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## **Justice Committee Comataidh a' Cheartais**

# **Criminal Justice (Scotland) Act 2016 (Support for Vulnerable Persons) Regulations 2019**



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# Justice Committee

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



<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/justice-committee.aspx>



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# Committee Membership



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**Deputy Convener**  
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Scottish National Party



**John Finnie**  
Scottish Green Party



**Jenny Gilruth**  
Scottish National Party



**James Kelly**  
Scottish Labour



**Liam Kerr**  
Scottish Conservative  
and Unionist Party



**Fulton MacGregor**  
Scottish National Party



**Liam McArthur**  
Scottish Liberal  
Democrats



**Shona Robison**  
Scottish National Party

# Introduction

1. At its meeting on 3 December 2019, the Justice Committee considered the following instrument:
  - the [Criminal Justice \(Scotland\) Act 2016 \(Support for Vulnerable Persons\) Regulations 2019 \[draft\]](#)
2. The instrument was laid before the Parliament on 1 November 2019 and referred to the Justice Committee. The Committee is required to report to Parliament on the instrument by 10 December 2019. The instrument is subject to the affirmative procedure.
3. The instrument is made under sections 98(1)(b) and (2), 99, 100(a), 101(a)(i) and (b) and 104(1) and (2) of the [Criminal Justice Scotland Act 2016](#).
4. The purpose of the instrument is to place non-statutory appropriate adult services on a statutory footing by setting out the definition of “appropriate adult support” and conferring functions pertaining to the delivery of appropriate adult services, the training of those undertaking the role of appropriate adults and the quality assessment of appropriate adult provision.

# **Delegated Powers and Law Reform Committee consideration**

5. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 12 November 2019 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

## Justice Committee consideration

6. The Cabinet Secretary for Justice lodged motion S5M-19844 proposing that the Committee recommends approval of the instrument. At its meeting on 3 December 2019, the Committee took evidence on the instrument from the Minister for Community Safety.
7. The Minister explained that the role of an appropriate adult is to facilitate communication between the police and a vulnerable adult during police procedures. Appropriate adult services have been delivered in Scotland on a non-statutory basis since the early 1990s. Provisions relating to appropriate adults were included in the Criminal Justice Scotland Act 2016, including enabling powers for the instrument. The instrument confers duties on local authorities to deliver appropriate adult services and to provide training for practitioners. Local authorities currently carry out these functions on a non-statutory basis. The Care Inspectorate will be required to assess the quality of appropriate adult provision. Local authorities will have to have regard to detail guidance to ensure consistency in key aspects of provision.
8. The Scottish Government will provide additional funding of £1 million per annum to local authorities to support these functions. An additional £180,000 per annum will be provided to the Care Inspectorate.
9. In response to questions from Members, the Minister explained that the additional £1 million per annum for local authorities would be for the next three years, after which funding would be reviewed. The Scottish Government estimates that the cost to local authorities of providing appropriate adult services is £1 million per annum, however, the Minister noted that once a statutory duty is placed on the police to use appropriate adults, the expectation is that demand for appropriate adults will increase.
10. There being no further questions from Members, the Minister moved the motion in the name of the Cabinet Secretary: S5M-19844—That the Justice Committee recommends that the Criminal Justice (Scotland) Act 2016 (Support for Vulnerable Persons) Regulations 2019 [draft] be approved.
11. The motion was agreed to without debate or division.
12. The Justice Committee recommends to the Scottish Parliament that it approve the Criminal Justice (Scotland) Act 2016 (Support for Vulnerable Persons) Regulations 2019 [draft].



