

Bail and Release from Custody (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the day of Stage 3 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Note: The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above the line must be concluded by the times indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

Groupings of amendments

Group 1: Decisions on bail: relevant information

67, 15, 16, 68, 19, 20, 21

Group 2: Entitlement to bail

17, 18, 22, 69, 70, 71, 72, 23, 74

Notes on amendments in this group

Amendment 22 pre-empts amendments 69, 70 and 71

1 hour 45 minutes

Group 3: Restriction on bail in certain solemn cases

73, 1, 27, 30, 31, 32, 33, 35, 36, 63

Group 4: Bail decisions: statement and recording of reasons

5, 6

Group 5: Provision of information about date of release from custody

75, 9, 89, 90

3 hours 15 minutes

Group 6: Time spent on electronically monitored bail

24, 25, 2

Group 7: Reports on bail and remand

26, 76, 77, 78, 28, 29, 79, 80, 34, 81, 82, 62

Group 8: Release on certain days of the week

10, 11, 12

4 hours 30 minutes

Group 9: Release of short-term prisoners

83

Group 10: Release on licence of short- and long-term prisoners

37, 38, 39, 40, 7, 13, 14, 8, 41, 3

Group 11: Powers to block release etc.

84

5 hours 30 minutes

Group 12: Power to release early

42, 85, 43, 44, 45, 4, 65, 66

Group 13: Release planning and throughcare support: access to prescription drugs

86, 87, 88

Group 14: Release planning

46, 47, 48, 49

6 hours 30 minutes

Group 15: Throughcare support

50, 51, 52, 53, 54, 55, 56, 57, 58, 59

Group 16: Reports on operation of Part 2

60, 61, 64

7 hours

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Amendments in debating order

Group 1: Decisions on bail: relevant information

Pauline McNeill

- 67 In section 1, page 1, line 14, leave out <must> and insert <may>

Maggie Chapman

- 15 In section 1, page 1, line 21, at end insert—

<() after subsection (6) insert—

“(6A) Where relevant to a question of bail, and without prejudice to the generality of subsection (6), the court may in particular request the prosecutor to provide it with information in relation to the risk of harm to the complainer.”>

Maggie Chapman

- 16 In section 1, page 1, line 22, leave out <, after “party” in each> and insert <—

- (i) for “that party” in the first place where it occurs substitute “the prosecutor, the accused person’s solicitor or counsel, or an officer of a local authority”,
- (ii) after “party” in the second>

Katy Clark

- 68 After section 1, insert—

<Report on operation of section 1

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, prepare a report on the operation of section 1 during the reporting period.
- (2) The report must, in particular, include information on—
 - (a) the impact of section 1 on local authorities,
 - (b) whether local authorities have adequate resources to meet the requirements set out in section 1, and
 - (c) where further resources are required, what action is being taken to address this.
- (3) In preparing a report under subsection (1), the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) any professional body representing social workers in Scotland,
 - (c) such other persons as the Scottish Ministers consider appropriate.
- (4) The reporting period is the period of 1 year beginning with the day on which section 1 comes into force.
- (5) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

Jamie Greene

- 19 In section 2, page 2, line 15, after <justice.> insert—

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<(1B) When determining whether it is necessary to refuse bail for the safety of the complainer from harm, the complainer may make representations to the court regarding how they will be impacted if the accused person is granted, or refused, bail.>

Jamie Greene

20 In section 2, page 2, line 16, at end insert—

<() after subsection (4) insert—

“(4A) The submission made by the prosecutor under subsection (4) must include—

- (a) information in relation to the complainer’s safety or safety of other persons,
- (b) information obtained from, or submitted by, a victim advocacy or support organisation in relation to the complainer’s safety or safety of other persons.”.>

Maggie Chapman

21 In section 2, page 2, line 18, leave out <subsection (1A)(b)(i)> and insert <subsections (1A)(b)(i) and (6A)>

Group 2: Entitlement to bail

Jamie Greene

17 In section 2, page 2, leave out line 9 and insert—

<(ab) at least one of the following grounds applies—

- (i) the accused person is likely to breach their bail conditions,
- (ii) the accused person is likely to commit further offences whilst on bail,
- (iii) the accused person if granted bail is likely to abscond or fail to appear at a diet of the court as required,
- (iv) the accused person if granted bail is likely to interfere with witnesses or otherwise obstruct the course of justice,
- (v) there is another substantial factor which appears to the court to justify keeping the person in custody, or>

Angela Constance

18 In section 2, page 2, line 13, leave out from second <safety> to <from> in line 14 and insert <protection of the complainer from a risk of>

Jamie Greene

22 In section 2, page 2, line 34, leave out subsection (3) and insert—

<() Section 23C (grounds relevant as to question of bail) is repealed.>

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Pauline McNeill

- 69 In section 2, page 2, line 35, after <(1)> insert <—
()>

Pauline McNeill

- 70 In section 2, page 2, line 36, at end insert—
<() after paragraph (a) insert—
“() the person has previously breached bail conditions,”>

Pauline McNeill

- 71 In section 2, page 2, line 36, at end insert—
<() after paragraph (a) insert—
“() any substantial risk that the person might, if granted bail, breach
bail conditions,”>

Katy Clark

- 72 Leave out section 2

Jamie Greene

- 23 In section 4, page 3, line 21, leave out <23C(1)(a) (substantial risk of absconding or failing to appear)> and insert <23B(1A)(ab)(iii) (likely to abscond or fail to appear)>

Katy Clark

- 74 Leave out section 4

Group 3: Restriction on bail in certain solemn cases

Pauline McNeill

- 73 Leave out section 3 and insert—

<Report on bail in certain solemn cases

- (1) The Scottish Ministers must, within 12 months of Royal Assent, review restrictions on bail in solemn cases.
- (2) The review must consider, in particular, the effect of removing the restrictions on bail in certain solemn cases (as provided for in section 23D of the 1995 Act).
- (3) The Scottish Ministers may commission independent research to inform the review.
- (4) As soon as practicable after the review has concluded, the Scottish Ministers must—
 - (a) publish a report on the findings, and
 - (b) lay a copy of the report before the Scottish Parliament.

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- (5) The report must include information on the action that the Scottish Ministers plan to take in response to the review, in particular, whether they intend to propose repealing section 23D.>

Jamie Greene

- 1 Leave out section 3

Angela Constance

- 27 In section 5A, page 6, line 2, at end insert—

<() the number of bail orders made in respect of—

- (i) individuals who were accused in solemn proceedings of a violent offence, a sexual offence, or a domestic abuse offence and had a previous conviction on indictment for any such offence, and
- (ii) individuals who were accused in solemn proceedings of a drug trafficking offence and had a previous conviction on indictment for such an offence,>

Angela Constance

- 30 In section 5A, page 6, line 8, at end insert—

<(za) include information on the operation of the modifications of enactments made by this Part, including in particular the repeal of section 23D of the 1995 Act,>

Angela Constance

- 31 In section 5A, page 6, line 12, at end insert—

<() In preparing a report that includes the information mentioned in subsection (3)(za), the Scottish Ministers must consult—

- (a) the chief constable of the Police Service of Scotland,
- (b) the Lord Advocate,
- (c) the Scottish Courts and Tribunals Service,
- (d) each local authority,
- (e) persons who are providing support services to victims in relation to offences perpetrated against or in respect of those victims,
- (f) such other persons as the Scottish Ministers consider appropriate.>

Angela Constance

- 32 In section 5A, page 6, line 15, at end insert—

<“domestic abuse offence” means—

- (a) an offence under section 1(1) of the Domestic Abuse (Scotland) Act 2018, or
- (b) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,

“drug trafficking offence” has the meaning given by section 49(5) of the Proceeds of Crime (Scotland) Act 1995,>

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Angela Constance

33 In section 5A, page 6, line 22, at end insert—

<“sexual offence” has the meaning given by section 210A(10) and (11) of the 1995 Act,

“violent offence” means any offence (other than a sexual offence) inferring personal violence.>

Angela Constance

35 In section 5A, page 6, line 22, at end insert—

<() Any reference in this section to an offence (other than a bail-related offence or a sexual offence) includes reference to—

(a) an attempt, conspiracy or incitement to commit the offence,

(b) aiding, abetting, counselling or procuring the commission of the offence.>

Angela Constance

36 After section 5A insert—

<Recording of reasons for granting bail in certain solemn cases

(1) This section applies—

(a) where a person is accused of an offence in solemn proceedings and subsection (2) or (3) applies to the person,

(b) for the reporting period.

(2) This subsection applies where the person—

(a) is accused in the proceedings of an offence falling within subsection (4), and

(b) has a previous conviction on indictment for an offence falling within that subsection.

(3) This subsection applies where the person—

(a) is accused in the proceedings of a drug trafficking offence, and

(b) has a previous conviction on indictment for such an offence.

(4) An offence falls within this subsection if it is—

(a) a violent offence,

(b) a sexual offence, or

(c) a domestic abuse offence.

(5) Where the court grants bail to a person to whom this section applies, the court must—

(a) state its reasons,

(b) have those reasons entered in the record of proceedings.

(6) For the purposes of this section—

“domestic abuse offence” means—

(a) an offence under section 1(1) of the Domestic Abuse (Scotland) Act 2018, or

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- (b) an offence that is aggravated as described in section 1(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016,
“drug trafficking offence” has the meaning given by section 49(5) of the Proceeds of Crime (Scotland) Act 1995,
“reporting period” has the meaning given by section 5A(4),
“sexual offence” has the meaning given by section 210A(10) and (11) of the 1995 Act,
“violent offence” means any offence (other than a sexual offence) inferring personal violence.
- (7) Any reference in this section to an offence (other than a sexual offence) includes reference to—
 - (a) an attempt, conspiracy or incitement to commit the offence,
 - (b) aiding, abetting, counselling or procuring the commission of the offence.>

Angela Constance

- 63 In section 14, page 25, line 13, after <sections> insert <(Recording of reasons for granting bail in certain solemn cases),>

Group 4: Bail decisions: statement and recording of reasons

Russell Findlay

- 5 In section 4, page 3, line 33, after <proceedings.> insert—
- <() Where the court grants bail in any proceedings in which a person is accused of an offence, it must—
 - (a) state in particular the grounds on which it determines, in accordance with section 23B(1A), that there is no good reason for refusing bail,
 - (b) have the grounds mentioned in paragraph (a) entered in the record of the proceedings.>

Russell Findlay

- 6 In section 4, page 3, line 33, after <proceedings.> insert—
- <() The grounds that are entered in the record of the proceedings under this section must be published by the court in such manner as it may determine.>

Group 5: Provision of information about date of release from custody

Pauline McNeill

- 75 After section 4, insert—
- <Grant of bail: duty to provide information**
- (1) The 1995 Act is amended as follows.

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(2) After section 33, insert—

“33A Grant of bail: duty to provide information

- (1) This section applies in any proceedings where the court grants bail to an accused person.
- (2) The Scottish Ministers must take all reasonable steps to ensure that a person against whom the offence is alleged to have been perpetrated is aware that the accused person has been granted bail.”.>

Russell Findlay

9 After section 8, insert—

<Public access to date of release

- (1) The 1993 Act is amended as follows.
- (2) After section 26C (Release timed to benefit re-integration) insert—

“26D Public access to date of release

- (1) The Scottish Ministers must establish a database containing the date on which each person held in custody will be released or is expected to be released.
- (2) The database established under subsection (1) must be made publicly available.
- (3) The Scottish Ministers may, by regulations, make further provision in connection with establishing the database under subsection (1).
- (4) Regulations under subsection (3) are subject to the affirmative procedure.”.>

Russell Findlay

89 In section 11, page 19, line 7, at end insert—

<() In section 16 (victim’s right to receive information concerning release etc. of offender), in subsection (1), in paragraph (a), the words “for a period of 18 months or more” are repealed.>

Pauline McNeill

90 In section 11, page 19, line 7, at end insert—

<() In section 16, after subsection (1) insert—

- “() The Scottish Ministers must take all reasonable steps to ensure that a person entitled to receive information under subsection (1) is—
- (a) aware of their right to the information, and
 - (b) given every opportunity to intimate whether they wish to receive the information.”.>

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Group 6: Time spent on electronically monitored bail

Jamie Greene

24 In section 5, page 4, line 20, leave out <must> and insert <may>

Jamie Greene

25 In section 5, page 4, leave out lines 22 to 41

Russell Findlay

2 Leave out section 5

Group 7: Reports on bail and remand

Jamie Greene

26 In section 5A, page 5, line 27, at end insert—

<() In preparing the report, the Scottish Ministers must consult persons providing victim support services.>

Katy Clark

76 In section 5A, page 5, line 37, at end insert—

<() the number of individuals who left the remand population by reference to the individual's gender,>

Katy Clark

77 In section 5A, page 5, line 39, at end insert—

<() in relation to women within the remand population—

- (i) the offences (or types of offence) in respect of which women were remanded in custody,
- (ii) the age profile of women who were remanded in custody,
- (iii) the number of women who transferred from the remand population to the population of prisoners serving a sentence of imprisonment or detention,>

Katy Clark

78 In section 5A, page 5, line 39, at end insert—

<() information on common health issues experienced by women on remand, including—

- (i) physical health issues,
- (ii) mental health issues,
- (iii) drug addiction,>

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Jamie Greene

28 In section 5A, page 6, line 2, at end insert—

<() the number of individuals released on bail who were subject to—

- (i) monitoring in accordance with Part 1 of the Management of Offenders (Scotland) Act 2019 (electronic monitoring),
- (ii) a bail condition under section 24(4)(b)(i) of the 1995 Act,>

Jamie Greene

29 In section 5A, page 6, line 7, at end insert—

<() the number of individuals who entered the prison population—

- (i) following a conviction for a bail-related offence,
- (ii) having been accused of a further offence.>

Jamie Greene

79 In section 5A, page 6, line 7, at end insert—

<() The report must include an analysis of—

- (a) the effects of this Act on the remand population,
- (b) whether any changes to the remand population as a result of this Act has had an impact on the experience of victims.>

Katy Clark

80 In section 5A, page 6, line 9, after <information> insert <, including gender-specific information,>

Jamie Greene

34 In section 5A, page 6, line 22, at end insert—

<“victim support services” means a type of service or treatment which is intended to benefit the physical or mental health or wellbeing of victims.>

Katy Clark

81 After section 5A, insert—

<Report on impact of remand on women

- (1) Within 3 years of Royal Assent, the Scottish Ministers must publish a report on common health issues experienced by women on remand, including—
 - (a) physical health issues,
 - (b) mental health issues,
 - (c) drug addiction.
- (2) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

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Katy Clark

82 After section 5A, insert—

<Report on resourcing of bail conditions

- (1) Within 3 years of Royal Assent, the Scottish Ministers must prepare and publish a report on the impact on resources of the imposition of bail conditions.
- (2) The report must, in particular, consider whether, in cases whether the court grants bail subject to conditions, the implementation of the conditions is being adequately resourced.
- (3) In preparing the report, the Scottish Ministers must consult—
 - (a) each local authority,
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must lay a copy of the report before the Scottish Parliament.>

Angela Constance

62 In section 14, page 25, line 13, after <sections> insert <5A,>

Group 8: Release on certain days of the week

Russell Findlay

10 In section 6, page 6, line 31, at the beginning insert <subject to subsection (7ZA),>

Russell Findlay

11 In section 6, page 6, line 35, at end insert—

<“(7ZA) Subsection (7)(a) does not apply where the governor of the prison from which the prisoner is to be released considers it necessary to release the prisoner in the interests of public safety.”.>

Russell Findlay

12 In section 6, page 6, line 36, after <where> insert <—

- () the governor of the prison from which the prisoner is to be released considers it appropriate to release the prisoner on that day, or
- ()>

Group 9: Release of short-term prisoners

Russell Findlay

83 After section 6, insert—

<Release of short-term prisoners

- (1) The 1993 Act is amended as follows.

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- (2) In section 1 (Release of short-term, long-term and life prisoners.), in subsection (1), for “the Secretary of State shall, without prejudice to any supervised release order to which the prisoner is subject, release him unconditionally” substitute “the Scottish Ministers must release the prisoner on licence if recommended to do so by the Parole Board or the prison governor”.>

Group 10: Release on licence of short- and long-term prisoners

Angela Constance

- 37 In section 7, page 7, line 19, at end insert—

<() in subsection (4)—

(i) in paragraph (a), after “large” insert “(including any identifiable group of people”,”,

(ii) after that paragraph insert—

“(aa) protecting a victim or any member of a victim’s family,”>

Angela Constance

- 38 In section 7, page 7, line 20, at end insert—

<() after subsection (7) insert—

“(7A) In subsection (4)(aa), “victim” means a person against or in respect of whom an offence has been committed by the prisoner.”>

Angela Constance

- 39 In section 7, page 7, line 36, after <large> insert <(including any identifiable group of people)>

Angela Constance

- 40 In section 7, page 7, line 36, at end insert—

<(aa) protecting a victim or any member of a victim’s family,>

Russell Findlay

- 7 In section 7, page 7, line 36, at end insert—

<() protecting any specific victim or victims of the prisoner, or identified group of people, to whom the prisoner may pose a risk on release,>

Russell Findlay

- 13 In section 7, page 8, line 2, leave out <the beginning of the period of 180 days ending with>

Russell Findlay

- 14 In section 7, page 8, line 6, leave out <180> and insert <8>

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Russell Findlay

- 8 In section 7, page 8, line 24, at end insert—
<() the prisoner is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003.>

Angela Constance

- 41 In section 7, page 8, line 24, at end insert—
<() In subsection (4)(aa), “victim” means a person against or in respect of whom an offence has been committed by the prisoner.>

Russell Findlay

- 3 Leave out section 7

Group 11: Powers to block release etc.

Jamie Greene

- 84 After section 7, insert—
<Powers to block release in cases of undisclosed information
(1) The 1993 Act is amended as follows.
(2) In section 2 (Duty to release discretionary life prisoners.), in subsection (5), before “and” insert—
“() the Board is satisfied that the prisoner concerned has no information about where or how their victim’s remains were disposed of which that person has not disclosed,”>

Group 12: Power to release early

Jamie Greene

- 42 In section 8, page 12, line 9, after <section> insert <unless—
() the person has served one half of their sentence, and
() the release day is no>

Russell Findlay

- 85 In section 8, page 12, line 38, at end insert—
<() serving a sentence of imprisonment for fraud,>

Angela Constance

- 43 In section 8, page 12, line 41, at end insert—

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- <(5A) The Scottish Ministers must, no later than one year after the date on which this section comes into force and in such manner as they consider appropriate, publish guidance about the application of subsection (4)(b).
- (5B) The Scottish Ministers may from time to time revise the guidance published under subsection (5A) and subsection (5C) applies to any revised guidance.
- (5C) The governor of a prison must have regard to guidance published under subsection (5A) in considering the application of subsection (4)(b) in relation to regulations made under this section.>

Jamie Greene

- 44 In section 8, page 13, leave out lines 9 and 10

Jamie Greene

- 45 In section 8, page 13, line 34, leave out from <unless> to end of line 20 on page 14

Jamie Greene

- 4 Leave out section 8

Jamie Greene

- 65 In section 14, page 25, line 14, at the beginning insert <Subject to subsection (2A),>

Jamie Greene

- 66 In section 14, page 25, line 15, at end insert—

- <(2A) Section 8 may not be brought into force until the Scottish Ministers have prepared and published a report detailing the current Scottish Prison Service procedure for responding to—
 - (a) the incidence or spread of infection, contamination or the source of contamination which presents or could present significant harm to human health in Scotland (whether from risks originating there or elsewhere),
 - (b) an event or situation which has resulted in any prison (or part of a prison) being unusable,
- (2B) The report under subsection (2A) must—
 - (a) state why the current procedure inadequately achieves the goals of—
 - (i) ensuring the security and good order of a prison and prisoners generally, and
 - (ii) protecting the health, safety and welfare of prisoners or those working in any such prison,
 - (b) justify why the powers to release early that are inserted into the 1993 Act by section 8 will better achieve the goals set out in paragraph (a).>

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Group 13: Release planning and throughcare support: access to prescription drugs

Pauline McNeill

86 In section 9, page 15, line 30, at end insert—

<() In section 2, in paragraph (e) of the definition of “relevant general services”, after “services” insert “and prescription services”.>

Pauline McNeill

87 In section 10, page 18, line 3, at end insert—

<() the provision of, and facilitation of access to, prescription drugs,>

Pauline McNeill

88 In section 10, page 19, line 5, after <procedure.> insert—

<34D Throughcare support: duty to report on access to prescription drugs

- (1) The Scottish Ministers must, as soon as practicable after the end of the reporting period, prepare a report on the operation of section 34C during the reporting period.
- (2) The report must, in particular, include information on—
 - (a) whether individuals falling within section 34B(7) have access to the prescription drugs that they require for their physical and mental health, and
 - (b) whether medical and prison services have sufficient resources to meet that demand.>

Group 14: Release planning

Audrey Nicoll

46 In section 9, page 16, line 12, after “regulations” insert <—

- (a) make further provision about engagement in the development, management, and delivery of release plans,
- (b)>

Audrey Nicoll

47 In section 9, page 16, line 12, at end insert—

- <() Regulations under subsection (5)(a) may, in particular, make provision about—
- (a) engagement in the development, management and delivery of release plans in relation to relevant individuals who, having been remanded in custody, are released from custody immediately on the conclusion of proceedings against them,
 - (b) the appointment of a person to lead the management and delivery of a relevant individual’s release plan following the individual’s release,

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- (c) how the duty of co-operation under section 35 is to operate in relation to the duty to engage in the development, management, and delivery of release plans under this section.
- () Regulations under subsection (5)(a)—
 - (a) may include incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) may modify enactments (including this Act).>

Angela Constance

48 In section 9, page 16, line 24, at end insert—

<Guidance

34AB Guidance

- (1) The Scottish Ministers must, no later than one year after the day on which section 9(2) of the Bail and Release from Custody (Scotland) Act 2023 comes into force for any purpose, publish guidance about engagement under section 34A(1).
- (2) Such guidance may, in particular, include provision about—
 - (a) the issuing of a request for engagement,
 - (b) compliance with a request for engagement,
 - (c) how the duty of co-operation under section 35 is to operate in relation to the duty to engage in the development, management, and delivery of release plans under section 34A(1).
- (3) In preparing, reviewing, and revising the guidance, the Scottish Ministers must consult—
 - (a) Community Justice Scotland,
 - (b) each local authority,
 - (c) each health board,
 - (d) the chief constable of the Police Service of Scotland,
 - (e) Skills Development Scotland,
 - (f) the Risk Management Authority,
 - (g) an integration joint board established by virtue of section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014,
 - (h) each person—
 - (i) of a description prescribed by the Scottish Ministers by regulations, and
 - (ii) who is providing support services to victims in relation to offences perpetrated against or in respect of those victims,
 - (i) such other persons as the Scottish Ministers consider appropriate.
- (4) The Scottish Ministers must keep the guidance under review and may publish revised guidance whenever they consider it appropriate to do so.
- (5) Where revised guidance is published under subsection (4), this section—
 - (a) ceases to apply in relation to the previous guidance,

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- (b) applies instead to the revised guidance (as it applied to the guidance published under subsection (1)).
- (6) In complying with a request to engage under section 34A(1), a person must have regard to guidance published under this section.
- (7) In this section, “support services” has the meaning given by section 34B(6).
- (8) The Scottish Ministers may by regulations modify the definition of “support services” in subsection (7).
- (9) Regulations under subsection (3)(h)(i) and (8)—
 - (a) may include incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) may modify enactments (including this Act).
- (10) Regulations—
 - (a) under subsection (3)(h)(i)—
 - (i) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
 - (ii) are otherwise subject to the negative procedure,
 - (b) under subsection (8) are subject to the affirmative procedure.>

Angela Constance

- 49 In section 10, page 16, line 27, leave out “34A” and insert “34AB”.

Group 15: Throughcare support

Angela Constance

- 50 In section 10, page 16, line 30, leave out <one year after this section> and insert <two years after the day on which section 10(2) of the Bail and Release from Custody (Scotland) Act 2023>

Angela Constance

- 51 In section 10, page 16, line 31, after <Scotland> insert <(in this section, the “first standards”)>

Angela Constance

- 52 In section 10, page 16, line 32, after <The> insert <first>

Angela Constance

- 53 In section 10, page 16, line 37, after <the> insert <first>

Angela Constance

- 54 In section 10, page 16, line 38, leave out <amended> and insert <revised>

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Angela Constance

55 In section 10, page 17, line 1, after first <the> insert <first>

Angela Constance

56 In section 10, page 17, line 17, leave out <a> and insert <each>

Angela Constance

57 In section 10, page 17, line 22, at end insert—

<(4A) The Scottish Ministers must, after consulting on the first standards in accordance with subsection (4) but before publishing those standards, publish a draft of the standards for public consultation for such period, of at least 12 weeks, as they consider appropriate.

(4B) The Scottish Ministers must, before or on publication of the first standards, publish a report setting out—

(a) the consultation process undertaken in order to comply with subsection (4A), and

(b) the ways in which views expressed during that process have been taken account of in preparing the first standards (or stating that no account has been taken of such views).>

Angela Constance

58 In section 10, page 17, line 25, at the beginning insert <(other than subsections (4A) and (4B))>

Angela Constance

59 In section 10, page 17, line 25, after second <the> insert <first>

Group 16: Reports on operation of Part 2

Angela Constance

60 After section 11 insert—

<Report on operation of Part 2

(1) The Scottish Ministers must, as soon as reasonably practicable after the end of the reporting period, lay before the Scottish Parliament a report on the operation of the modifications of enactments made by this Part.

(2) In preparing the report, the Scottish Ministers must consult—

(a) Community Justice Scotland,

(b) each local authority,

(c) each health board,

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

(e) Skills Development Scotland,

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- (f) the Risk Management Authority,
 - (g) the Parole Board for Scotland,
 - (h) Social Care and Social Work Improvement Scotland,
 - (i) each integration joint board established by virtue of section 9 of the Public Bodies (Joint Working) (Scotland) Act 2014,
 - (j) third sector bodies—
 - (i) involved in community justice and the provision of throughcare support,
 - (ii) involved in or carrying out work related to the provision of support to children and families affected by imprisonment,
 - (k) persons who are providing support services to victims in relation to offences perpetrated against or in respect of those victims,
 - (l) such other persons as the Scottish Ministers consider appropriate.
- (3) In this section—
- “health board” means a board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978,
- “reporting period” means the period of 5 years beginning with the day after Royal Assent,
- “Skills Development Scotland” means the company limited by guarantee registered in Scotland with company number SC202659,
- “support services” has the meaning given by section 34B(6) of the 2016 Act (as inserted by section 10(2)),
- “third sector bodies” means bodies (whether or not formally constituted) established for purposes which consist of, or consist mainly of, providing benefits for society (but do not include bodies established under an enactment).>

Katy Clark

61 After section 11, insert—

<Impact on Management of Offenders etc (Scotland) Act 2005

Review of impact on the Management of Offenders etc (Scotland) Act 2005

- (1) Within 3 years of Royal Assent, the Scottish Ministers must—
 - (a) review the impact of Part 2 of this Act on the operation of arrangements made under section 10 of the Management of Offenders (Scotland) Act 2005 (“the 2005 Act”),
 - (b) prepare and publish a report on the outcomes of that review.
- (2) A review under subsection (1) must, in particular, include consideration of whether any changes are required to national guidance in relation to—
 - (a) the monitoring of offenders covered by section 10(1) of the 2005 Act following release from custody,
 - (b) ensuring a consistent approach across Scotland.>

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Angela Constance

64 In section 14, page 25, line 13, after <sections> insert <(Report on operation of Part 2),>

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