

PARLIAMENTARY BUREAU

REFERRAL OF A BILL AT STAGE 1: BAIL AND RELEASE FROM CUSTODY (SCOTLAND) BILL

Introduction

1. The Bail and Release from Custody (Scotland) Bill was introduced in the Parliament on 8 June 2022 by the Cabinet Secretary for Justice and Veterans, Keith Brown MSP.

Discussion

2. The Bill makes provision in two areas: (1) court decisions about bail and (2) the arrangements for release of certain prisoners and the support provided to those leaving prison.
3. Changes in the Bill include a new test for the courts to apply when deciding whether to grant an accused person bail. The Bill will also require the court to give local authority officers (in practice, justice social workers) the opportunity to provide information relevant to bail decisions.
4. The Bill makes various provision in relation to release, including restricting the days on which prisoners can be released, introducing a new system for temporarily releasing long-term prisoners, and requiring certain public bodies (including local authorities) to engage in release planning and comply with minimum standards on the support provided to prisoners.
5. The Bill falls within the remit of the following committees:

Criminal Justice Committee

The remit of the Criminal Justice Committee includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Veterans. The Bill relates to aspects of the criminal justice system. The remit of the Criminal Justice Committee is therefore engaged.

Local Government, Housing and Planning Committee

The remit of the Local Government, Housing and Planning Committee includes to consider and report on matters relating to local government, housing and planning falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government. The Bill's provisions have implications for local authorities (via criminal justice social work). The remit of the Local Government, Housing and Planning Committee is therefore engaged.

6. It is understood that the Criminal Justice Committee has the main interest in this Bill.

Recommendation

7. It is suggested that the Bureau recommend to the Parliament that the Criminal Justice Committee be designated as the lead committee. We are not aware of any desire on the part of the Local Government, Housing and Planning Committee to be designated as a secondary committee. However, the lack of a formal designation does not prevent that committee from considering the Bill if it so wishes.

Parliamentary Business Team
June 2022

DRAFT MOTION

Designation of Lead Committee: That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the Bail and Release from Custody (Scotland) Bill at stage 1.