

QUESTIONS

To assist persons in preparing a response to this Consultation Paper, here are a few questions which they may wish to consider in addition to any other comments which you may wish to make about the consultation paper as a whole, or contents within. You do not have to answer all the questions, with only the questions you have answered considered in the final analysis:

About You

Q1: Are you responding as:

- YES an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

Q2A: Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
-

YES Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

Q2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, nonprofit)
- Other (e.g. clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view

of particular office-holders or has been approved by the membership as a whole).

Q3. Please choose one of the following:

- YES I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

Q4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

Name:

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Q5. Data protection declaration

- YES I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data will be used.

Aim and approach

Q6. Which of the following best expresses your view of the proposed Bill?

- Fully supportive
YES

- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

- Q7. What do you think would be the main practical advantages and disadvantages of the proposed Bill? CLARITY
- Q8. Do you have any further comment to make on the need for legislation of this type as detailed in this consultation? NO
- Q9. Do you have any comments to make on the proposals outlined which suggest that there be two different statutory kinds of culpable homicide – culpable homicide by causing death recklessly and by gross negligence? MERGE THE TWO TO BRING GEATER CLARITY AND CERTAINTY
- Q10. Do you have any comments on the range of organisations and office holders who should be defined by the Bill? NO
- Q11. Do you have any comment to make on the provisions applying the new offences to Ministers, civil servants and Crown bodies in the same way as they apply to natural persons and organisations? NO

Culpable homicide by causing death recklessly

- Q12. Do you have any comment to make on the way in which causing death recklessly is defined in the proposal. NO
- Q13. Do you have any comment to make on the proposal that organisations would be responsible for the actions of their employees for this offence? NO
- Q14. Do you have any comments on the inclusion of aggregation and how it will work in practice? NO

Culpable homicide by gross negligence

- Q15. Do you have any comment to make on proposals to re-introduce culpable homicide by gross negligence into the law in Scotland? NO
- Q16. Do you have any comment to make on the proposals to define what is meant by that offence where it is committed by a natural person? NO
- Q17. Do you have any comment to make on the definitions of “duty of care” and “gross breach”? NO

Sanctions

- Q18. Do you have any comment to make on the penalties which may be imposed if a conviction is successful under a new law? NO

Financial implications

Q19. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

(a) Government and the public sector

Significant increase in cost

Some increase in cost

THIS Broadly cost-neutral

ONE

Some reduction in cost

Significant reduction in cost

Unsure

(b) Businesses

Significant increase in cost

Some increase in cost

Broadly cost-neutral

THIS Some reduction in cost

ONE

Significant reduction in cost

Unsure

(c) Individuals

Significant increase in cost

Some increase in cost

THIS Broadly cost-neutral

ONE

Some reduction in cost

Significant reduction in cost

Unsure

Please explain the reasons for your response.

Q20. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Equalities

Q21. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?

- Positive
- Slightly positive
-
- THIS Neutral (neither positive nor negative)
ONE
- Slightly negative
- Negative
- Unsure

Please explain the reasons for your response.

Q22. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Sustainability

Q23. Do you consider that the proposed bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

- YES Yes
- No
- Unsure

Please explain the reasons for your response.

General

Q24. Do you have any other comments or suggestions on the proposal?
GOODNESS KNOWS WHY YOU COULD NOT HAVE SUPPLIED A WORD
RESPONSE FORM WITH SPACES FOR TEXT

HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Format of responses

If possible, please submit your response electronically – preferably in a MS Word document. Please keep formatting of this document to a minimum.