

Apologies (Scotland) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 60-EN), a Financial Memorandum (SP Bill 60-FM), a Policy
Memorandum (SP Bill 60-PM) and statements on legislative competence (SP Bill 60-LC).**

Apologies (Scotland) Bill

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An Act of the Scottish Parliament to

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 except—

- (a) inquiries held under section 1 of the Inquiries Act 2005, including inquiries which are converted under section 15 of that Act into inquiries under that Act,
- (b) proceedings under the Children's Hearings (Scotland) Act 2011,
- (c) inquiries under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, F2...
- (d) defamation proceedings, and
- (e) proceedings of a professional regulatory body listed in subsection (1A) that have as their main purpose the determination of whether or not a person meets—
 - (i) that body's requirements for registration,
 - (ii) the standards or requirements for practising a profession regulated by that body

(2) The professional regulatory bodies are—

- (a) the General Chiropractic Council,
- (b) the General Dental Council,
- (c) the General Medical Council,
- (d) the General Optical Council,
- (e) the General Osteopathic Council,

- (f) the General Pharmaceutical Council,
- (g) the Health and Care Professions Council,
- (h) the Nursing and Midwifery Council,
- (i) the Scottish Social Services Council, and
- (j) the General Teaching Council for Scotland.

(3) This Act does not apply to an apology made in accordance with the duty of candour procedure set out in Part 2 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016.

(4) This Act does not apply to criminal proceedings.

(5) The Scottish Ministers may by regulations modify the exceptions in subsections (1) and (2) so as to add an exception, vary the description of an exception or remove an exception.

(6) Regulations under subsection (4) are subject to the affirmative procedure.

(7) Regulations under subsection (4) may include transitional, transitory or saving provision.

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 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 on such date as the Scottish Ministers may by regulations appoint.
- (3) Different days may be appointed for different purposes.
- (4) Regulations under subsection (2) may include transitional, transitory or saving provision.

6 Short title

The short title of this Act is the Apologies (Scotland) Act 2016.

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An Act of the Scottish Parliament to

Introduced by: Maree Todd
On: 13 October 2021
Bill type: Member's Bill

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