Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Bill

Groupings of Amendments for Stage 2

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 2 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.**

Groupings of amendments

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Virtual attendance: criteria for when virtual attendance applies
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Virtual attendance: requirements for attending virtually
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Use of digital productions
44, 1, 2, 3, 4, 45, 5, 6, 46, 47, 48, 49

Body-worn video
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Fixed penalties
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National jurisdiction
59, 51, 8, 52, 9, 53, 10, 11

Notes on amendments in this Group
Amendment 8 pre-empts amendment 52

Review of jurisdiction for connected proceedings
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Report on time limits for solemn proceedings
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Part 2 reviews: expansion to include events after death
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Part 2 reviews: familial homicide and honour killing
60, 61, 62, 63, 64, 65, 66, 16, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91

Notes on amendments in this Group
Amendment 91 is pre-empted by amendment 31 in the group "Part 2 reviews: case reports"

Part 2 reviews: link to domestic abuse
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27, 28, 29, 31, 32

Notes on amendments in this Group
Amendment 31 pre-empts amendment 91 in the group "Part 2 reviews: familial homicide and honour killing"

Amendments in debating order

Electronic signing and sending of documents: availability of paper documents

Sharon Dowey

56 In section 1, page 1, line 15, at end insert—

<(1A) A document of a type mentioned in subsection (1)(a) must also be available as a paper document on request.>

Sharon Dowey

57 In section 1, page 2, line 19, at end insert—

<(2A) Where—

(a) the recipient has not indicated their willingness to receive a document in a particular way, or

(b) the recipient has requested to receive a paper document,

a paper document must be made available.>

Virtual attendance: criteria for when virtual attendance applies

Pauline McNeill

33 In section 2, page 3, line 16, after <applies> insert <(subject to section 303J(2))>

Pauline McNeill

35 In section 2, page 4, line 3, after <applies> insert <(subject to section 303J(2))>

Pauline McNeill

36 In section 2, page 4, line 23, leave out <(subject to subsection (4))>

Pauline McNeill

37 In section 2, page 4, line 25, leave out <have regard to> and insert <comply with>

Pauline McNeill

38 In section 2, page 4, leave out lines 26 to 36 and insert—

<(4A) Where a representation is made by the accused or complainer under subsection (3)(a) objecting to the direction being issued, the court may not issue that direction.>

Pauline McNeill

39 In section 2, page 4, line 36, at end insert—

<(6) Guidance issued by the Lord Justice General under subsection (3)(b) must set out the circumstances where a suspension of the requirement for physical attendance in criminal proceedings must—

(a) always apply,

(b) never apply.>

Pauline McNeill

40 In section 2, page 5, line 3, leave out from <other> to end of line 5

Virtual attendance: requirements for attending virtually

Pauline McNeill

34 In section 2, page 3, line 22, after <if> insert <—

(a) a court official will be in attendance with the person who is to attend by electronic means,

(b) it is satisfied that the electronic means is of sufficient speed and quality to enable the person to both see and hear all of the other parties, the judge and (where applicable) the jury and any witness who is giving evidence, and

(c)>

Liam Kerr

41 In section 2, page 6, line 14, at end insert—

<(aa) is to set out the location of where the person is to appear by electronic means,>

Pauline McNeill

42 In section 2, page 6, line 14, at end insert—

<(aa) is to set out the requirements of the electronic means in relation to the speed and quality of connection to enable the person to both see and hear all other parties,>

Liam Kerr

43 After section 2, insert—

<Report on virtual attendance

(1) The Scottish Ministers must, no later than 2 years after section 2 comes into force, prepare and publish a report on the use of virtual attendance in court proceedings.

(2) A report under subsection (1) must include—

(a) the frequency of technical issues,

(b) the frequency of delays in establishing remote links,

(c) an assessment of whether further resources are required to support the use of virtual attendance,

(d) an assessment of the impact of virtual attendance on the delay in cases being commenced,

(e) the views of people who have attended proceedings virtually, and

(f) such other matters as the Scottish Ministers consider appropriate.>

Use of digital productions

Liam Kerr

44 In section 4, page 9, line 1, leave out subsection (2)

Angela Constance

1 In section 4, page 9, line 18, at end insert—

<( ) In section 71 (first diet), in subsection (2A), after "section 275" insert ", or subsection (1A) of section 279B".>

Angela Constance

2 In section 4, page 9, line 19, leave out <79(2)(b)> and insert <79>

Angela Constance

3 In section 4, page 9, line 19, at end insert—

<( ) in subsection (2)(b)—

(i)>

Angela Constance

4 In section 4, page 9, line 25, at end insert—

<( ) after subsection (2), insert—

"(2A) Subsection (2)(b) is subject to section 279B(1F).".>

Liam Kerr

45 In section 4, page 9, line 29, leave out from <is,> to <to> on line 30 and insert <,may where the court directs it,>

Angela Constance

5 In section 4, page 9, line 31, at end insert—

<(1A) 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.

(1B) Any application under subsection (1A) 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.

(1C) Subsection (1B) does not apply to the extent that the court considers that the application was made as soon as was reasonably practicable.

(1D) Where an application under subsection (1A) for a direction is made in respect of an image not mentioned in subsection (1B), 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.

(1E) 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.

(1F) An application under subsection (1A) for a direction is not a preliminary issue for the purpose of section 79(2)(b) of this Act.>

Angela Constance

6 In section 4, page 9, line 32, after <evidence> insert <—

(a) is a moving or still image,

(b)>

Liam Kerr

46 In section 4, page 9, line 33, at end insert—

<(2A) Where an image of the evidence is to be treated as if it were the physical evidence itself, all parties in the proceedings, and the judge presiding over the proceedings, may request to view the physical item. >

Pauline McNeill

47 In section 4, page 9, line 33, at end insert—

<(2A) An image of physical evidence being treated for evidential purposes as if it were the physical evidence itself does not impact any retention requirements in relation to the physical evidence.>

Pauline McNeill

48 In section 4, page 9, line 33, at end insert—

<(2A) Where an image of physical evidence is used under subsection (1), the physical evidence may not be destroyed while proceedings are ongoing against the accused,

and in any event, until after final determination of any appeal or review by the Scottish Criminal Cases Review Commission.>

Liam Kerr

49 In section 4, page 9, line 33, at end insert—

<(2A) The physical evidence may not be destroyed while proceedings are ongoing against the accused, and in any event, until after final determination of any appeal. >

Body-worn video

Angela Constance

7 After section 5, insert—

<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

Liam Kerr

50 In section 6, page 11, leave out lines 6 to 9

Sharon Dowey

58 After section 6, insert—

<Review of increased fixed penalty limit

(1) The Scottish Ministers must, no later than 1 year after section 6 comes into force, prepare and publish a report on the increased scale of fixed penalties.

(2) A report under subsection (1) must include an assessment of—

(a) the number of fixed penalties issued,

(b) the impact that the higher sum of the fixed penalty has on the rate of re-offending,

(c) the impact that the higher sum of the fixed penalty has on any victims involved in the alleged offence,

(d) whether an increase in the scale of fixed penalties has a positive or negative impact on the courts,

(e) such other matters as the Scottish Ministers consider appropriate.>

National jurisdiction

Sharon Dowey

59 In section 7, page 12, line 12, at end insert—

<(4A) Before making a determination under subsection (4), the Lord Advocate or the procurator fiscal must consider—

(a) the individual circumstances of the case,

(b) the time and expense incurred in travelling to a jurisdiction by virtue of this section or section 5C incurred by—

(i) witnesses,

(ii) the defence,

(iii) the prosecution,

(c) any delay in proceedings that may result from time taken to travel to the jurisdiction.>

Pauline McNeill

51 In section 7, page 12, line 16, at end insert—

<only where the person who is the subject of the proceedings has agreed to the continuation of proceedings in that court.>

Angela Constance

8 In section 7, page 12, leave out lines 17 to 27 and insert—

<(5A) The ability for proceedings to be dealt with by virtue of subsection (5) 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 (5) 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 (5) 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 (5) 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 (5).

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

Pauline McNeill

52 In section 7, page 12, leave out lines 25 to 27 and insert—

<(c) in any other case of proceedings on petition or indictment, they cannot continue to be dealt with by virtue of subsection (5) after the accused person has been granted bail.>

Angela Constance

9 In section 7, page 13, line 5, at end insert—

<(3A) 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.>

Pauline McNeill

53 In section 7, page 14, line 27, at end insert—

<only where the person who is the subject of the proceedings has agreed to the continuation of proceedings in that court.>

Angela Constance

10 In section 7, page 14, leave out lines 28 to 33 and insert—

<(5A) 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.

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

Angela Constance

11 In section 7, page 15, line 6, at end insert—

<(2A) 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.>

<u>Review of jurisdiction for connected proceedings</u>

Maggie Chapman

54 After section 8, insert—

<Sheriff jurisdiction: offences involving domestic abuse

Sheriff jurisdiction: offences involving domestic abuse

(1) The Scottish Ministers must, within 1 year of Royal Assent, carry out a review about whether a sheriff exercising criminal jurisdiction in relation to proceedings for an offence involving domestic abuse should have jurisdiction for any related or connected proceedings.

(2) For the purposes of subsection (1), "related or connected proceedings" includes proceedings which may result in a sheriff making an order under section 11 (court orders relating to parental responsibilities etc.) of the Children (Scotland) Act 1995, where the subject of the proceedings is a child of the alleged offender.

(3) As soon as practicable after completing the review, the Scottish Ministers must—

(a) publish a report of the review,

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

(4) In carrying out a review under subsection (1), the Scottish Ministers must consult—

(a) the Lord Advocate,

(b) organisations representing victims of domestic abuse,

(c) any other persons they consider appropriate.

(5) In this section, an "offence involving domestic abuse" means—

(a) an offence under section 1(1) (abusive behaviour towards partner or ex-partner) of the Domestic Abuse (Scotland) Act 2018,

(b) an offence under section 17 (breach of domestic abuse protection order) of the Domestic Abuse (Protection) (Scotland) Act 2021,

(c) any other offence where the offence is aggravated as described in section 1(1)(a) (aggravation where abuse of partner or ex-partner) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.*>*

Report on time limits for solemn proceedings

Liam Kerr

55 After section 8, insert—

<Report on time limits for solemn proceedings

Report on time limits for solemn proceedings

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

(2) After section 65, insert—

"65A Report on solemn proceedings: periods within which procedural hearings and trials must commence

(1) The Scottish Ministers must, no later than 1 year after expiry of paragraph 20 of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022 ("the 2022 Act"), prepare and publish a report on the ability of the courts to comply with the time limits for commencement of procedural hearings and trials in place before the introduction of coronavirus recovery measures.

(2) A report under subsection (1) must include information on—

(a) the number of days taken for procedural hearings and trials to commence—

(i) before the changes made in the 2022 Act,

(ii) while coronavirus recovery measures were in place,

(iii) after expiry of the 2022 Act.

(b) the percentage of cases where commencement meets the pre-pandemic time limits were met,

(c) where time limits are not met, the measures needed for time limits to be met.”>

Part 2 reviews: expansion to include events after death

Angela Constance

12 In section 9, page 16, line 21, after <learned> insert <—

(i)>

Angela Constance

13 In section 9, page 16, line 22, at end insert <, and

(ii) in cases where the remit of the review is expanded under section *(Determination as to whether to expand the remit of a review)*, also from certain events following the death.>

Angela Constance

19 After section 16, insert—

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

(1) Where the outcome of consideration of a death under section 16 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 9(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 9(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 9(7)(d).>

Angela Constance

21 In section 17, page 22, line 14, at end insert—

<( ) Where the remit of a review is expanded under section *(Determination as to whether to expand the remit of a review)*, the terms of reference must reflect the expansion.

( ) 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 *(Determination as to whether to expand the remit of a review)*, 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.>

Part 2 reviews: familial homicide and honour killing

Sharon Dowey

60 In section 9, page 16, line 27, at end insert—

<( ) person A's other family member, >

Sharon Dowey

61 In section 9, page 17, line 23, at end insert—

<( ) two persons are family members if they are—

(i) siblings of each other,

(ii) parent or step-parent and child or step-child of each other, or

(iii) grandparent and grandchild of each other,>

Sharon Dowey

62 After section 9, insert—

<Familial homicide or suicide review

(1) In this Part, "familial homicide or suicide review" means a review of the circumstances in which an honour abuse death occurred.

(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) a sibling of person A,

(b) person A's parent or step-parent,

(c) person A's grandparent,

(d) person A's child or step-child,

(e) person A's grand-child.

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

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

(b) person B has died by suicide and person A's abusive behaviour is or may be a contributing factor to person B's death, or

(c) both—

(i) person B has killed person A, and

(ii) persons A and B were family members.

(4) Where—

(a) there is to be a familial 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.>

Sharon Dowey

63 In section 10, page 17, line 36, leave out <section 9> and insert <sections 9 and (*Familial homicide or suicide review*)>

Sharon Dowey

64 In section 10, page 18, line 2, leave out <section 9> and insert <sections 9 and (*Familial homicide or suicide review*)>

Sharon Dowey

65 In section 10, page 18, line 4, leave out <section 9> and insert <sections 9 and (*Familial homicide or suicide review*)

Sharon Dowey

66 In section 10, page 18, line 6, leave out <section 9> and insert <sections 9 and (*Familial homicide or suicide review*)

Angela Constance

16 In section 10, page 18, line 7, at end insert—

<( ) modify the basis on which a determination under section 16 is to be made (whether in consequence of a change made under a paragraph of this subsection or otherwise).>

Sharon Dowey

67 After section 10, insert—

<Power to provide for familial homicide and honour killing review

(1) The Scottish Ministers must by regulations—

(a) make provision for familial homicide and honour killings to be considered as reviewable events under section 9,

(b) define what is meant by familial homicide and honour killings, including the relationship between the two persons.

(2) Regulations must be made within 2 years of this section coming into force.>

Sharon Dowey

68 In section 11, page 18, line 12, after <reviews> insert < or familial homicide or suicide reviews,>

Sharon Dowey

69 In section 12, page 19, line 3, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

70 In section 14, page 20, line 17, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

71 In section 16, page 21, line 2, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

72 In section 16, page 21, line 10, after <behaviour> insert <or honour abuse>

Sharon Dowey

73 In section 16, page 21, line 11, after <behaviour> insert <or honour abuse>

Sharon Dowey

74 In section 16, page 21, line 24, after <9(5)> insert <or section (*Familial homicide or suicide review)*(3)>

Sharon Dowey

75 In section 16, page 21, line 38, at end insert—

<"honour abuse" means abusive behaviour by person A towards person B, within the meaning of section (*Familial homicide or suicide review)*(2),>

Sharon Dowey

76 In section 17, page 22, line 4, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

78 In section 17, page 22, line 11 after <review> insert <or familial homicide or suicide review>

Sharon Dowey

79 In section 17, page 22, line 21, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

80 In section 18, page 22, line 24, after <review,> insert <or of a familial homicide or suicide review,>

Sharon Dowey

81 In section 18, page 22, line 30, after <review> insert <or of a familial homicide or suicide review>

Sharon Dowey

82 In section 18, page 23, line 5, after <review> insert <or of a familial homicide or suicide review>

Sharon Dowey

83 In section 19, page 23, line 21, after <reviews> insert <or familial homicide or suicide reviews>

Sharon Dowey

84 In section 20, page 24, line 9, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

85 In section 20, page 24, line 14, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

86 In section 22, page 25, line 31, after <review> insert <or familial homicide or suicide review>

Sharon Dowey

87 In section 22, page 25, line 38, after <behaviour> insert <and honour abuse>

Sharon Dowey

88 In section 22, page 26, line 1, after <behaviour> insert <and honour abuse>

Sharon Dowey

89 In section 22, page 26, line 37, at end insert—

<"honour abuse" means abusive behaviour by person A towards person B, within the meaning of section (*Familial homicide or suicide review)*(2),>

Sharon Dowey

90 In section 24, page 27, line 24, after <reviews> insert <or familial homicide or suicide reviews>

Sharon Dowey

91 In section 26, page 28, line 29, leave out from <section> to end of line 29 and insert <the following provisions are subject to the affirmative procedure—

( ) section 10(1),

( ) section (Power to provide for *familial homicide and honour killing review*)(1).>

<u>Part 2 reviews: link to domestic abuse</u>

Angela Constance

14 In section 9, page 16, leave out from line 34 to end of line 3 on page 17 and insert—

<( ) 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

( ) 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).>

Angela Constance

15 In section 9, page 17, leave out line 10 and insert—

<( ) 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.>

Angela Constance

17 In section 16, page 21, line 15, at end insert <and

( ) where the persons who are persons A and B for the purpose of section 9 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 9) between person A and any partner or ex-partner of person A.>

Angela Constance

18 In section 16, page 21, line 18, leave out <abusive> and insert <the abusive domestic>

Part 2 reviews: notification to next of kin

Sharon Dowey

77 In section 17, page 22, line 5, at end insert—

<(1A) The committee must notify a family member who is a next of kin of the person to whom the review relates that a review is being carried out.

(1B) For the purposes of subsection (1A), a family member who is a next of kin, may include—

(a) a sibling of the person,

(b) a parent or step-parent of the person,

(c) a grandparent of the person,

(d) a child or step-child of the person,

(e) a guardian of the person,

(f) such other person prescribed in regulations by the Scottish Ministers.>

Sharon Dowey

92 In section 26, page 28, line 31, at end insert—

<( ) section 17(1B),>

Part 2 reviews: minor and technical

Angela Constance

20 In section 17, page 22, line 7, leave out <joint> and insert <combined>

Angela Constance

30 In section 25, page 28, line 19, after <exercise> insert <by the committee and any panel>

Part 2 reviews: interaction with inquiries

Angela Constance

22 In section 18, page 22, line 27, leave out <inquiry under the 2016 Act> and insert <relevant inquiry>

Angela Constance

23 In section 18, page 22, line 33, leave out <inquiry under the 2016 Act> and insert <relevant inquiry>

Angela Constance

24 In section 18, page 23, leave out lines 12 and 13

Angela Constance

25 In section 18, page 23, line 16, at end insert—

<(c) "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).>

Angela Constance

26 In section 19, page 23, leave out lines 34 and 35 and insert—

<( ) any relevant inquiry within the meaning of section 18(7)(c), and>

Part 2 reviews: case reports

Angela Constance

27 In section 22, page 25, line 35, at end insert—

<( ) where the persons who are persons A and B for the purpose of section 9 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,>

Angela Constance

28 In section 22, page 25, line 37, leave out <missed> and insert <either missed or taken>

Angela Constance

29 In section 22, page 26, line 31, at end insert—

<(9A) 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).>

Angela Constance

31 In section 26, page 28, line 29, leave out <section 10(1)> and insert <the following provisions>

Angela Constance

32 In section 26, page 28, line 29, at end insert <—

( ) section 10(1),

( ) section 22(9A).>

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