



# Apologies (Scotland) Act 2016

## 2016 asp 5

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 19th January 2016 and received Royal Assent on 23rd February 2016**

An Act of the Scottish Parliament to make provision for the effect of an apology in certain legal proceedings.

### **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 (including joint inquiries) which the Scottish Ministers cause to be held under section 1 of the Inquiries Act 2005 or which they convert 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, and
  - (d) defamation proceedings.
- (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.

### **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.