



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 13 of 2015

Ref: CS/LS

8 April 2015

Dear Colleague

Apologies (Scotland) Bill: call for written evidence – Consultation

I refer to the above and attach herewith the Bill and accompanying documents for your perusal.

Please submit any comments/observations you may have to Lesley.stevenson@spf.org.uk by **Friday 24 April 2015**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum Steele'.

Calum Steele
General Secretary

ACCOMPANYING DOCUMENTS

Explanatory Notes, together with other accompanying documents, are printed separately as SP Bill 60-EN. A Policy Memorandum is printed separately as SP Bill 60-PM.

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—

- (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.
- (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

[AS INTRODUCED]

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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