

CRIMINAL JUSTICE MODERNISATION AND ABUSIVE DOMESTIC BEHAVIOUR  
REVIEWS (SCOTLAND) BILL

AMENDMENTS TO BE MOVED AT STAGE 2

In section 4, page 9, line 33

at the end of the line insert-

<() The physical evidence may not be  
destroyed while proceedings are ongoing  
against the accused and in any event until  
after final determination of any appeal>

**Effect**

This inserts a new subsection into section 4 of the bill.

**Reason**

Section 4(4) provides that images of physical evidence can be treated for evidential purposes as if they were the physical item, unless the court directs otherwise. We appreciate that generally, the use of images instead of physical evidence is fully acceptable. Additionally, provisions as drafted provide flexibility to the court to direct whether is appropriate to produce a physical evidence or an image of that item as the evidence itself.

However, we are of the view that clarity is required in bill to ensure that when the parties require it, they shall be entitled to preserve the physical original evidence.