fines and the increase in the maximum fine limit from £300 to £500, the continued increase to statutory time limits in solemn cases and continuation of the national jurisdiction for callings from custody which allows custody cases to be heard in any court in Scotland.
9. In relation to fiscal fines, the Cabinet Secretary advised that only 2% of fines issued have been applied up to the £500 limit and that the use of fiscal fines has fallen from 21,678 issued in 2018/19 to 12,108 in 2023/24. The Cabinet Secretary also advised that it is estimated that two to three hundred more cases would go through the justice of the peace courts if prosecutors did not have the increased maximum penalty available to apply to appropriate cases.
10. The Cabinet Secretary also stated that the Scottish Government is proposing to make the increase to the maximum level of fiscal fine permanent through the recently introduced Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill.
11. When questioned on whether the extension of increased statutory time limits in solemn cases is adding to the issue of prison overcrowding by keeping individuals on remand for longer, the Cabinet Secretary told the Committee that she is concerned that removing the extended limits at the present time would add to the problem of remand as opposed to alleviate it. Instead of focusing on the throughput of criminal justice cases, decisions to extend time limits would have to be taken on an individual case by case basis and would therefore further add to delays. The Cabinet Secretary confirmed that the Scottish Government is not making these extended time limits permanent but wants to give the court system a further year to recover from the backlogs that built up during the pandemic.
12. In relation to extending the provision for national jurisdiction for callings from custody the Cabinet Secretary told the Committee that it is a limited provision but it allows for flexibility in the management of cases when dealing with events such as publish health emergencies or inclement weather.
13. Following debate, the Cabinet Secretary moved the motion:
 - S6M-14590—That the Criminal Justice Committee recommends that the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension of Temporary Justice Measures) Regulations 2024 [draft].

14. The Committee agreed to the motion by division: For 4; Against 4; Abstentions 0.ⁱ
The motion was agreed to on the casting vote of the Convener.

- 15. The Criminal Justice Committee recommends to the Scottish Parliament that it approve the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension of Temporary Justice Measures) Regulations 2024 [draft].**

ⁱ For: Audrey Nicoll, Rona Mackay, Fulton MacGregor and Ben Macpherson. Against: Katy Clark, Pauline McNeill, Russell Findlay and Sharon Dowey. Using her casting vote Audrey Nicoll (Convener) voted for the motion.

