

Victims, Witnesses, and Justice Reform (Scotland) Bill: factsheet

Bill overview

The Victims, Witnesses, and Justice Reform (Scotland) Bill was introduced to the Scottish Parliament on 25 April 2023.

The Bill responds to concerns raised about the need to improve the experiences of victims and witnesses within Scotland's justice system, especially the victims of sexual crime. It also continues to safeguard the operation and principles of the system and protects the rights of those accused of crime.

Further information about the Bill will be added as it progresses through Parliament.

Note on terminology

There are different words to describe those who have experienced crime, particularly sexual offences. Views on which terms are used can be strongly held. Terms such as 'complainer' are used during legal proceedings, while 'victim' or 'survivor' are more commonly used when referring to a person in a broader context not restricted to the legal system. When talking about the Bill, we use a mix of these terms depending on the context.

Aims of the Bill

The Bill aims to:

Ensure victims are treated with compassion and their voices are heard

- by embedding [trauma-informed practice](#) across the system and requiring justice agencies to make efforts to reduce re-traumatisation
- by establishing an independent [Victims and Witnesses Commissioner](#) for Scotland to champion the rights of victims and witnesses
- by safeguarding vulnerable parties and witnesses in civil cases through extending [special measures](#) and protecting people who have suffered abuse from being [cross-examined](#) by their abuser

Ensure justice meets the needs of survivors of sexual offences, the majority of whom are women and girls

- by introducing an automatic lifelong [right to anonymity for victims of sexual offences](#) and certain other offences, including human trafficking, modern slavery, female genital mutilation, hymenoplasty and virginity testing
- by establishing a specialist [sexual offences court](#) that is distinct from existing court structures, which enables complainers to give their best evidence while minimising the potential for re-traumatisation
- by providing an automatic right to state-funded [independent legal representation](#) for complainers when applications are made to lead evidence of their sexual history or character in sexual offence cases
- by enabling a [pilot of single judge trials](#) for cases of rape and attempted rape to take place to gather evidence on their effectiveness

Ensure our laws and legal processes meet the needs of modern Scotland and enable public confidence in the justice system

- by [abolishing the not proven verdict](#) in all criminal trials in Scotland to help create a clearer, fairer and more transparent decision-making process
- by making related reforms to reduce juror numbers (from 15 to 12) and require a two-thirds majority for conviction to increase confidence that verdicts are returned on a sound, rational basis while ensuring balance and fairness to all parties

Evidence used to develop the Bill

The work of the [Victims Taskforce](#) has been key to the development of the measures in the Bill. The Taskforce brings together senior decision-makers from justice agencies, the legal profession, academia and the voluntary sector, including direct representation of victims.

The Bill has also been informed by [Lady Dorrian's Review into Improving the Management of Sexual Offence Cases](#) and by the findings of the [Governance Group set up to consider approaches to implementing the recommendations of that Review](#).

Proposals relating to the measures which have been informed by the Victims Taskforce and Lady Dorrian's Review were included in [a public consultation on improving victims' experiences of the justice system](#). This consultation ran May to August 2022 and received 69 responses.

Research and engagement on juries and verdicts has also been used to develop the Bill. In 2017, we commissioned [independent research into how juries reach decisions](#). The main element of this research was a mock jury study - the largest of its kind in the UK to date - involving 64 mock juries and 969 individual participants.

We then held [jury engagement events](#) to discuss the research findings between November 2019 and March 2020. The findings from the research and engagement events fed into [a public consultation on the not proven verdict and related reforms](#). The consultation ran from December 2021 to March 2022 and received 200 responses.

Further information

Read [more information about the Victims, Witnesses and Justice Reform \(Scotland\) Bill](#), including the stage it is at in Parliament, on the Scottish Parliament website. This includes a policy memorandum, which sets out the background and policy intention of the Bill, and a financial memorandum which sets out estimated costs.

We have published the following impact assessments in relation to the Bill:

- [business and regulatory impact assessment](#)
- [children's rights and wellbeing impact assessment](#)
- [equalities impact assessment](#)
- [island communities impact assessment screening record](#)