

**Criminal Justice Committee  
Wednesday 26 November 2025  
32nd Meeting, 2025 (Session 6)**

## **Correspondence received on the SSIs being considered on 26 November 2025**

### **Background**

1. At its meeting of 26 November 2026, the Committee is considering two affirmative SSIs, namely the:
  - Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025
  - Management of Offenders (Scotland) Act 2019 and the Prisoners (Early Release) (Scotland) Act 2025 (Consequential Modifications) Regulations 2026 [draft]
2. Late submissions with views relevant to these have been received from Scottish Trans (for the first SSI listed above) and from Victim Support Scotland (for the second SSI). Copies of the submissions are contained in Annexes A and B respectively.
3. Members may wish to draw upon these in their consideration of the SSIs.

**Clerks to the Committee  
November 2025**

## **Annexe A: Submission from Scottish Trans**

Dear Audrey,

I'm getting in touch in advance of Wednesday's Criminal Justice Committee's consideration of the "Sexual Offences Act 2003 (Notification Requirements) (Scotland) Amendment Regulations 2025":

I wanted to share our organisation's view that requiring people on the sex offenders register to notify Police Scotland of their application for, or obtaining, of a Gender Recognition Certificate is a reasonable and appropriate course of action for ensuring that Police Scotland has accurate information about people on the sex offenders register. It is in-line with other types of information that people on the sex offenders register are required to provide to Police Scotland, such as about current and previous names.

I would very much appreciate if Members could challenge any unacceptable conflation between all trans people, and people on the sex offenders register, during discussion of the draft regulations during Wednesday's committee session. Any such conflation is of course deeply inaccurate, offensive and harmful to trans people – but is unfortunately a conflation that we see during parliamentary debates and discussions on these issues.

**Vic Valentine**  
**Manager**  
**Scottish Trans**

## **Annexe B: Submission from Victim Support Scotland**

Victim Support Scotland's main focus with Early Release legislation is ensuring that victims of crime make an informed choice about being notified in advance of the prisoner in their case being released.

VSS is asking the Committee to consider the following questions:

Will prisoners in these cases be included in the VNS?

1. If so, what information will be available to eligible victims?
2. What support will be offered to victims who are impacted?
3. What modelling is being done to assess future prison estate requirements?

### **1. Inclusion in the VNS**

Victim Support Scotland understands that this instrument intends to align release of prisoners who are:

- a) liable for removal from the UK, or
- b) have the settled intention of residing permanently outside the UK following removal from prison

This is to align with other aspects of early release legislation already in place to help mitigate high prison population.

We acknowledge that removing some offenders from the UK early may assist with safety planning and reduce concerns for victims in these cases. However, we must also highlight our ongoing concerns with early release legislation and the available safeguards for victims and families in this process.

### **Key ask:**

In relation to this SSI, Victim Support Scotland seeks clarity on whether prisoners who are released early and are to be removed from the United Kingdom will be included in the VNS. The VNS is a crucial tool in helping victims of crime and their families to feel safer, feel more prepared, and feel more in control following the crime committed against them.

### **2. Information available to victims**

Additionally, Victim Support Scotland would also like clarity on whether victims will be notified if the offender in their case

- has been removed from the UK following an early release
- attempts to re-enter the UK – whether successfully or otherwise.

Prisoners who are liable for removal from the UK are not eligible to be considered under Section 3AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993, which provides for early release on licence (HDC).

Under the Custodial Sentences and Weapons (Scotland) Act 2007 – Where a removed offender re-enters the United Kingdom at any time before the date on which they would have completed their full sentence, the person is liable to be detained in pursuance of the person's sentence until the earlier of the following:

- a) the date of the expiry of the outstanding custodial period,
- b) the date on which the person would have served the person's sentence in full (but for the person's removal from prison under section 9B).

Critically, it was reported in July 2025 that some prisoners who are removed from the UK following release from prison are returning to the UK and are being returned to prison to serve the remainder of their sentence creating a revolving door. More data is required to ascertain whether this may also be the case for the Emergency Early Release schemes.

Conditions of release help to bring a degree of security for victims and their families – it is essential that victims voices are heard and listened to in the early release of prisoners who are liable for removal from the UK when determining any conditions that may be placed on these offenders.

VSS would therefore seek clarity on what conditions upon release are placed on prisoners who are removed from the UK and what steps the Scottish Government is taking to ensure victims are informed and supported.

### **3. Support offered to victims**

Running parallel to this, it is vital that support from organisations such as Victim Support Scotland is signposted at every step to all victims – whether the offender in their case will be removed from the UK or not.

#### *Supplementary / Supporting Information*

Victim Support Scotland voiced its concerns over the Prisoners (Early Release) (Scotland) Act 2025 and was disappointed it passed with no amendments to better protect victims of crime and safeguard the wider public.

- *CEO Kate Wallace stated "Legislation like this erodes confidence in the justice system. Victims are very clear with us that they want to be confident*

*that the justice system protects them and prevents others from going through what they have experienced.”*

### ***Confidence in Scotland's Criminal Justice System***

Public confidence in Scotland's criminal justice system is falling with early release measures. Passing of the Prisoner (Early Release) Scotland Act which reduced sentences to be served from 50% to 40% was intended to be a more sustainable initiative. One year later and Scotland has begun its second round of Emergency Early Release.

## **4. Modelling to assess future requirements of the prison system**

### ***Prison Population***

VSS recognises the challenges around Scotland's prison population. The prison population reached a record high of 8,441 on 11th November 2025. Parallel to this, VSS has noted a growing narrative over recent years highlighting a view that Scotland imprisons too many people, and that people are imprisoned for minor crimes, which does not reflect our experience. What we see is a growing incidence in Scotland of sexual crime, violent offences, as well as domestic abuse, and custodial sentences for non-recent sexual abuse. The most recent figures can viewed here:

[Scottish Prison Population Statistics 2024-25 - gov.scot](#)

### ***Measures to reduce prison population***

The following measures have been taken to uphold the rights and safety of prisoners and staff within the prison estate:

- Emergency Release during COVID
- Emergency Early Release in June 2024 and November 2025 to March 2026
- Prisoner Early Release (Scotland) Act 2024
- Amending the eligibility for Home Detention Curfew to 15% of the original sentence.

VSS feels strongly that more needs to be done to balance the rights of prisoners, people working within the prison estate, with rights of victims as set out in legislation.

### ***Measures to support victims***

The Victim Notification Scheme is crucial to informing victims about the release of the prisoner in their case. Recommendations to improve the scheme remain outstanding, and numbers of victims subscribed to the scheme is both low in real terms and proportionally – although it has a recent upturn. Significant activity is required to implement changes, encourage explanation and benefits of the scheme,

and ultimately numbers of victims subscribed. VSS continues to be committed to raising awareness of this scheme.

We were glad to hear the Cabinet Secretary reaffirm the ongoing body of work in relation to the VNS through the Victims, Witnesses and Justice Reform Bill (now Act) and the Victims Taskforce when she gave evidence to the Criminal Justice Committee in October 2025 on the Emergency Early Release scheme.

- Additionally, we are pleased to see an increase in numbers signed up to the Victim Notification Scheme - Scottish Prison Service (SPS) data shows there were 3,104 victims registered to the Victim Notification Scheme as of March – an increase of 428 compared to the previous year. That number is understood to have increased further since then with more prisoners eligible for emergency early release.

We are however cautious about this increase; it is our position that the VNS in its current form still falls behind the standard it needs to be at in order to sufficiently support victims.

### **Additional actions**

Concurrent to our views on Emergency Early Release presented to the committee last month, VSS is asking the Scottish Government to:

- sufficiently model the current and future requirements of the prison estate,
- taking into account the trend in rising offences that are more serious and therefore, require a prison sentence of more than four years, for public and
- individual safety reasons.

The size and extent of the prison estate must be based on these requirements, rather than the prison population being adjusted to suit available space.