JUSTICE COMMITTEE

MINUTES

21st Meeting, 2010 (Session 3)

Tuesday 22 June 2010

Present:

Bill Aitken (Convener)  Robert Brown
Bill Butler (Deputy Convener)  Cathie Craigie
Nigel Don  James Kelly
Stewart Maxwell  Dave Thompson

The meeting opened at 9.34 am.

1. Decisions on taking business in private: The Committee agreed to take item 5 in private. The Committee also agreed to consider its approach to the scrutiny of the Domestic Abuse (Scotland) Bill and the Commissioner for Victims and Witnesses (Scotland) Bill in private at future meetings.

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


The following amendments were agreed to (by division):

319 (For 5, Against 0, Abstentions 3)
321 (For 5, Against 0, Abstentions 3)
323 (For 5, Against 0, Abstentions 3)
113A (For 5, Against 3, Abstentions 0)
The following amendments were disagreed to (by division):

380 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
382 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
383 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
384 (For 3, Against 5, Abstentions 0)
385 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
386 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote)
387 (For 3, Against 4, Abstentions 1)
365 (For 4, Against 4, Abstentions 0; amendment disagreed to on casting vote).

Amendment 210A was moved and, with the agreement of the Committee, withdrawn.

The following amendments were not moved: 330, 110A, 381, 359, 360, 361, 362, 363, 210B and 211A.

Sections 42, 44, 46, 48, 55, 56, 61, 62, 63, 66, 69, 70, 71, 72, 78, 79, 80, 84, 87, 88 and 89 were agreed to without amendment.

Sections 39, 40, 41, 43, 45, 47, 49, 50, 51, 52, schedule 8, and sections 53, 54, 57, 58, 59, 60, 64, 65, 67, 68, 73, 74, 75, 76, 77, 81, 82, 83, 85, 86, 90 and 91 were agreed to as amended.

The Committee ended consideration of the Bill for the day, amendment 365 having been disposed of.

3. **Subordinate legislation:** The Committee took evidence on the Criminal Legal Aid (Scotland) (Fees) Amendment (No. 2) Regulations 2010 (SSI 2010/212) from—

   Fergus Ewing MSP, Minister for Community Safety, and James How, Head of Access to Justice Team, Scottish Government.

4. **Subordinate legislation:** The Committee considered the following negative instruments—

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

   the Parental Responsibility and Measures for the Protection of Children (International Obligations) (Scotland) Regulations 2010 (SSI 2010/213);
the Knives etc (Disposal of Forfeited Property) (Scotland) Order 2010 (SSI 2010/214).

The Committee agreed to make no recommendations in relation to the instruments.

5. **Damages (Scotland) Bill (in private):** The Committee considered its approach to the scrutiny of the Bill at Stage 1. It agreed a draft call for written evidence and to draw this to the attention of a range of relevant individuals and organisations. The Committee also agreed to invite the Faculty of Advocates, the Law Society of Scotland and the Scottish Law Commission to give oral evidence.

The meeting closed at 1.11 pm.

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