

ACCOMPANYING DOCUMENTS

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# Apologies (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the effect of an apology in certain legal proceedings.

## 1 Effect of apology in legal proceedings

In any legal proceedings to which this Act applies, an apology made (outside the proceedings) in connection with any matter—

- (a) is not admissible as evidence of anything relevant to the determination of liability in connection with that matter, and
- (b) cannot be used in any other way to the prejudice of the person by or on behalf of whom the apology was made.

## 2 Legal proceedings covered

- (1) This Act applies to all civil proceedings (including inquiries, arbitrations and proceedings before tribunals) except—
  - (a) inquiries under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976, and
  - (b) defamation proceedings.
- (2) This Act does not apply to criminal proceedings.
- (3) The Scottish Ministers may by regulations modify the list of exceptions in subsection (1).
- (4) Regulations under subsection (3) are subject to the affirmative procedure.

## 3 Definition of apology

In this Act an apology means any statement made by or on behalf of a person which indicates that the person is sorry about, or regrets, an act, omission or outcome and includes any part of the statement which contains—

- (a) an express or implied admission of fault in relation to the act, omission or outcome,
- (b) a statement of fact in relation to the act, omission or outcome, or

- (c) an undertaking to look at the circumstances giving rise to the act, omission or outcome with a view to preventing a recurrence.

#### **4 No retrospective effect**

This Act applies to an apology only if—

- 5 (a) the apology is made after the time when section 1 comes into force, and
- (b) the legal proceedings referred to in that section have not begun before that time.

#### **5 Commencement**

- (1) This section and section 6 come into force on the day after Royal Assent.
- 10 (2) The other provisions of this Act come into force at the end of the period of 6 months beginning with the day of Royal Assent.

#### **6 Short title**

The short title of this Act is the Apologies (Scotland) Act 2015.



# **Apologies (Scotland) Bill**

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An Act of the Scottish Parliament to make provision for the effect of an apology in certain legal proceedings.

Introduced by: Margaret Mitchell  
On: 3 March 2015  
Bill type: Member's Bill

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