JUSTICE COMMITTEE

MINUTES

20th Meeting, 2010 (Session 3)

Tuesday 15 June 2010

Present:

Bill Aitken (Convener)  Robert Brown
Bill Butler (Deputy Convener)  Cathie Craigie
Nigel Don  James Kelly
Stewart Maxwell  Dr Richard Simpson (Committee Substitute)
Maureen Watt (Committee Substitute)  (for item 4)

Apologies were received from Dave Thompson.

The meeting opened at 10.02 am.

1. **Decision on taking business in private**: The Committee agreed to take item 4 in private.

2. **Subordinate legislation**: The Committee considered the following negative instrument—

   the Criminal Legal Aid (Scotland) (Fees) Amendment (No. 2) Regulations 2010 (SSI 2010/212).

   The Committee agreed to defer consideration of the instrument to its next meeting in order to take evidence from the Scottish Government on concerns raised by members.

3. **Legal Services (Scotland) Bill**: The Committee considered the Bill at Stage 2 (Day 2).

   The following amendments were agreed to (without division): 4, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 20, 98, 21, 99, 22, 23, 24, 100, 25, 26, 101, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 173, 42 and 43.
The following amendments were agreed to (by division):

236 (For 5, Against 3, Abstentions 0)
5 (For 4, Against 4, Abstentions 0; amendment agreed to on casting vote)
6 (For 4, Against 4, Abstentions 0; amendment agreed to on casting vote)
237 (For 5, Against 3, Abstentions 0)
238 (For 5, Against 3, Abstentions 0)
239 (For 5, Against 3, Abstentions 0)
240 (For 5, Against 3, Abstentions 0)
242 (For 5, Against 3, Abstentions 0)
244 (For 5, Against 3, Abstentions 0)
250 (For 5, Against 3, Abstentions 0)
252 (For 5, Against 3, Abstentions 0)
261 (For 5, Against 3, Abstentions 0)
272 (For 5, Against 3, Abstentions 0)
278 (For 5, Against 3, Abstentions 0)
279 (For 5, Against 3, Abstentions 0)
283 (For 5, Against 3, Abstentions 0)
284 (For 5, Against 3, Abstentions 0)
288 (For 5, Against 3, Abstentions 0)
289 (For 5, Against 3, Abstentions 0)
291 (For 5, Against 3, Abstentions 0)
292 (For 5, Against 3, Abstentions 0)
293 (For 5, Against 3, Abstentions 0)
296 (For 5, Against 3, Abstentions 0)
298 (For 5, Against 3, Abstentions 0)
299 (For 5, Against 3, Abstentions 0)
38 (For 5, Against 3, Abstentions 0)
317 (For 5, Against 3, Abstentions 0).

The following amendments were disagreed to (by division):

10 (For 3, Against 5, Abstentions 0)
241 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
243 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
169 (For 3, Against 5, Abstentions 0)
248 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
254 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
256 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
260 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
170 (For 3, Against 5, Abstentions 0)
171 (For 3, Against 5, Abstentions 0)
172 (For 3, Against 5, Abstentions 0)
268 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
38A (For 1, Against 7, Abstentions 0).

Amendment 307 was pre-empted.

Amendments 247 and 310 were moved and, with the agreement of the Committee, withdrawn.
The following amendments were not moved: 233, 13, 14, 249, 262, 171A, 274, 286, 311, 312, 313, 314 and 315.

Sections 13, 18, 19, 20, 21 and 25, schedule 1, section 30, schedule 7, and sections 31, 32, 33, 34 and 38 were agreed to without amendment.

Sections 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 22, 23, 24, 26, 27, 28, 29, schedules 2, 3, 4, 5 and 6, and sections 35, 36 and 37 were agreed to as amended.

The Committee ended consideration of the Bill for the day, section 38 having been agreed to.

4. **Members’ Bills (in private):** Bill Butler did not participate in this item by virtue of Rule 9.13A.2(b). The Committee considered its general approach to the scrutiny of four Members’ Bills recently referred to it. The Committee agreed, in relation to the Criminal Sentencing (Equity Fines) (Scotland) Bill, to write to Bill Wilson MSP inviting his comments on the legislative competence of his Bill, with a view to then deciding whether to invoke the accelerated procedure under Rule 9.14.18. The Committee agreed that the other three Bills referred to it should be considered in the following order: 1) Damages (Scotland) Bill; 2) Domestic Abuse (Scotland) Bill; and 3) Commissioner for Victims and Witnesses (Scotland) Bill. The Committee also agreed that it did not wish to seek approval for the appointment of an adviser in relation to any of these Bills.

The meeting closed at 1.06 pm.

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