

Crown Office and Procurator Fiscal Service

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Dear Malcolm

PREPARATION OF THE COMMISSION'S TENTH PROGRAMME OF LAW REFORM CONSULTATION ON POSSIBLE LAW REFORM PROJECTS

Thank you for your letter of 26 April 2017 asking for suggested topics or areas of the law that might be suitable for inclusion in the Tenth Programme of Law Reform.

Following discussion with the Law Officers and senior Procurator's Fiscal, we would propose consideration of Schedule 8 of the Criminal Procedure (Scotland) Act 1995 and the use of hearsay evidence as an area that may benefit from consideration by the Scottish Law Commission.

Whilst the issue was previously considered by the Commission in its 1995 report on Hearsay Evidence in Criminal Proceedings, following the expansion since then of the use of electronic record keeping and electronic communication, along with the complexity of proof under schedule 8, consideration of law reform in this area would be very welcome.

We appreciate that other potential law reform in relation to the abolition of corroboration may have an impact on the timing of any review of hearsay evidence and Schedule 8. You may consider it more appropriate that this area of law be considered within the context of the recommendations of Lord Bonyon's working group on hearsay and corroboration, and the output of the forthcoming jury research being commissioned by Scottish Government.

Yours sincerely

DAVID HARVIE
Crown Agent & Chief Executive