



RESPONSE TO
COVID RECOVERY:

A CONSULTATION ON PUBLIC SERVICE, JUSTICE SYSTEM AND
OTHER REFORMS

SCOTTISH GOVERNMENT

Introduction

- 1 The Institute of Chartered Accountants of Scotland (ICAS) is the oldest professional body of accountants and represents over 22,000 members who advise and lead business across the UK and in almost 100 countries across the world. ICAS is a Recognised Professional Body (RPB) which regulates insolvency practitioners (IPs) who can take appointments throughout the UK. We have an in-depth knowledge and expertise of insolvency law and procedure.
- 2 ICAS's Charter requires it to primarily act in the public interest, and our responses to consultations are therefore intended to place the public interest first. Our Charter also requires ICAS to represent its members' views and protect their interests. On the rare occasion that these are at odds with the public interest, it is the public interest that must be paramount.
- 3 ICAS is interested in securing that any changes to legislation and procedure are made based on a comprehensive review of all the implications and that alleged failings within the process are supported by evidence.
- 4 ICAS is pleased to have the opportunity to submit its views in response to the Scottish Government consultation on public services, justice system and other reforms proposed to aid Covid recovery. We shall be pleased to discuss in further detail with the Scottish Government any of the matters raised within this response.

Our approach to the consultation

- 5 We have adopted the following approach in drafting our response, in the hope of producing a more accessible submission:
 - While we are responding to each of the questions, we also include an executive summary below to highlight our key comments.
 - In view of ICAS' role as a global professional body for Chartered Accountants, it is inappropriate for us to express a view on a number of the topics consulted on.
 - The questions we have answered relate to topics P2, P3, P4, P5, P8, P12, J1 and J2, being those identified that may directly impact our Members and Affiliates.

Executive summary

- 6 In relation to the proposed bankruptcy provisions in particular, it is very important that a balance is struck between the rights of the individual and the rights of the creditor. The rights of creditors to pursue payment of their debts should not be too adversely impacted.
- 7 The proposals surrounding moratoriums on diligence and creditor petition debt levels should not be taken forward permanently without fuller consideration of the potential implications in order to avoid unintended consequences. Further statistical information is required to inform decisions in relation to the changes proposed.
- 8 ICAS is supportive of the use of technology to modernise and improve processes and fully endorses the making permanent of any such modernising reforms.

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Covid recovery: a consultation on public health, services, and justice system reforms



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RESPONDENT INFORMATION FORM

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Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

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The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Questionnaire

Chapter 2: Public health resilience

Question 1: Education: powers to make directions to close educational establishments, and to ensure continuity of education

It is proposed that the provisions for Topic H1 (Education: powers to make directions to close educational establishments, and to ensure continuity of education) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H1 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H1 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic H1 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic H1, or the proposal for permanence, please write them below.

Question 2: Power to make public health protection regulations

It is proposed that the provisions for Topic H2 (Power to make public health protection regulations) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H2 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H2 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic H2 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic H2, or the proposal for permanence, please write them below.

Question 3: Vaccinations and immunisations

It is proposed that the provisions for Topic H3 (Vaccinations and immunisations) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic H3 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic H3 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic H3 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic H3, or the proposal for permanence, please write them below.

Question 4: Virtual public meetings under the Schools (Consultation) (Scotland) Act 2010

It is proposed that new permanent legislative provisions for Topic H4 (Virtual public meetings under the Schools (Consultation) (Scotland) Act 2010) as described will be developed. Which of the following best describes what you think about this?

- I think the proposed provisions for Topic H4 should be developed
- I do not think the proposed provisions for Topic H4 should be developed
- Unsure
- I have no view

If you have any comments on the proposed provisions for Topic H4 please write them below.

Chapter 3: Public services & justice system

Question 5: Alcohol licensing remote hearings

It is proposed that the provisions for Topic P1 (Alcohol licensing remote hearings) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P1 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P1 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P1 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P1, or the proposal for permanence, please write them below.

Question 6: Bankruptcy: debt level that enables creditors to pursue the bankruptcy of a debtor through the courts

It is proposed that the provisions for Topic P2 (Bankruptcy: debt level that enables creditors to pursue the bankruptcy of a debtor through the courts) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P2 should be extended beyond

March 2022 and made permanent (i.e. with a creditor petition debt level of £10,000 as per the current provisions)

- I think the provisions for Topic P2 should be extended beyond March 2022 and made permanent with an amended creditor petition debt level of £5,000
- I think the provisions for Topic P2 should be extended beyond March 2022 (i.e. with a creditor petition debt level of £10,000 as per the current provisions), but not made permanent
- I think the provisions for Topic P2 should be extended beyond March 2022 with an amended creditor petition debt level of £5,000, but not made permanent
- I do not think the provisions for Topic P2 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P2, or the proposal for permanence, please write them below.

As government support, particularly CJRS, has not been extended beyond 30 September 2021, it would not seem appropriate to extend this temporary measure beyond March 2022. A balance ultimately has to be struck between the rights of the individual and the rights of the creditor.

Very little rationale has been provided for a permanent increase from the current creditor petition threshold of £3,000 beyond the statement that *“a reversion to the previous £3,000 minimum debt level might not afford sufficient protection as the economic consequences of the pandemic emerge”*.

A balance has to be struck between the rights of the individual and the rights of the creditor and should not impact too adversely on the rights of creditors to pursue payment of their debts. Given a significant proportion of creditor petitions are presented from other public authorities then there needs to be a clear understanding of the implications of such an increase in other public policy areas. In addition, there should be a clear understanding of the impact on individuals who have a debt problem and would benefit (financially and emotionally) from debt relief but who would not seek to deal with the issue as a result of their own decisions rather than as a result of creditor action.

A maximum increase to £5,000 may be appropriate to bring creditor petitions into line with Protected Trust Deeds and bankruptcy petitions in England and Wales. However, it should be noted that the report into the review of the Bankruptcy and Debt Advice (Scotland) Act 2014 revealed that 76% of those who responded to the consultation do not believe that the debt threshold for creditor petition or full administration bankruptcies should be increased from £3,000.

In overall terms we consider that there are too many potential implications for the temporary increase to be given permanence without much fuller consideration of the implications and to avoid unintended consequences. The present consultation does not provide sufficient consideration of this matter.

Some basic statistical information setting out a breakdown of historic creditor petition debt levels would seem an appropriate starting point. Without that it is very difficult to draw any conclusions as to what level of increase would trigger a material impact on the volume of creditor petitions.

Question 7: Bankruptcy: electronic service of documents

It is proposed that the provisions for Topic P3 (Bankruptcy: electronic service of documents) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P3 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P3 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P3 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P3, or the proposal for permanence, please write them below.

It is sensible to make permanent the provisions surrounding electronic service of documents with a view to modernising the bankruptcy process.

Question 8:

It is proposed that the provisions for Topic P4 (Bankruptcy: moratoriums on diligence) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P4 should be extended beyond March 2022 and made permanent (i.e. with a moratorium period of 6 months as per the current provisions)
- I think the provisions for Topic P4 should be extended beyond March 2022 and made permanent with an amended moratorium period of 12 weeks
- I think the provisions for Topic P4 should be extended beyond March 2022 (i.e. with a moratorium period of 6 months as per the current provisions), but not made permanent
- I think the provisions for Topic P4 should be extended beyond March 2022 with an amended moratorium period of 12 weeks, but not made permanent

- I do not think the provisions for Topic P4 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P4, or the proposal for permanence, please write them below.

As government support, particularly CJRS, has not been extended beyond 30 September 2021, it would not seem appropriate to extend this temporary measure beyond March 2022. A balance ultimately has to be struck between the rights of the individual and the rights of the creditor

The current moratorium period of six weeks provides a balance between allowing debtors time to put in place a plan to respond to creditor action and the rights of creditors to take steps to recover debts. Unless there is a strong evidence base demonstrating that individuals have been routinely adversely impacted by the six-week period (in a non-pandemic environment), it is unclear why there would be a requirement for a permanent change to legislation. If a change is to be made then an increase to 60 days would seem most appropriate, to bring the moratorium in line with 'Breathing Space' in England and Wales, ensuring some level of consistency in approach across Great Britain (while acknowledging that Breathing Space and the Scottish moratorium on diligence are very distinct products).

We also highlight that a review of the moratorium is currently being undertaken as part of [Stage 2 of the wider review of statutory debt solutions](#). ICAS is part of the working group considering this matter. Consideration of the permanency of the moratorium provisions cannot be in isolation from the wider review of statutory debt solutions with the working group identifying numerous additional matters which need consideration in this topic area. We understand that if recommendations from the working group are accepted by Ministers that further consultation will be necessary. There does not appear to be any imperative to drive forward permanency changes at this stage and should be deferred and consider as part of the wider statutory debt solution consultation.

Question 9: Bankruptcy: virtual meetings of creditors

It is proposed that the provisions for Topic P5 (Bankruptcy: virtual meetings of creditors) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P5 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P5 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P5 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P5, or the proposal for permanence, please write them below.

While we note the temporary legislative provision, we do not believe that the pre-COVID legislation prevented a meeting of creditors being held virtually. The temporary legislation provided clarity through explicit permission. It is sensible to make permanent such provisions.

Question 10: Care services: giving of notices by the Care Inspectorate

It is proposed that the provisions for Topic P6 (Care services: giving of notices by the Care Inspectorate) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P6 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P6 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P6 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P6, or the proposal for permanence, please write them below.

Question 11: Civic government licensing remote hearings

It is proposed that the provisions for Topic P7 (Civic government licensing remote hearings) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P7 should be extended beyond March 2022 and made permanent

- I think the provisions for Topic P7 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P7 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P7, or the proposal for permanence, please write them below.

Question 12: Courts: intimation, etc. of documents

It is proposed that the provisions for Topic P8 (Courts: intimation, etc. of documents) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P8 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P8 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P8 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P8, or the proposal for permanence, please write them below.

ICAS is fully supportive of the use of technology to improve and modernise processes, including that the requirement for a document to be put on the walls, doors or any other part of a court building or made publicly available in any other way within a court building, be fulfilled instead by the document being made publicly available through the SCTS website. We believe such measures will increase transparency and access to public justice systems.

Question 13: Criminal justice: arrangements for the custody of persons detained at police stations

It is proposed that the provisions for Topic P9 (Criminal justice: arrangements for the

custody of persons detained at police stations) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P9 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P9 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P9 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P9, or the proposal for permanence, please write them below.

Question 14: Freedom of Information: giving notice electronically

It is proposed that the provisions for Topic P10 (Freedom of Information: giving notice electronically) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P10 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P10 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P10 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P10, or the proposal for permanence, please write them below.

Question 15: Legal aid

It is proposed that the provisions for Topic P11 (Legal aid) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P11 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P11 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P11 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P11, or the proposal for permanence, please write them below.

Question 16: Legal writings etc.

It is proposed that the provisions for Topic P12 (Legal writings etc.) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P12 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P12 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P12 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P12, or the proposal for permanence, please write them below.

ICAS is fully supportive of the use of technology to improve and modernise processes, specifically making permanent the provisions surrounding the disapplication of the requirement for “physical

presence” in the administering of oaths etc.

Question 17: Mental health: named person nomination

It is proposed that the provisions for Topic P13 (Mental health: named person nomination) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P13 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P13 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P13 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P13, or the proposal for permanence, please write them below.

Question 18: Parole Board: delegation

It is proposed that the provisions for Topic P14 (Parole Board: delegation) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P14 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P14 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P14 should be extended or made permanent
- Unsure

I have no view

If you have any comments on either the provisions for Topic P14, or the proposal for permanence, please write them below.

Question 19: Parole Board: live link

It is proposed that the provisions for Topic P15 (Parole Board: live link) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P15 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P15 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P15 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P15, or the proposal for permanence, please write them below.

Question 20: Remote registration of deaths and still-births

It is proposed that the provisions for Topic P16 (Remote registration of deaths and still-births) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P16 should be extended beyond March 2022 and made permanent

- I think the provisions for Topic P16 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic P16 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P16, or the proposal for permanence, please write them below.

Question 21: Remote registration of live births

It is proposed that new permanent legislative provisions for Topic P17 (Remote registration of live births) as described will be developed. Which of the following best describes what you think about this?

- I think the proposed provisions for Topic P17 should be developed
- I do not think the proposed provisions for Topic P17 should be developed
- Unsure
- I have no view

If you have any comments on the proposed provisions for Topic P17 please write them below.

Question 22: Tenancies: protection against eviction (discretionary grounds of eviction); and pre-action requirements for eviction proceedings on ground of rent arrears

It is proposed that the provisions for Topic P18 (Tenancies: protection against eviction (discretionary grounds of eviction); and pre-action requirements for eviction proceedings on ground of rent arrears) as described will be made permanent. Which of the following best describes what you think about this?

- I think the provisions for Topic P18 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic P18 should be extended beyond March 2022 and made permanent, but only to the extent that rent arrears should continue to be a discretionary eviction ground – with all other eviction grounds returning to their pre-pandemic status
- I think the provisions for Topic P18 should be extended beyond March 2022, but not made permanent
- I think the provisions for Topic P18 should be extended beyond March 2022, but not made permanent, but only to the extent that rent arrears should continue to be a discretionary eviction ground – with all other eviction grounds returning to their pre-pandemic status
- I do not think the provisions for Topic P18 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic P18, or the proposal for permanence, please write them below.

Chapter 4: Responding to the impact of COVID-19 in the justice system

Question 23: Courts and tribunals: conduct of business by electronic means

It is proposed that the provisions for Topic J1 (Courts and tribunals: conduct of business by electronic means) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J1 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J1 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J1 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J1, or the proposal for extension beyond March 2022, please write them below.

ICAS is fully supportive of the use of technology to modernise and improve processes.

Question 24: Courts and tribunals: virtual attendance

It is proposed that the provisions for Topic J2 (Courts and tribunals: virtual attendance) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J2 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J2 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J2 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J2, or the proposal for extension beyond March 2022, please write them below.

ICAS is fully supportive of the use of technology to modernise and improve processes. We do note however that some Court hearings and business is best conducted in person. This may for example be to better assess the credibility of witnesses or to impose the seriousness of the matter under consideration by requiring physical attendance. In making permanent legislation we would suggest that certain matters be excluded from the 'default remote attendance' provisions. Examples would include public and private examinations under sections 118 and 199 of the Bankruptcy (Scotland) Act 2016, Inquiry into company's dealings, etc under section 236 Insolvency Act 1986, proceedings under the Company Director Disqualification Act 1986, etc.

Question 25: Criminal justice: early release of prisoners

It is proposed that the provisions for Topic J3 (Criminal justice: early release of prisoners) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J3 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J3 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J3 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J3, or the proposal for extension beyond March 2022, please write them below.

Question 26: Criminal justice: expiry of undertaking

It is proposed that the provisions for Topic J4 (Criminal justice: expiry of undertaking) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J4 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J4 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J4 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J4, or the proposal for extension beyond March 2022, please write them below.

Question 27: Criminal justice: fiscal fines

It is proposed that the provisions for Topic J5 (Criminal justice: fiscal fines) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J5 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J5 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J5 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J5, or the proposal for extension beyond March 2022, please write them below.

Question 28: Criminal justice: national court for cases beginning with an appearance from custody

It is proposed that the provisions for Topic J6 (Criminal justice: national court for cases beginning with an appearance from custody) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J6 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J6 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J6 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J6, or the proposal for extension beyond March 2022, please write them below.

Question 29: Criminal justice: time limits - relating to the time limit on summary-only cases at section 136 of the Criminal Procedure (Scotland) Act 1995 (1995 Act)

It is proposed that the provisions for Topic J7(i) (relating to the time limit on summary-only cases at section 136 of the 1995 Act (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J7(i) should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J7(i) should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J7(i) should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J7(i), or the proposal for extension beyond March 2022, please write them below.

Question 30: Criminal justice: time limits - remand time limits at section 65(4) and section 147(1) of the 1995 Act

It is proposed that the provisions for Topic J7(ii) (remand time limits at section 65(4) and section 147(1) of the 1995 Act (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J7(ii) should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J7(ii) should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J7(ii) should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J7(ii), or the proposal for extension beyond March 2022, please write them below.

Question 31: Criminal justice: time limits - extending time limits relating to the maximum time between first appearance on petition and the first diet/preliminary hearing and commencement of the trial at section 65(1) of the 1995 Act

It is proposed that the provisions for Topic J7(iii) (extending time limits relating to the maximum time between first appearance on petition and the first diet/preliminary hearing and commencement of the trial at section 65(1) of the 1995 Act (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J7(iii) should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J7(iii) should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J7(iii) should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J7(iii), or the proposal for extension beyond March 2022, please write them below.

Question 32: Criminal justice: time limits - removing time limits on the length of individual adjournments for inquiries

It is proposed that the provisions for Topic J7(iv) (removing time limits on the length of individual adjournments for inquiries (Criminal justice: time limits)) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J7(iv) should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J7(iv) should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J7(iv) should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J7(iv), or the proposal for extension beyond March 2022, please write them below.

Question 33: Proceeds of crime

It is proposed that the provisions for Topic J8 (Proceeds of crime) as described will be extended beyond March 2022. Which of the following best describes what you think about this?

- I think the provisions for Topic J8 should be extended beyond March 2022 and made permanent
- I think the provisions for Topic J8 should be extended beyond March 2022, but not made permanent
- I do not think the provisions for Topic J8 should be extended or made permanent
- Unsure
- I have no view

If you have any comments on either the provisions for Topic J8, or the proposal for extension beyond March 2022, please write them below.

Chapter 5: Final questions

Question 34: Covid recovery

To support the key three themes for Covid recovery as described, do you have any proposals for legislation which goes beyond or is different to the consultation proposals in Chapters 2 to 4?

- Yes
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to which of the three themes are of particular interest to you.

Questions 35 to 39: Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper, not sufficiently covered by the previous impact assessments, on:

Question 35: Business and regulatory impact assessment

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 36: Child rights and wellbeing impact assessment

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 37: Equality impact assessment

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 38: Socio-economic equality impact assessment (the Fairer Scotland Duty)

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 39: Human rights

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 40: Data protection impact assessment

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on data protection and privacy (the handling of personal data)?

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 41: Island communities impact assessment

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on people in rural or island communities?

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 42: Strategic environmental assessment

Do you have any comments on potential impacts of the proposals in Chapters 2 to 4 of this paper on the environment?

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.

Question 43: Financial Memorandum

Do you have any comments on the financial implications of the proposals in Chapters 2 to 4 of this consultation paper for public bodies, individuals and businesses, having regard to the Financial Memorandum for the Extension and Expiry Bill?

- Yes I have comments on potential impacts
- No
- Unsure
- I have no view

If you have selected “Yes” please write your comments below. It would be helpful if you could refer to topics of particular interest to you with their topic codes.