POLICY NOTE

THE REHABILITATION OF OFFENDERS ACT 1974 (EXCLUSIONS AND EXCEPTIONS) (SCOTLAND) AMENDMENT ORDER 2020

SSI 2020/45

The above instrument was made in exercise of the powers conferred by sections 4(4), 7(4), 10(1), 10A(1) and paragraph 6 of schedule 3 of the Rehabilitation of Offenders Act 1974 (c.53) ("the 1974 Act"). The instrument is subject to the affirmative procedure. For the purposes of this policy note the instrument will be called "the 2020 amendment Order".

Purpose of the instrument

The overall policy objective of this instrument is to improve how the backgrounds of constables, potential constables, police custody and security officers and armed forces police can be appropriately vetted in Scotland. The purpose of which is to improve the decisions made in relation to the appointments for such roles as well as decisions made in relation to disciplinary proceedings against serving constables.

As such, the ultimate policy intent is to improve the quality of such decisions so as to ensure those who serve as constables and police custody and security officers are fit to serve and ensure constables continue to be fit to serve. It will also ensure armed forces police are treated in the same way in Scotland as in England & Wales.

Although the instrument relates to police constables generally, it will have most effect in relation to Police Scotland.

In more detail, this instrument amends the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Order 2013, as amended ("the 2013 Order"). The purpose of which is to allow Police Scotland and all other forces recruiting and employing people in Scotland (e.g. British Transport Police, Civil Nuclear Constabulary) to be able to consider all spent convictions received at any age and all spent alternatives to prosecution (AtPs) given when the person was 18 or over in:

- disciplinary proceedings against a police constable appointed after date of commencement, and in
- disciplinary proceedings against an existing police constable for conduct committed on or after date of commencement, (this is to ensure no retrospective assessments are made of a constable appointed under the previous vetting regime).

This instrument will also allow Police Scotland, other forces recruiting and employing people in Scotland and the armed forces police to be able to consider all spent convictions received at any age and all spent AtPs given when the person was 18 or over when:

- vetting constables, police custody and security officers, persons appointed as police cadets to undergo training with a view to becoming constables, naval, military and air force police, (where a person has at date of commencement not applied for the roles mentioned).

Policy Objectives

Spent convictions

1. The policy objective is to adjust the rules relating to what spent conviction information can be used when vetting candidates seeking what this notes refers to as a 'relevant position,'[1], as well as what spent conviction information can be used when it is necessary for disciplinary proceedings against a constable. More information will be capable of being considered which is intended to aid decision-making in appointing those seeking a relevant position and in disciplining constables.

2. The policy objective in respect of conviction information is achieved in two ways.

3. The instrument amends the 2013 Order so that all spent convictions can be considered in the vetting of a potential candidate seeking a relevant position. The instrument also allows all spent conviction information to be considered in disciplinary proceedings against an existing constable.

4. This amendment will mean after commencement, Police Scotland, other forces recruiting and employing people in Scotland and the armed forces police will be placed in a similar position to, for example, the Parole Board, the Mental Health Tribunal for Scotland, firearm dealers and occupations where a licence to keep explosives is necessary. That is, they will have the ability to consider all spent conviction information.

Spent Alternatives to Prosecution (AtPs)

5. Similar to the approach taken in respect of spent convictions, the policy objective is to adjust the rules relating to what spent AtP information can be used when vetting candidates seeking a relevant position as well as what spent AtP information can be used when it is necessary for disciplinary proceedings against a constable. More information will be capable of being considered which is intended to improve the decision-making in appointing individuals seeking a relevant position and in disciplining constables.

6. Section 7(4)[2] and paragraph 6 of schedule 3 of the 1974 Act confers powers to dis-apply the protections for the non-disclosure of spent AtPs under the 1974 Act. However, this power has not yet been used. As such, once an AtP is spent it cannot be used for the purposes of a higher level disclosure, (unlike relevant spent convictions), and cannot be used to prejudice an individual in an employment context.

7. The policy objective is to amend the 2013 Order to dis-apply the protections under paragraphs 3, 4(2) and (3) and 5(2) of schedule 3 of the 1974 Act. This will allow Police Scotland, other forces recruiting and employing people in Scotland and the armed forces police the ability to use relevant spent AtP information when vetting an individual seeking a relevant position. It will also allow Police Scotland and other relevant forces in Scotland to be able to consider relevant spent AtPs in disciplinary proceedings against a constable. A relevant spent AtP is one that is given when the individual concerned was

[1]A 'relevant position' under this instrument are constables, police custody and security officers, persons appointed as police cadets to undergo training with a view to becoming constables, naval, military and air force police.
[2] Paragraph 8(5) of schedule 3 modifies section 7(4) to the effect that the power in section 7(4) applies for the purpose of excluding the application of paragraph 3 of schedule 3 of the 1974 Act.

18 or over. Therefore, any spent AtPs given when the individual was under 18 will not be able to be considered and the protections under the 1974 Act will continue to apply.

General background

Convictions

8. A conviction may become spent after a certain length of time has elapsed since the date of conviction, with different periods of time applying to different disposals as laid down in the 1974 Act.

9. Once a conviction is spent the 1974 Act provides that an individual is not normally required to self-disclose the conviction and cannot be prejudiced by its existence. The protections are subject to certain exceptions specified in the 1974 Act and set out in secondary legislation. The purpose of this approach is to appropriately allow an individual to move away from their past criminal activity so that they can contribute effectively to society while also ensuring that people with a legitimate interest, such as employers, are able to understand an individual's background.

10. It is section 4 of the 1974 Act which embodies the main principle of the Act for convictions in terms of what it means to be protected not to self-disclose a spent conviction. Broadly speaking, those protections in the 1974 Act permit individuals not to self-disclose spent convictions when asked to do so (e.g. by a prospective employer) prevent others from asking about those spent convictions and prohibit reliance on spent convictions in certain legal proceedings or to prejudice an individual in an employment context. However, there are certain exceptions and exclusions to this general approach when the interests of public safety are paramount.

11. The 1974 Act provides the Scottish Ministers with powers to make, by order, exceptions and exclusions to the protections under section 4 of the 1974 Act which would otherwise permit an individual not to self-disclose spent conviction information and prevent any other person requiring the disclosure of such information or prejudicing the individual on account of any such disclosure or, indeed, failure to disclose. The Scottish Ministers made the 2013 Order in exercise of those powers.

AtPs

12. An AtP may become spent after a certain length of time has elapsed from the date the AtP is given, with different periods of time applying to different categories of AtP, (i.e. category 1 or category 2) as laid down in the 1974 Act.

13. 'Category 1' AtPs are warnings given by a constable or a procurator fiscal and fixed penalty notices given under section 129 of the Antisocial Behaviour (Scotland) Act 2004 and are spent immediately. 'Category 2' AtPs are other types of non-court based disposals available to the police and prosecutors specified in section 8B of the 1974 Act. They are fiscal fines, fiscal compensation orders, fiscal work orders and fiscal activity/treatment orders and a notice to comply with a restoration order and are spent after 3 months.

14. Once an AtP is spent, the 1974 Act provides that an individual is not required to self-disclose the AtP and cannot be prejudiced by its existence. The protections are not

currently subject to any exceptions as set out in secondary legislation. This is because the 2013 Order only applies in respect of spent convictions and, at present, no exclusions or exceptions to the protections of the 1974 Act apply in respect of spent AtPs. In other words, once an AtP is spent it cannot be used to inform any employment decision or decisions in proceedings set out in the 2013 Order.

The 2015 Order

15. Prior to its amendment by the Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions) (Scotland) Amendment Order 2015, ("the 2015 Order"), articles 3 and 4 of the 2013 Order specified types of proceedings and circumstances which were excluded from protection under section 4(1) and (2) of the 1974 Act and where details of all spent convictions therefore required to be self-disclosed. For example, in disciplinary proceedings against a constable or when a person applied for a licence under the Private Security Industry Act 2001, the person would be required to reveal all spent convictions, if asked, and these were able to be taken into account in such proceedings.

16. There are also some categories of professions, offices, employments and occupations which were wholly excepted from the protections set out in section 4(3)(b) of the 1974 Act. Therefore, all spent conviction information or failure to disclose such information could be used as a proper ground for dismissing or excluding a person from such employment.

17. The 2013 Order was amended by the 2015 Order to remove the legal requirement for all spent convictions to be self-disclosed by an individual when asked for any of the purposes specified in the 2013 Order. This was to ensure only relevant spent convictions were required to be self-disclosed by an individual for those purposes. In other words, the amendments made by the 2015 Order restricted the requirement for self-disclosure and for non-relevant spent convictions to be used.

18. Prior to 2015, Police Scotland, other forces recruiting and employing people in Scotland and armed forces police in Scotland were able to inform decisions about the suitability of candidates using a full set of information about a person's previous convictions. Police Scotland and other forces in Scotland could also take account of all unspent and spent convictions when undertaking disciplinary proceedings against a constable.

19. The reforms made by the 2015 Order restricted the amount of previous convictions Police Scotland and other forces in Scotland could use to vet candidates and in disciplinary proceedings because only unspent convictions and spent convictions which are not 'protected convictions' could be taken into account when making employment decisions or in disciplinary proceedings. 'Protected convictions' are convictions for any offence not listed in either of schedules A1 and B1 of the 2013 Order and any offence listed in schedule B1 which is filtered out because;

    - the sentence imposed was admonition or absolute discharge[3] , or

[3] The reference to an absolute discharge includes a reference to the discharge of the referral of a child's case to a children's hearing under;

a) section 69(1)(b) and (12) of the Children (Scotland) Act 1995; or
b) section 91(3)(b), 93(2)(b), 108(3)(b) or 119(3)(b) of the Children's Hearings (Scotland) Act 2011.

- the person was under 18 years of age at the time the offence was committed and at least 7 years 6 months have passed since the date of that conviction, or
- the person was over 18 years of age at the time the offence was committed and at least 15 years have passed since the date of that conviction.

20. As armed forces police were also included in paragraph 6 of schedule 4 of the 2013 Order, this restriction in disclosure also applied to naval, military and air force police in Scotland.

21. Further to this, the order making power under paragraph 6 of Schedule 3 of the 1974 Act has not previously been used. Therefore, Police Scotland, other forces in Scotland and armed services police can currently only consider certain AtPs for 3 months, (i.e. Category 2 AtPs), and cannot use any spent AtP information for the purposes of vetting those seeking a relevant position or in disciplinary proceedings against a police constable in Scotland.

Role of the constable - Police Scotland

22. The Scottish Government has considered carefully the appropriate policy in this area. Police Scotland police by consent and a vital part of this is that the public have the utmost confidence in the integrity of police officers.

23. It is a Scottish Government strategic policing priority that Police Scotland must be accountable and must continuously improve public confidence in policing and inspire trust by being transparent, accountable and act with integrity, fairness and respect. Therefore, to meet that priority and maintain public confidence, Police Scotland are clear that all prospective police officers must undergo the most rigorous checks into their background to ensure they are a fit and proper person to undertake the role of constable.

24. Being able to show that a prospective police officer has respect for the rule of law is a critical component in assessing whether that person is such a fit and proper person. In contrast, Police Scotland note that evidence of a disregard for the rule of law has the potential to cast doubt on that person's character and might suggest that such a person will not act with integrity, fairness and respect when a sworn officer.

25. From day one of being a constable, an individual can be dealing with vulnerable people on the job (e.g. call outs to sexual offence victims, the elderly, children etc.). The ability of a constable to give evidence in court could also be compromised if they have recent spent AtPs and/or certain spent convictions which are 'protected convictions'. Giving evidence in court is part and parcel of a constable's job and the compromising of an officer's evidence could have a substantial impact on the prosecution of justice and public confidence.

26. In particular, the role of constables in requiring to 'uphold the law' requires intense and robust vetting to take place. This is highlighted by the independent checks that take place on Police Scotland's own internal procedures (e.g. Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) inspections and the Scottish Police Authority (SPA)) whereby the integrity and character of constables is commonly cited as being of critical importance.

27. It is important to note that the purpose of the 2020 amendment Order is to enable consideration of a person's full conviction and AtP, (given when 18 or over), history to enable informed decision making. This does not mean that the existence of a past conviction or AtP will mean that for example, a person's application to become a constable will automatically be rejected.

28. Police Scotland have indicated they are acutely aware of the 2014 UK Supreme Court ruling (R (T) v the Secretary of State for the Home Department [2014] UKSC 35[4]), which underpinned the changes to the higher level disclosure regime in 2015. As such, they recognise that safeguards must be in place and as a result, decisions are taken with full cognisance of an applicant's rights under article 8 of the ECHR. Therefore, the rationale of all their vetting decisions follows closely the considerations which were outlined by the UK Supreme Court in 2014 as being important in determining whether it was justifiable to require the disclosure of, or reliance on, a person's conviction. These include the nature of the offence, the age when the person committed it, its relevance to the issue at hand, and the time that has elapsed since the offence was committed. Further, all their decisions are recorded; applicants who are refused vetting are informed of the reason for this, (where police operations and the data protection rules allow), and an appeals process is in place.

29. All their decisions are based on policy and accompanying standard operating procedures and they adhere to the standards required for lawful decision making in the public sector – for instance, reasonableness, rationality and procedural propriety.

30. Since the creation of a force vetting unit in May 2015, Police Scotland has undergone two formal audits by the SPA and were part of an inspection by HMICS. The Scottish Government were informed that there have been no specific cases identified where vetting was found to be incorrect or disproportionate. Police Scotland has also successfully defended a judicial review of its decision making.

31. With all this in mind, the Scottish Government believe the policy changes contained in the 2020 amendment Order reflect the reasonable expectation of the public that those charged with the substantial responsibility of upholding law and order should be held to a higher level of conduct and integrity standards and that a consideration of all past criminal conduct, where such consideration is undertaken in a fair, open and proportionate manner, affords the best protection to the public by having constables who have had their backgrounds fully vetted prior to appointment.

32. Police Scotland is bound by law to promote measures to prevent crime, harm and disorder. Their strategic police priorities include a responsibility to continuously improve public confidence in policing and inspire trust. It is the Scottish Government's view that the current legislative position does not allow them to fully meet these demands.

33. It is noted police vetting is unlike any other disclosure process in that it is Police Scotland itself which undertakes the entire process of assessment, disclosure and decision-making as to clearance. Therefore, Police Scotland are already aware of every aspect of a potential candidate's previous offending behaviour and, (unlike other relevant

[4] https://www.supremecourt.uk/cases/uksc-2013-0048.html

employers), they are in a unique position in not having to rely on disclosure checks from Disclosure Scotland.

34. Indeed, this access to a complete history of a person's previous offending behaviour allows Police Scotland to be in the trusted and important role in higher level disclosure where they are required to provide 'Other Relevant Information' to Disclosure Scotland for the purposes of enhanced disclosure checks and protection of vulnerable groups checks. The experience they have in the area of assessing offending behaviour information with a view to informing relevant decisions is extensive.

Police custody and security officer

35. The 2020 amendment Order also covers police custody and security officers. Police custody and security officers (PCSOs) are police staff who are responsible for the custody and care of prisoners in custody in police cells. This brings a great degree of responsibility as they directly interact with people who are arrested and with people who may be vulnerable. PCSOs are also responsible for searching people and taking their personal property.

36. Therefore, due to the nature of their duties the Scottish Government consider it appropriate that they should undergo the same vetting process as a police constable and a police cadet.

Other roles within Police Scotland

37. The 2020 amendment Order does not apply to all police staff, meaning that the existing rules will continue to apply to those roles. That is because the Scottish Government and Police Scotland agree the current level of disclosure for any employment or office which is not a constable, police cadet, or police custody and security officer remains appropriate under existing law (i.e. subject to general higher level disclosure, but not the further scrutiny that will be permitted under this Order). Those other roles fall into the category of 'persons employed for the purposes of a police force established under any enactment and persons appointed to assist in the carrying out of police functions'.

Armed forces police

38. Since the Scottish Ministers were given the powers to make an exclusions and exceptions order that also made provisions in relation to otherwise reserved matters naval, military and air force police have always been 'excepted' offices and employments under schedule 4, part 2, paragraph 6 of the 2013 Order. [5]

39. Therefore, the purpose of this instrument is to put armed service police back in the position they were in prior to the changes made in 2015 in relation to spent convictions and also to allow them to be able to use relevant spent AtPs in the same way as Police Scotland and other relevant forces in Scotland. Thus maintaining the status quo for such offices and employments under the 2013 Order.

[5] http://www.legislation.gov.uk/ssi/2003/231/schedule/4/made

Changes being made to the 2013 Order by the 2020 amendment Order

Definitions

40. Article 1(3) defines "the 2013 Order" and "ATP" for the purposes of the Order.

Disciplinary proceedings against a constable

41. Article 2(2) of the 2020 amendment Order allows Police Scotland and other forces recruiting and employing people in Scotland to be able to consider all spent convictions in respect of disciplinary proceedings against a constable. It does this by amending article 3(2)(a) of the 2013 Order to remove the reference to paragraph 2 of schedule 1 of that Order. It is paragraph 2 of schedule 1 of the 2013 Order which makes reference to disciplinary proceedings against a constable.

42. In order to ensure the amendments to the 2013 Order do not affect existing constables, a saving provision has been included in the 2020 amendment Order. Article 3(1) of the 2020 amendment Order contains the saving provision for these proceedings.

43. Effectively this applies the existing law to serving officers in respect of a conviction which occurred prior to the 2020 amendment Order coming into force.

Vetting of people seeking a relevant position

44. Section 4(2)(a) and (b) of the 1974 Act provides protection to individuals in the circumstances where a question seeking information in respect of a person's previous convictions, offences, conduct or circumstances is put to them or any other person otherwise than in proceedings before a judicial authority. The protections are that the question is to be treated as not relating to spent convictions and that no consequences or prejudice can arise out of a failure to acknowledge or disclose a spent conviction. This covers matters such as questions put to a person in the context of a job application or when they are seeking home insurance.

45. Article 2(3) of the 2020 amendment Order amends article 4(3) of the 2013 Order to insert new sub-paragraph (ba). This has the effect of removing police recruitment and recruitment for naval, military and air force police from the reach of article 4(2) of the 2013 Order, meaning that police recruitment and armed forces police recruitment remains completely excluded from the protections of section 4(2)(a) and (b) of the 1974 Act, (i.e. the individual, if asked, should tell the truth about all their previous convictions).

46. This means that Police Scotland and other relevant forces will be able to consider all spent conviction information for the purposes of vetting constables, police custody and security officers and persons appointed as police cadets to undergo training with a view to becoming constables, (where the person has at date of commencement not yet applied). It will also mean that the armed forces will be able to consider all spent conviction information for purposes of vetting naval, military and air force police, (where the person has at date of commencement not yet applied).

47. In order to ensure the amendments to the 2013 Order do not apply to a person who has already applied to Police Scotland, other relevant forces or the armed forces before the

2020 amendment Order comes into force, another saving provision has been included in the 2020 amendment Order. Article 3(2) of the 2020 amendment Order contains this saving provision.

48. This saving provision ensures that the changes do not apply where the suitability of a prospective candidate seeking a relevant position is being assessed immediately before the coming into force of the 2020 amendment Order. This means any recruitment application made prior to the coming into force of the 2020 amendment Order is unaffected by the changes made by the 2020 amendment Order.

Proper ground for dismissing or excluding a person from employment etc.

49. Section 4(3)(b) of the 1974 Act provides protection whereby a spent conviction or any failure to disclose a spent conviction is not a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing a person in any way in any occupation or employment.

50. As mentioned above, the 2013 Order disapplies this protection but not for 'protected convictions' as a result of the amendments made to the 2013 Order in 2015. The policy is for the changes made to the 2013 Order in 2015 not to apply to relevant positions. That is all convictions should be able to be considered for such positions.

51. Article 2(4) of the 2020 amendment Order removes the changes made in 2015 to the 2013 Order in respect of relevant offices or employments. This means that relevant police and armed forces police employment will be, (subject to the saving provision mentioned below), fully excepted from the protections of section 4(3)(b) of the 1974 Act.

52. Article 3(3) of the 2020 amendment Order contains the saving provision mentioned above, which means that the existing law, (i.e. amendments made in 2015), will continue to apply in circumstances where a person holds a relevant position immediately before the 2020 amendment Order comes into force, (but only in respect of a conviction dated before the coming into force of the 2020 amendment Order). This means any past convictions of someone currently employed in a relevant position continue to be treated as they are at present. However, for future applications all spent convictions will be able to be considered.

Alternatives to prosecution (AtP)

53. Article 2(5) of the 2020 amendment Order inserts a new article 5A into the 2013 Order. The purpose of which is to allow Police Scotland, other relevant forces and the armed forces police to consider spent AtPs in an equivalent way to the provisions for convictions as mentioned above. However, as previously mentioned, it will only apply to spent AtPs given when the person was 18 or over.

54. This new article 5A will allow Police Scotland and other relevant forces in Scotland to consider all spent AtP information given when a person was 18 or over when vetting constables, police custody and security officers and persons appointed as police cadets to undergo training with a view to becoming constables and in disciplinary proceedings against a constable. It will also allow the armed forces police the ability to consider all spent AtP information given when a person was 18 or over when vetting naval, military

and air force police. However, the amendment does not apply to any service disciplinary proceedings.

55. As with convictions, to ensure the amendments made by the 2020 amendment Order do not effect existing relevant positions further saving provisions have been included in the 2020 amendment Order for AtPs.

56. As such, article 3(4) to (6) of the 2020 amendment Order contains saving provisions which mirror the saving provisions made in respect of convictions in article 3(1) to (3). This provision ensures the existing law in relation to spent AtPs, (i.e. no disclosure in higher level disclosures), will continue to apply in circumstances where a person holds a relevant position immediately before the 2020 amendment Order comes into force, (but only in respect of an AtP dated before the coming into force of the 2020 amendment Order). This means any past AtPs of someone currently employed in a relevant position continue to be treated as they are at present. However, for future applications all spent AtPs if given when a person was 18 or over will be able to be considered.

Employment etc affected by the 2020 amendment Order

57. Article 2(6) of the 2020 amendment Order substitutes a new paragraph 6 of Part 2 of schedule 4 of the 2013 Order. This separates out various forms of police employment into paragraphs 6 and 6A.

58. This means that only the following will be affected by the 2020 amendment Order:

> **6.** Constables, police custody and security officers, persons appointed as police cadets to undergo training with a view to becoming constables and naval, military and air force police.

59. The following will not be affected by the 2020 amendment Order and as such, the amendments made in 2015 will still apply:

> **6A.** Persons employed for the purposes of a police force established under any enactment and persons appointed to assist in the carrying out of police functions.

Consultation

60. Following consideration by Police Scotland as to the effect on their own internal vetting procedures of the changes made in 2015, engagement has taken place between Police Scotland and the Scottish Government as regards policy in this area. The content of this Order reflects those discussions.

61. Scottish Government officials have also been in discussion and had meetings with the Crown Office and Procurator Fiscal Service and Disclosure Scotland regarding the proposals set out in this instrument. Scottish Government officials have also been in contact with the Ministry of Justice and Ministry of Defence regarding the proposals in this instrument.

Impact Assessments

62. We have assessed whether impact assessments are required and have decided they are not necessary. This is due to the limited scope and impact of this instrument. For armed forces police we are putting them back into the position they were prior to the changes to the 2013 Order in 2015 with the further addition of allowing them to consider AtPs given or accepted when the person was 18 or older. This will mean the Scottish system for vetting armed forces police is consistent with the policy in England and Wales and, as such, ensures parity north and south of the border.

63. Further to this, as stated above the policy objective is to allow Police Scotland to be able to consider information they already hold. Therefore, the policy is not about allowing Police Scotland access to more sensitive conviction or AtP information, as they already have access this information and process it for the purposes of public protection.

64. As Police Scotland are a public authority they have a duty to comply with ECHR and must consider the impact of their vetting procedures on children, those with protected characteristics and on business etc. Further, as stated above, Police Scotland are aware of the 2014 UK Supreme Court ruling which underpinned the changes to the higher level disclosure regime in 2015. As such, they recognise that safeguards must be in place and as a result decisions are taken with full cognisance of an applicant's rights under article 8 of the ECHR.

65. As such, the rationale of all their vetting decisions follows closely the considerations which were outlined by the UK Supreme Court in 2014 as being important in determining whether it was justifiable to require the disclosure of, or reliance on, a person's conviction. These include the nature of the offence, the age when the person committed it, its relevance to the issue at hand, and the time that has elapsed since the offence was committed. Further, all their decisions are recorded; applicants who are refused vetting are informed of the reason for this (where police operations and the data protection rules allow) and an appeals process is in place. As such, we do not consider this instrument requires impact assessment to be undertaken.

Financial Effects

66. The Cabinet Secretary for Justice confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Justice Directorate
26 November 2019