



# Apologies (Scotland) Act 2016

## 2016 asp 5

### 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.

#### Commencement Information

**II** S. 1 in force at 19.6.2017 by [S.S.I. 2016/256, reg. 2\(2\)](#) (as amended by [S.S.I. 2016/395, reg. 2](#))

### 2 Legal proceedings covered

(1) This Act applies to all civil proceedings except—

- [<sup>F1</sup>(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, <sup>F2</sup>...
- (d) defamation proceedings  
[<sup>F3</sup>, 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]

[<sup>F4</sup>(1A) The professional regulatory bodies are—

- (a) the General Chiropractic Council,
- (b) the General Dental Council,
- (c) the General Medical Council,

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*Changes to legislation: There are currently no known outstanding effects for the Apologies (Scotland) Act 2016. (See end of Document for details)*

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- (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.]
- (2) 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.
- (3) This Act does not apply to criminal proceedings.
- (4) 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.
- (5) Regulations under subsection (4) are subject to the affirmative procedure.
- (6) Regulations under subsection (4) may include transitional, transitory or saving provision.

#### Textual Amendments

- F1** S. 2(1)(a) substituted (1.6.2017) by [The Apologies \(Scotland\) Act 2016 \(Excepted Proceedings\) Regulations 2017 \(S.S.I. 2017/181\)](#), regs. 1, **2(2)(a)**
- F2** Word in s. 2(1) omitted (1.6.2017) by virtue of [The Apologies \(Scotland\) Act 2016 \(Excepted Proceedings\) Regulations 2017 \(S.S.I. 2017/181\)](#), regs. 1, **2(2)(b)**
- F3** S. 2(1)(e) and word inserted (1.6.2017) by [The Apologies \(Scotland\) Act 2016 \(Excepted Proceedings\) Regulations 2017 \(S.S.I. 2017/181\)](#), regs. 1, **2(2)(c)**
- F4** S. 2(1A) inserted (1.6.2017) by [The Apologies \(Scotland\) Act 2016 \(Excepted Proceedings\) Regulations 2017 \(S.S.I. 2017/181\)](#), regs. 1, **2(3)**

#### Commencement Information

- I2** S. 2(1)-(3) in force at 19.6.2017 by [S.S.I. 2016/256](#), **reg. 2(2)** (with [reg. 3](#)) (as amended by [S.S.I. 2016/395](#), reg. 2)
- I3** S. 2(4)-(6) in force at 22.9.2016 by [S.S.I. 2016/256](#), **reg. 2(1)**

### 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.

#### Commencement Information

- I4** S. 3 in force at 19.6.2017 by [S.S.I. 2016/256](#), **reg. 2(2)** (as amended by [S.S.I. 2016/395](#), reg. 2)

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#### 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.

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##### Commencement Information

**I5** S. 4 in force at 19.6.2017 by S.S.I. 2016/256, reg. 2(2) (as amended by S.S.I. 2016/395, reg. 2)

#### 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.

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##### Commencement Information

**I6** S. 5 in force 24/2/2016 by s. 5(1)

#### 6 Short title

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

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##### Commencement Information

**I7** S. 6 in force 24/2/2016 by s. 5(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Apologies (Scotland) Act 2016.