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The Presiding Officer
c/o The Chamber Desk
Room G10
Scottish Parliament
Edinburgh
EH99 1SP

4 May 2020

Dear Presiding Officer,

**THE CRIMINAL JUSTICE (MISCELLANEOUS TEMPORARY MODIFICATIONS)
(SCOTLAND) REGULATIONS 2020 (SSI 2020/137)**

The Criminal Justice (Miscellaneous Temporary Modifications) (Scotland) Regulations 2020 are made in exercise of the powers conferred by section 16 of the Coronavirus (Scotland) Act 2020. These regulations are subject to the negative procedure in accordance with section 16(4) of the 2020 Act. They have also been laid before the Scottish Parliament today and come into force on the same day as they were made. It is recognised that this does not comply with Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010. This letter sets out why it is necessary to lay the above instrument less than 28 days before it is brought into force.

These regulations modify the Victim Notification Scheme (VNS), for the duration of the 2020 Act, to ensure that victims who have registered with the VNS can receive information about an offender's release from prison under the emergency release arrangements. Without these modifications, neither section 16 of the 2003 Act nor section 27A of the 2014 Act would apply where an offender is released under regulations made under the 2020 Act. This would prevent Scottish Ministers from informing a victim where the relevant offender is released from prison. These regulations remedy this issue.

These Regulations also modify paragraph 19 of schedule 4 of the 2020 Act, for the duration of that Act, so as to clarify that the references to the "governor" of a prison include references to the "director" of a contracted out prison. This will ensure that the director of a contracted out prison will be able to exercise the same power as the governor of a prison to prevent the release of a person under these arrangements where the person is considered to pose an immediate risk of harm to an identified individual.

Obviously if your officials would like to discuss any matters arising from these Regulations I would be happy to engage with them.

I am sending a copy of this letter to the Convenor of the Delegated Powers and Law Reform Committee.

GRAHAM ROBERTSON
Community Justice Division
Scottish Government