

PARLIAMENTARY BUREAU

CRIMINAL JUSTICE COMMITTEE: REQUEST TO APPOINT ADVISER

Background

1. At its business planning day on 30 August 2022, the Criminal Justice Committee considered its approach to scrutinising the Bail and Release from Custody (Scotland) Bill and agreed in principle to explore appointing a committee adviser on a short-term contract to assist in scrutinising aspects of the Bill.

Appointment of Adviser

3. At its meeting on 7 September 2022, the Committee formally agreed that it wished to appoint an adviser to assist in its scrutiny of the provisions in the Bill on the legislative framework for the granting of pre-trial bail, alongside the usual support from clerks and SPICe. The Committee agreed the specification set out below.
4. It is proposed that the adviser be appointed at a standard day rate, for up to 10 days, during the period from October 2022 to early March 2022.

Adviser Specification

Adviser duties

5. The role of the adviser will be to provide advice and assistance to the Criminal Justice Committee as it scrutinises the Bail and Release from Custody (Scotland) Bill at Stage 1.
6. Specifically, the adviser will assist the Committee in its scrutiny of the provisions in the Bill on the legislative framework for the granting of pre-trial bail.
7. The principal role of the adviser will be to provide information as required (either in writing or via oral briefings) on the current rules/guidance governing pre-trial bail; how these rules impact on decisions on the granting of bail; and the proposed changes in the Bill.
8. The role of the adviser will be to provide briefing on the above issues rather than making policy recommendations.
9. On occasion, the adviser may also be asked to assist the Scottish Parliament Information Centre (SPICe) and the clerking team in (a) the drafting of questions to pose to witnesses on the Bill, and (b) commenting on or drafting sections of the report to the Parliament on the Bill. However, this is not anticipated to be a significant element of their work.

Skills/abilities

10. The adviser will have good written and oral communication skills. Specifically they will be able to communicate complex concepts in a clear and succinct manner. The adviser will also have the ability to work to tight deadlines.

Experience

11. The adviser will preferably have had experience working in a court environment and of the approach to bail decisions under both solemn and summary procedures.

Knowledge

12. The adviser will have general expertise on the approach to bail and remand in the criminal justice system in Scotland.
13. In addition, the adviser will have particular knowledge of the current law/rules/guidance governing pre-trial bail and how these impact on decisions on the granting of bail.

Time commitment

14. It is estimated that up to 10 days work will be required during the period from approximately October 2022 to early March 2022. This is the maximum time commitment. In practice, the time the committee require is likely to be less than this. It is expected that the peak of the work will be between mid-November and mid-January.
15. The majority of this time (up to 8 days) will be spent attending meetings of the Criminal Justice Committee, either to brief committee members or to view evidence taking sessions on the Bill.
16. In addition, there may be a requirement to spend time (up to 2 days) preparing briefings in advance of committee meetings.

Decision

17. The Bureau is invited approve the appointment of an adviser to assist the Criminal Justice Committee in its scrutiny of the Bail and Release from Custody (Scotland) Bill.

Criminal Justice Committee Clerks
September 2022