

ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 42-EN. A Policy Memorandum is printed separately as SP Bill 42-PM.

Criminal Verdicts (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to provide for the removal of the not proven verdict as one of the available verdicts in criminal proceedings; and for a guilty verdict to require an increased majority of jurors.

1 Removal of the not proven verdict

After section 292 of the 1995 Act insert—

“Available verdicts

292A Available verdicts

There are only two verdicts available in criminal proceedings, guilty and not guilty.”.

2 Jury verdicts

(1) In section 90 (death or illness of jurors) of the 1995 Act—

- (a) in subsection (1) for “subsection (2)” substitute “section 90ZA”,
- (b) subsection (2) is repealed.

(2) After section 90 of the 1995 Act insert—

“90ZA Verdict by jury

- (1) A jury of 15 members may return a verdict of guilty only if at least 10 of them are in favour of that verdict.
- (2) Where by virtue of section 90(1) a jury has fewer than 15 members, it may return a verdict of guilty only if—
 - (a) in the case of 14 members, at least 10 of them are in favour of that verdict,
 - (b) in the case of 13 members, at least 9 of them are in favour of that verdict,
 - (c) in the case of 12 members, at least 8 of them are in favour of that verdict.
- (3) A jury of any number must return a verdict of not guilty if it is unable to return a verdict of guilty.”.

3 Meaning of the “1995 Act”

In this Act, the “1995 Act” means the Criminal Procedure (Scotland) Act 1995.

4 Ancillary provision

- 5 (1) The Scottish Ministers may by order make such incidental, supplementary, consequential, transitional, transitory or saving provision as they consider appropriate for the purposes of, in consequence of, or for giving full effect to, any provision made by or under this Act.
- (2) An order under subsection (1) may modify any enactment (except this Act).
- 10 (3) Any power of the Scottish Ministers to make an order under this Act includes the power to make different provision for different purposes.
- (4) Any order under subsection (1) which adds to, replaces or omits any part of the text of any Act is subject to the affirmative procedure.
- (5) All other orders under subsection (1) are subject to the negative procedure.

5 Commencement

- 15 (1) Sections 3, 4, 6 and this section come into force on the day after Royal Assent.
- (2) Sections 1 and 2 come into force at the end of the period of 12 months beginning with the day of Royal Assent or such earlier day as the Scottish Ministers may by order appoint.

6 Short title

20 The short title of this Act is the Criminal Verdicts (Scotland) Act 2014.

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