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Justice Committee

To consider and report on a) the administration of criminal and civil justice, community safety and other matters falling within the responsibility of the Cabinet Secretary for Justice and b) the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

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Scottish Conservative and Unionist Party

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Overview of Session 4

174
Committee meetings

240
SSIs considered

17
Bills scrutinised

87
Reports published

820
Number of people who gave evidence representing 618 organisations

1052
Written evidence received
Introduction

1. It has become established practice for Scottish Parliament committees at the end of a session to prepare ‘legacy papers’, reflecting on the work they have undertaken during that session, and highlighting any particular areas of work that are outstanding, which a successor committee may wish to pursue.

Overview of Session 4

2. All the Parliament’s subject committees divide their time between inquiries and other scrutiny work, including examination of Bills at Stages 1 and 2, the annual budget process, subordinate legislation, legislative consent memorandums, petitions and EU proposals.

3. Successive justice committees have reported challenges in balancing their inquiry work with the large volume of legislation they are required to examine. Indeed at the end of session 1, the Parliament created two justice committees with identical remits, when it became evident that a single Justice and Home Affairs Committee was struggling to balance these two areas of work. This dual approach continued into Session 2, but did not appear to resolve the issue, with both justice committees referring in their legacy reports to the challenges of scheduling enough time for inquiry work because of the volume of legislation. Session 3 saw the Parliament return to having only one justice committee which reported in its legacy report that, its “workload had become so dominated by a constant succession of Bills that the Committee has lost its ability, for most of the session, to fulfil its intended role as a proactive scrutineer of other aspects of Scottish Government policy and of a significant part of Scotland’s public sector landscape”. Only in the first year of session 3 did that committee have time to conduct two substantial inquiries, a situation it described as being “unsatisfactory” in its legacy report.

4. This trend has continued into session 4. Over the course of the session, the Committee has considered 13 Scottish Government Bills and four Members’ Bills, compared with a total of 12 Bills considered by our predecessor Committee in session 3. As a consequence, we have only had time to undertake one full-scale inquiry, which took place early in the session. We consider this to be unacceptable. At our business planning day for the new session in August 2011, the Committee, together with invited stakeholders, discussed a number of possible inquiry topics, with a focus on issues of long-term strategic importance, such as access to civil justice and reducing “churn” and inefficiency in the criminal justice system. We have had little opportunity to make progress on any of these matters.

5. In its report on Committee Reform, the Standards, Procedures and Public Appointments (SPPA) Committee noted as a general principle that “committees should have the capacity to initiate their own inquiry work and, should they choose, to develop committee bills and post-legislative scrutiny, as well as
scrutinising Scottish Government and Members’ Bills’. Our concerns around this issue have been raised by the Convener on various occasions, including during debate and in Conveners Group meetings with the First Minister. Without a clear commitment to reduce the number of justice Bills, it is difficult to see how future justice committees can achieve a healthier balance between scrutiny of legislation and inquiry work.

6. We note that the SPPA Committee proposed in its report on committee reform that the Parliament considers establishing two justice committees next session, with distinct remits. This Committee was not formally consulted on this proposal but, given our experiences, and those of our predecessor committees, we understand the rationale behind it. However, we remain unclear how the proposal would work in practice. If two committees considering justice-related matters were to be established, we must learn from the experience of sessions 1 and 2, when two committees with identical remits were in existence. With the benefit of hindsight, this appeared to lead only to an increase in the volume of legislation in line with the increased committee time available to examine it. There was also quite understandable confusion as to lines of authority in terms of overall scrutiny of the Justice Department and a dilution of members’ knowledge and expertise of issues across the two committees.

7. An important development during this session has been the widening of the remit of the Delegated Powers and Law Reform (DPLR) Committee, formerly the Subordinate Legislation Committee, to enable it to examine Bills based on Scottish Law Commission (SLC) reports. This Committee fully accepts that the low implementation rate of SLC-based Bills in recent years has been unsatisfactory: indeed, it was an issue of concern that we identified ourselves at the start of this session. In practice, only two SLC Bills have been handled by the DPLR Committee this session, which appear to have been largely uncontentious, although one of them, the Succession (Scotland) Bill, was of significant general interest. It could be argued, at the very least, that two Bills which would not otherwise have appeared on the statute book have been passed.

8. Our main concern is that the distinction between Bills making predominantly technical changes to Scots law (i.e. the sort of Bills it was envisaged that the DPLR Committee would take on) and Bills of wider policy importance is often far less clear in practice than it may be in theory. Even the most ostensibly “technical” Bills can, on closer inspection, turn out to raise questions of general interest and significance. There is also the risk of the future DPLR Committee’s remit to look at justice-related Bills being widened by increment, particularly in cases where there is an apparent “bottleneck” at a future justice committee and the Parliamentary Bureau is looking for ways to circumvent it. In our view, a Committee with the express remit of monitoring the Justice Department is generally best-placed to provide robust scrutiny of the policy aspects of justice legislation and therefore any moves to extend the remit of the DPLR Committee should be very carefully considered. This is an area that our successor committee may wish to monitor more closely.
Scrutiny of Bills

10. A summary of the 17 Bills considered by the Committee is set out on the following pages.

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill (Scottish Government)

11. Introduced in June 2011, the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill was initially proposed as emergency legislation intended to come into effect in time for the football season starting in August 2012 and thereby preventing a recurrence of the disorderly behaviour that occurred at football matches in the preceding season. The Bill created two new offences of: (1) offensive or threatening behaviour likely to incite public disorder in relation to football matches, and (2) ‘threatening communications’, to tackle threats of serious harm and incitement to religious hatred made, for instance, online or by mail.

12. The Committee, in the time available before the Bill was considered under emergency procedure arranged a number of evidence sessions to inform its scrutiny, during which it became clear that this was a complex area requiring more detailed examination. During evidence, members raised concerns with the then Minister for Community Safety and Legal Affairs, Roseanna Cunningham, regarding the speed with which the Parliament was legislating on this difficult issue. After the Bill had passed Stage 1, the Scottish Government, responding to these concerns, announced an extension to the timetable to allow the Committee to take further evidence, and to report, at Stage 2. The Parliament passed the Bill on 14 December 2011.

Criminal Cases (Punishment and Review) (Scotland) Bill (Scottish Government)

13. The Criminal Cases (Punishment and Review) (Scotland) Bill, introduced in November 2011, covered two distinct issues. Part 1 addressed an anomaly in existing legislation where prisoners given a life sentence could become eligible for parole earlier than those serving a fixed length sentence for a similar offence. Part 2 enabled the Scottish Criminal Cases Review Commission (SCCRC) to publish ‘a statement of reasons’ outlining why there may have been a miscarriage of justice where the subsequent High Court appeal had been abandoned. The main purpose of Part 2 was to allow the SCCRC to publish the statement of reasons in the case of Abdelbaset Al-Megrahi, convicted in 2001 of the Lockerbie bombing.
14. Four days prior to publication of the Committee’s Stage 1 report, on 29 March 2012, a newspaper published the SCCRC’s statement of reasons in the Megrahi case. We still considered it important to reflect in our report in full the evidence we received, including concerns raised over the complexity of the legislation proposed in Part 2. The Bill was passed on 20 June 2012.

Police and Fire Reform (Scotland) Bill (Scottish Government)

15. Introduced in January 2012, the Police and Fire Reform (Scotland) Bill created two single national services: Police Scotland, and the Scottish Fire and Rescue Service (SFRS), with governance arrangements for policing provided by the Scottish Police Authority and for fire and rescue by the SFRS Board. Our recommendation that the appointment of a Chief Constable and Chief Fire Officer be brought forward to ensure the new bodies were operational from 1 April 2013, as planned, was agreed to by the Government. After the Bill was passed on 27 June 2012, the Parliament, on the recommendation of this Committee, created a Justice Sub-Committee on Policing to examine the operation of the Act as regards policing, while the Justice Committee has continued to undertake this role in respect of the fire and rescue service. More information on this work is provided in the post-legislative scrutiny section of this report and in a separate Sub-Committee legacy paper.

Scottish Civil Justice Council and Criminal Legal Assistance Bill (Scottish Government)

16. Introduced in May 2012, the Scottish Civil Justice Council and Criminal Legal Assistance Bill created a Scottish Civil Justice Council, replacing the Court of Session Rules Council and Sheriff Court Rules Council, and giving the new body a wider policy role (Part 1). It also introduced financial contributions in criminal legal aid from those able to pay towards the cost of their defence and changed financial eligibility in criminal legal assistance (Part 2). In our Stage 1 report, we asked the Government to consider the concerns of some witnesses around possible ECHR issues which may arise from the way in which Part 2 of the Bill is implemented. Acting on these concerns, the Government committed to regularly review the human rights impact of Part 2 of the Bill. The Bill was passed by the Parliament on 29 January 2013.

Victims and Witnesses (Scotland) Bill (Scottish Government)

17. This Committee examined sections 1 to 25 of the Victims and Witnesses (Scotland) Bill (introduced in February 2013) which aimed to improve and increase the rights and support for victims and witnesses primarily in relation to criminal cases. Other sections of the Bill, which created a National Confidential Forum to enable adults who were in institutional care as children to share their experiences, were considered by the Health and Sport Committee, as secondary committee.

18. Keen to hear from victims of crime about their individual experiences of the criminal justice system, we held an informal round-table discussion with victims.
from across Scotland in March 2013. 

This was held in private to allow individuals to share their personal accounts in an informal setting, away from the glare of the media. The Scottish Government accepted a number of the Committee’s recommendations at Stage 1 and, in particular, lodged an amendment at Stage 2 giving effect to our recommendation that victims of sexual offences should have the right to request a medical examiner of a specified gender. The Bill was passed on 12 December 2013.

Tribunals (Scotland) Bill (Scottish Government)

19. Introduced in May 2013, the Tribunals (Scotland) Bill\(^\text{14}\) created a new, two-tier structure for devolved tribunals in Scotland; a First-tier Tribunal for first instance decisions and an Upper Tribunal to deal with primarily appeals, both under the leadership of the Lord President of the Court of Session. The Committee in its Stage 1 report\(^\text{15}\) recommended, amongst other things, that the Bill be amended to allow for full-time salaried judges and members of staff. The Government accepted this recommendation and lodged an amendment at Stage 2 to allow for the possibility of permanent salaried positions in the future. The Bill was passed on 11 March 2014.

Criminal Justice (Scotland) Bill (Scottish Government)

20. Introduced in June 2013, the Criminal Justice (Scotland) Bill\(^\text{16}\) contained wide-ranging provisions relating to criminal justice, including police powers, rights of suspects and procedure and sentencing, and created a Police Negotiating Board for Scotland. We agreed to the general principles of this wide-ranging Bill, however, the proposal to abolish the requirement for corroboration in criminal cases divided opinion amongst members, with the majority considering that the proposal should be removed from the Bill. We recommended in our Stage 1 report\(^\text{17}\) that, if the general requirement for the removal of corroboration remained in the Bill, it should only be considered after an independent review of what other reforms may be needed to ensure that the criminal justice system as a whole contains appropriate checks and balances.

21. In response to the Committee’s concerns around removal of the corroboration requirement, the Scottish Government asked the Rt Hon Lord Bonomy to consider any additional safeguards and changes to law and practice that might be needed following the planned abolition of the corroboration requirement. \(^\text{18}\) The then Cabinet Secretary also agreed to postpone Stage 2 consideration of the Bill until after Lord Bonomy had reported. \(^\text{19}\) His successor Cabinet Secretary for Justice agreed, after the review, that the contentious provisions relating to corroboration should be removed from the Bill, and amendments to that effect were agreed at Stage 2. The Bill was passed on 8 December 2015.
Assisted Suicide (Scotland) Bill (Margo MacDonald MSP)

22. The Assisted Suicide (Scotland) Bill\(^{20}\) introduced in November 2013 by Margo MacDonald MSP aimed to make it lawful, in certain circumstances, to assist another to commit suicide. Patrick Harvie MSP took this Bill through the Parliament as the designated additional member in charge when Ms MacDonald sadly passed away. As secondary committee considering the Bill, we took evidence on the practical application and legal aspects of the Bill, as well as compliance with the European Convention on Human Rights. In our report\(^{21}\) to the Health and Sport Committee, the lead committee, we set out concerns regarding the processes set out in the Bill and its possible implications. The Bill fell at Stage 1 on 27 May 2015.

Criminal Verdicts (Scotland) Bill (Michael McMahon MSP)

23. The Criminal Verdicts (Scotland) Bill,\(^{22}\) introduced by Michael McMahon MSP in November 2013, sought to remove the ‘not proven’ verdict and increase the size of the majority required in jury trials. We delayed consideration of this Bill until the Criminal Justice (Scotland) Bill was passed as both Bills contained near-identical provisions relating to jury majority. These provisions were removed from the Criminal Justice Bill at Stage 2 to allow for jury research to be conducted.

24. While we were generally supportive of the proposals abolishing the three-verdict system, the majority of Committee members agreed that further jury research as proposed by the Government was needed. We were therefore not able to support the general principles of the Bill in our Stage 1 report.\(^{23}\) The Bill also failed to secure majority support in the Parliament and therefore fell on 25 February 2016.

Courts Reform (Scotland) Bill (Scottish Government)

25. The Courts Reform (Scotland) Bill,\(^{24}\) introduced in February 2014, implemented recommendations arising from the Scottish Civil Courts Review (2009)\(^{25}\) led by Lord Gill. The review concluded that reform of the civil courts was required to reform a system that was “slow, inefficient and expensive”. Much of the debate at Stage 1 focused on the appropriate level at which the “exclusive competence” (or privative limit) of the sheriff court should be set. The Bill proposed that the competence of £5,000 be increased to £150,000. As recommended by the Committee, the Scottish Government agreed to consider a lower limit and an amendment at Stage 2 lowering the proposed limit to £100,000 was agreed to. The Bill was passed on 7 October 2014.

Prisoners (Control of Release) (Scotland) Bill (Scottish Government)

26. The Prisoners (Control of Release) (Scotland) Bill,\(^{26}\) which sought to end automatic early release for certain categories of prisoners and to give the Scottish Prison Service some flexibility on the exact date of release, was introduced in August 2014. The provisions in the Bill were originally to have been added to the Criminal Justice (Scotland) Bill by amendment at Stage 2. However, as passage
of that Bill was delayed, the Government introduced this separate legislation. Acting on the concerns of the Committee and witnesses regarding the Bill’s focus on long-term prisoners, in particular sex offenders, and the possibility of some prisoners being released without a period of community supervision, the Government, prior to publication of our Stage 1 report, undertook to significantly amend the Bill at Stage 2. Given the extent of the changes proposed by amendment, we took further evidence at Stage 2. The Bill was passed on 23 June 2015.

Human Trafficking and Exploitation (Scotland) Bill (Scottish Government)

27. Introduced in December 2014, the Human Trafficking and Exploitation (Scotland) Bill included measures relating to specific offences and sentencing, support for victims and tackling human trafficking and exploitation. To inform its Stage 1 scrutiny, the Committee split into three groups to visit Barnardo’s Scotland, the Trafficking Awareness Raising Alliance and the Scottish Refugee Council/Scottish Guardianship Service, to speak with victims and front-line staff about their experiences of trafficking and exploitation. The Government agreed to our request that it look again at the definition of a human trafficking offence in the Bill, an issue on which the majority of witnesses had concerns, particularly in relation to travel. The Bill was passed on 1 October 2015.

Apologies (Scotland) Bill (Margaret Mitchell MSP)

28. The Apologies (Scotland) Bill introduced by Margaret Mitchell MSP in March 2015 provided that apologies cannot be used as evidence of liability in most civil legal proceedings in Scotland in order to facilitate social and cultural change in relation to apologising. In our Stage 1 report, we broadly supported the general principles of the Bill but considered that further work was required at Stage 2 to ensure that the measures could work effectively alongside professional medical standards and the duty of candour proposed in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill being considered by the Parliament at the same time. Various amendments to the Bill were made at Stages 2 and 3, including narrowing the definition of ‘apology’ and exempting apologies made under the new duty of candour procedure. The Bill was passed on 19 January 2016.

Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill (Scottish Government)

29. Introduced in March 2015, the aim of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill was to reform and modernise the law relating to fatal accident inquiries in Scotland in line with the outstanding recommendations of the 2009 review of FAI legislation led by Lord Cullen. At Stage 2, the Government brought forward amendments to give effect to the Committee’s recommendation that, in exceptional circumstances, FAIs should be able to be held in deaths abroad where the body has not been repatriated. The Bill was passed on 10 December 2015.
Community Justice (Scotland) Bill (Scottish Government)

30. The Community Justice (Scotland) Bill\(^{33}\) introduced in May 2015 aimed to replace the eight regional community justice authorities with a new model for community justice services based around a new national body, Community Justice Scotland, and local community justice partners.

31. The Committee broadly supported the general principles of the Bill,\(^{34}\) but made a number of recommendations aimed, in particular, at strengthening strategic leadership and accountability and widening the definition of community justice to encompass earlier intervention and prevention of further offending. The Scottish Government lodged amendments at Stage 2 in response, including to strengthen Community Justice Scotland’s oversight functions and to broaden the definition, along the lines proposed by the Committee. The Parliament passed the Bill on 11 February 2016.

Inquiries into Deaths (Scotland) Bill (Patricia Ferguson MSP)

32. The Inquiries into Deaths (Scotland) Bill\(^{35}\) was introduced by Patricia Ferguson MSP in June 2015 midway through the Committee’s consideration of the Scottish Government’s Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill at Stage 1 (see above), both Bills making similar changes to the law on FAIs. The Committee agreed that the Government Bill was the appropriate vehicle to modernise FAI legislation, but considered that some of those provisions in the member’s bill but not replicated in the Government’s legislation had merit. We therefore asked both parties to discuss how the Government Bill might be strengthened.\(^{36}\) Ms Ferguson withdrew her Bill on 24 September 2015, to pursue with the Government incorporating in its Bill some of the provisions in hers.

Abusive Behaviour and Sexual Harm (Scotland) Bill (Scottish Government)

33. Introduced in October 2015, the Abusive Behaviour and Sexual Harm (Scotland) Bill\(^{37}\) among other things, sets out a new offence for the non-consensual sharing of private and intimate images (‘revenge porn’), a requirement for jury directions in certain circumstances, and new civil orders to prevent sexual harm. The Committee supported the general principles,\(^{38}\) while noting that some detailed aspects of the new offence and new civil orders may require careful examination to ensure they achieve the right balance. A number of amendments to implement Committee recommendations were agreed at Stage 2. At the time of writing, the Parliament is due to consider the Bill at Stage 3 on 22 March.

Post-legislative scrutiny

34. Committees have an important role in examining how the laws passed by the Scottish Parliament are working in practice and, to this end, we have sought to schedule as much time for post-legislative scrutiny as our work programme has allowed.
Implementation of the Police and Fire Reform (Scotland) Act 2012

35. As referred to earlier, the Police and Fire Reform (Scotland) Act 2012 created two national services: Police Scotland and the Scottish Fire and Rescue Service. Details of our scrutiny of the Bill leading to the 2012 Act is set out in the Bills section of this paper.

36. Section 124 of the 2012 Act requires the Parliament to make arrangements for keeping under review the operation of the Act and to publish reports thereon. To meet this requirement and, recognising this Committee’s heavy legislative workload, the Parliament established the Justice Sub-Committee on Policing in March 2013 with the remit of considering and reporting on the operation of the Act as it affects policing. The Sub-Committee’s activities over the last three years are explored in its own separate legacy paper.39

37. This Committee fulfilled the obligations under section 124 of the 2012 Act in relation to the fire and rescue reform through six-monthly evidence sessions with the Scottish Fire and Rescue Service, its Board, the Chief Inspector of the SFRS, and the Fire Brigades Union.

38. Given our workload, the Committee found it necessary to delegate scrutiny of police reform to a sub-committee and this approach has worked well in ensuring that the many issues of concern which have arisen relating to policing have been examined in full. The Justice Sub-Committee on Policing has effectively filled a void where the Scottish Police Authority has failed to provide robust governance and scrutiny of Police Scotland’s decisions and it is essential that the next justice committee monitors how the SPA’s governance arrangements, under new chairmanship, evolve.

39. Fire reform has not been beset with the difficulties experienced by the police and therefore this Committee has been able to schedule within its work programme regular evidence sessions with the fire bodies to monitor how the new arrangements are developing. The financial savings required by both Police Scotland and the Scottish Fire and Rescue Service alone necessitate close and robust scrutiny, particularly given the recent announcement that the police budget will not be met this financial year.
40. It is not yet clear how committees will be configured in session 5, for example, whether there will be two justice committees as recommended by the Standards, Procedures and Public Appointments Committee. We strongly recommend that, whatever the configuration, sufficient time is set aside to properly scrutinise how the policing and fire and rescue arrangements are working in practice in this very early stage of reform, in line with the requirements of the Police and Fire Reform (Scotland) Act 2012. We note the recommendations of the Justice Sub-Committee on Policing on this issue.

Effectiveness of the provisions in the Title Conditions (Scotland) Act 2003

41. Between January and June 2013, the Committee held an inquiry into the effectiveness of the provisions in the Title Conditions (Scotland) Act 2003 specifically regarding the appointment and dismissal of property factors and recourse available to homeowners dissatisfied with the services of land-owning maintenance companies. The Scottish Government accepted a number of the Committee’s recommendations, including asking the Scottish Law Commission to review the operation of section 53 of the 2003 Act in relation to burdens placed on common schemes.

Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005

42. In its report, Tackling child sexual exploitation in Scotland, published in January 2014, the Public Petitions Committee recommended that this Committee should examine specific aspects of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. We took evidence from Police Scotland and the Crown Office and Procurator Fiscal Service in October 2014 to establish the position regarding prosecution of child grooming offences and applications for Risk of Sexual Harm Orders (RSHOs), created under the Act. On the basis of evidence received, we asked the Scottish Government to adopt measures aimed at increasing the number of RSHOs and at closing a loophole regarding cross-border offences. The Scottish Government has sought to implement the recommendations in provisions in the Abusive Behaviour and Sexual Harm (Scotland) Bill introduced in October 2015 (see earlier section on that Bill).

Family Law (Scotland) Act 2006

43. Recognising that a small amount of time was available for post-legislative scrutiny just before the Parliament dissolved, the Committee agreed to take evidence on the Family Law (Scotland) Act 2006, one of the most important pieces of legislation on family law in recent years. Given the short time available, it was not the Committee’s intention to consider the entire 2006 Act. Instead we invited views from stakeholders on which aspects merited consideration and, on the basis of responses received, we examined: the provisions on cohabitation set out in sections 25 to 29 of the Act, and the main reforms made by the Act relating to
other legislative scrutiny

subordinate legislation

44. The Committee considered a large volume of subordinate legislation over the course of the session covering issues ranging from legal aid advice and assistance to lowering the drink-driving limit. Of the instruments considered, the majority have been subject to negative procedure and have proved largely uncontroversial with the Committee taking no further action. Exceptions to this rule included the Sheriff Court Districts Amendment Order (SSI 2013/152), and the Justice of the Peace Courts (Scotland) Amendment Order 2013 (SSI 2013/153), which sought to implement court closures recommended in the Scottish Court Service’s report, Shaping Scotland’s Court Services, published in April 2013. The Committee took evidence on the proposals in advance of the instruments being laid before the Parliament and stakeholders raised serious concerns regarding the extended travel time for victims and witnesses and the potential for the remaining courts to cope with increased caseload. Motions to annul the instruments were considered and rejected by the Committee by division.

45. Again, the majority of the instruments subject to affirmative procedure raised few concerns. One exception to this was the International Organisations (Immunities and Privileges) (Scotland) Amendment Order 2015 which conferred legal privileges and immunities on the Asian Infrastructure Investment Bank (AIIB), and on persons associated with the Bank, within Scotland. We had concerns regarding the conveying of certain privileges to specific banks, and requested that the Cabinet Secretary attend an additional evidence session to provide further explanation of the purpose and effect of the instrument. To inform our final decision, we gathered additional evidence, including from the financial sector expressing concern about the impact of a potential delay in agreeing the instrument. Further explanation was provided at the Committee’s later evidence session and the Committee agreed, by a majority, to the motion recommending approval of the instrument.

46. Another exception was the Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Scotland) Regulations 2015 which, after debate, was rejected by the Committee by majority, on the grounds that it did not set out an equitable approach to the availability of legal aid in the new Sheriff Appeal Court that would safeguard access to justice.

47. The Committee took the decision, in the latter part of 2015, to formally consider only those no procedure instruments that the DPLR Committee had specifically reported to them, following our consideration of a series of instruments where the Government or Lord President had already committed to rectifying the errors.
identified. We suggest that a future justice committee may also wish to adopt this approach to avoid having to consider a large number of instruments that do not require additional scrutiny.

Legislative consent memorandums

48. Under the Sewel Convention, the Scottish Parliament’s consent is required before the UK Parliament can legislate on devolved matters or legislate to alter the extent of this Parliament’s legislative competence or the executive competence of Scottish Ministers. During session 4, we considered a total of 18 legislative consent memorandums (LCMs) seeking this Parliament’s consent on issues, ranging from defamation to offender rehabilitation. Our consideration of LCMs on the Prisons (Interference with Wireless Telegraphy) Bill (LCM (S4)15.1) and on the Anti-social Behaviour, Crime and Policing Bill (LCM (S4)22.1) are worthy of particular note.

49. LCM (S4)15.1, which allows Scottish Ministers to authorise mobile phone signals to be blocked in prisons or similar institutions, prompted the Committee to raise with the Scottish Government concerns regarding the human rights of those living in the surrounding areas of prisons. The Scottish Government agreed to our request for rigorous testing and monitoring to be undertaken before any authorisations are given.

50. Evidence we heard on LCM (S4)22.1, which introduced a new offence of forced marriage in Scotland (and in England and Wales), highlighted this as a complex and sensitive issue which should not be hurried. We therefore asked the Scottish Government to consider introducing its own legislation in this area after full consultation with stakeholders. We recommended that the Parliament agree to the legislative consent motion in respect of the other parts of the LCM but made no recommendation on the forced marriage proposals, which were subsequently passed by Parliament.

Inquiries

Purposeful activity in prisons

51. As the Committee’s workload has been heavily dominated by scrutiny of Bills, we only had time to conduct one full-scale inquiry. Our concerns regarding the lack of time available to us to initiate our own work are set out in full at the overview section earlier in this report.

52. The Committee undertook a four-month inquiry examining the opportunities prisoners have to engage in purposeful activity during the course of their imprisonment, which the then HM Chief Inspector of Prisons in Scotland, Brigadier Hugh Monro, stated in his annual and inspection reports, plays an important role in rehabilitation. He defined purposeful activity as “any activity which, during the working day, encourages the process of improvement”, including “work, vocational
training, education and programmes to address offending behaviour (such as addictions), access to physical education and visits.”

53. In addition to seeking written submissions from interested parties and arranging several evidences sessions with witnesses, the Committee also visited seven prisons around Scotland in January 2013 where members were able to explore the nature and extent of purposeful activity being delivered across the prison estate. The Committee reported its findings to the Scottish Government in March 2013. In response to the Committee’s recommendations, the Scottish Prison Service (SPS) announced that it would carry out a ‘root and branch review’ of purposeful activity to ensure that this activity is meaningful, contributes to reducing reoffending and can be measured in a useful way. Following the review, the SPS published ‘Delivering a Strategy for Purposeful Activity in the SPS’ in March 2014.

Other scrutiny topics

54. During the course of the session, a number of topics arose which the Committee felt were worthy of some scrutiny but where a full inquiry was either not possible in the time available to us or would not have been merited. Our work on these topics is set out below.

Women offenders

55. One of the Committee’s early areas of interest was the treatment of women offenders following two consecutive inspection reports in which HM Chief Inspector of Prisons for Scotland criticised conditions at Cornton Vale women’s prison and young offenders’ institution. Indeed, at one of our first meetings in September 2011, we requested responses from the Scottish Government, Scottish Prison Service and prison visiting committees to the Chief Inspector’s reports. We also visited Cornton Vale in December 2012 to see first-hand the facilities and support provided to inmates.

56. The Scottish Government’s response to the reports was to create a Commission on Women Offenders which reported in April 2012, recommending, among other things, that Cornton Vale should be replaced with a smaller specialist prison for women presenting significant risk, and that most women prisoners on remand or serving short-term sentences should be held in local prisons. The Commission also recommended that the Cabinet Secretary provide annual updates to the Parliament on progress in meeting its recommendations. In practice, this has involved an annual written update, laid in SPICe, followed by the Cabinet Secretary giving evidence to this Committee.

57. In addition to the annual evidence sessions, we arranged an extra evidence session with the Cabinet Secretary in August 2014 in response to concerns raised by stakeholders that the replacement prison for Cornton Vale to be built in
Inverclyde would run counter to the Commission’s recommendations that most women should be placed in smaller local units. In January 2015, the Cabinet Secretary advised that Inverclyde prison would no longer go ahead and, in June 2015, announced that a small national women’s prison would be built on the current site of Cornton Vale with a further five small community-based units across Scotland. The timescale for the final completion of the new prison and other units is 2021. In his latest full inspection report of Cornton Vale (inspection carried out between 28 September and 7 October 2015), HM Chief Inspector of Prisons concluded that there are aspects of the conditions in the prison and the treatment of women that are still unacceptable, including lack of night access to toilet facilities.

58. Although much progress in meeting the Commission on Women Offenders’ recommendations has been made, particularly in relation to the provision of mentoring services and support for women offenders, the Committee notes that little progress has been made towards the key recommendation that Cornton Vale should be replaced. We remain concerned at the conditions for women offenders, in this prison particularly in the light of HM Chief Inspector of Prisons latest inspection report.

59. The Committee recommends that our successor committee engages in early dialogue with the Scottish Prison Service and the Scottish Government over plans for the women’s prison estate. We also recommend that our successor continues to make time for annual evidence sessions with the Cabinet Secretary for Justice to monitor progress towards meeting those of the Commission’s recommendations that are still outstanding.

Agricultural crime

60. The Committee arranged a round-table evidence session in February 2015 to explore the extent of agricultural crime in Scotland with key farmers’ bodies, prosecutors and the police. From the evidence received, it appeared that agricultural crime, ranging from low-level crime, such as vandalism, to the theft of high-value livestock and farm machinery, was a growing problem. Wider issues relating to rural crime were also raised. Committee members undertook individual on-site meetings with farmers who had been the victims of agricultural crime.

61. Following the evidence session, the Solicitor General announced in March 2015 that she would carry out a review of the way in which COPFS prosecutes agricultural crime, involving Police Scotland, the National Farmers’ Union Scotland, Scottish Land and Estates, and the Scottish Government. Police Scotland also adopted a number of new measures following the Committee’s evidence session, including creating a Scottish Partnership Against Rural Crime which meets every six weeks “to drive prevention, intelligence gathering and enforcement across Scotland”. It recently advised the Committee that this approach is already showing “impressive results.”
62. The Solicitor General gave evidence to the Committee on the outcomes of the review, including publication of an updated agricultural prosecution policy, reinforcing COPFS approach, on 2 February 2016.

Interception of communications by Police Scotland

63. On 25 November 2015, the Interception of Communications Commissioner released a statement that Police Scotland had breached the Acquisition and Disclosure of Communications Data, Code of Practice 2015, in respect of five applications for communications data. The applications related to one investigation being undertaken by Police Scotland’s Counter Corruption Unit. Following the IOCCO’s statement, the Committee took evidence from Police Scotland, the SPA, and the Cabinet Secretary for Justice, on the background to the statement and on Police Scotland’s governance arrangements regarding the interception of communications. We also requested copies of written material from Police Scotland surrounding the decisions that gave rise to the breaches of the Code. We are disappointed to note that some of this written material only arrived in March 2016, shortly before dissolution, and that much of it was redacted.

64. On the day of the IOCCO’s statement, the SPA announced that it had requested HM Inspector of Constabulary in Scotland to carry out an in-depth assurance review of Police Scotland’s Counter Corruption Unit, to report in the spring of 2016. It is also possible that the Investigatory Powers Tribunal will be asked to adjudicate on the specific complaints regarding the breaches of the Code.

65. The Committee agreed to invite four officers named by Police Scotland as having been involved in the decisions which led to the breaches of the 2015 Code to attend a future evidence session to give them a right of reply to the allegations. Attempts to secure their attendance through Police Scotland and the staff associations were unsuccessful and, concerned that the officers may have felt pressured not to give evidence to us, we wrote to them directly to give them a final opportunity to attend. Three rejected this offer. The fourth, concerned to preserve anonymity, provided a written submission to the Committee.

66. On 1 March, the Committee heard from the Chief Constable and the SPA on two wider issues: internal communications at Police Scotland, and Police Scotland’s policies and practices in relation to the protection of staff who report wrongdoing or malpractice within the organisation. This session was intended to build on the Committee’s evidence-gathering on the interception of communications while moving the debate on to matters of public interest concerning the work of Police Scotland. During this evidence session, the Chief Constable announced that he was looking at whether Police Scotland’s culture of supporting staff could be improved, learning from best practice from other police forces and the wider public sector. The Chief Constable also told the Committee that, following a recent staff survey, 43 staff engagement workshops had been held and approaches were
being developed to address the themes arising from the survey and workshops that followed.

67. The Committee recommends that our successor committee returns to the issue after HMICS has reported on its review of Police Scotland’s Counter Corruption Unit in the spring of 2016 and at the conclusion of any Investigatory Powers Tribunal proceedings. We also suggest that our successor committee revisits the issue of whistle-blowing at Police Scotland in due course to assess what progress has been made in improving its policies and practices in this area.

Role of media in criminal trials

68. The Committee sought written submissions and agreed to hold an evidence session on the role of the media in criminal trials on 2 October 2012, following a number of developments in this area, including the decision to allow television cameras inside the High Court for the David Gilroy sentencing, the reporting of jury deliberations on social media, and newspapers being found in contempt of court due to negative coverage of a suspect in the Joanna Yates murder case. The session, which included witnesses from Channel 4, the BBC, the Guardian, the Press Association, and the Law Society of Scotland, was followed by a committee debate on the issue in October 2012.

69. The same month, the Lord President announced a review of the use of cameras in court. The Committee suggests that our successor may wish to undertake some future work in this area.

Transfer of prison healthcare to the NHS

70. The transfer of responsibility for provision of healthcare in prisons from the Scottish Prison Service to the NHS took place in November 2011. One year on, we held a round-table evidence session with the Scottish Prison Service, HMP Barlinnie, NHS Grampian, NHS Forth Valley and Willow Services, to establish how the transfer had worked in practice. After the session, we wrote to the Cabinet Secretary, the SPS and all relevant health boards seeking their comments on a number of issues, and agreed to return to the issue in six months' time. The second round-table session was held on 28 May 2013, when the Committee heard that the transfer had gone smoothly and brought significant benefits, but there was still room for improvement.

Human rights

71. On 18 February 2014, the Committee held an evidence session with the Scottish Human Rights Commission (SHRC) on Scotland’s National Action Plan for Human Rights 2013-17. The action plan is based on research carried out by the SHRC and sets out three outcomes (“better culture”, “better lives” and “better world”) supported by nine priorities, working towards seven specific changes or outcomes
by 2030. At that meeting, the SHRC Chair suggested a number of areas in which we, as a committee, could develop our work in relation to SNAP, including sponsoring annual committee debates on the plan and appointing a rapporteur.

72. We subsequently appointed John Finnie as SNAP rapporteur which, in practice, involves the rapporteur meeting a member of the SNAP Leadership Panel twice a year and reporting back to the Committee. We also held two annual Chamber debates following publication of the first and second progress reports on SNAP.

73. The Committee suggests that our successor committee continues to monitor progress in relation to Scotland’s National Action Plan on Human Rights and gives consideration to appointing a rapporteur and holding annual debates. We also recommend that a future committee continues to monitor the ongoing debate in relation to the British Bill of Rights and its implications for justice matters in Scotland.

**Annual budget scrutiny**

74. The Scottish Government has published five draft budgets this session and, each year, the Committee has chosen to focus on two or three areas of spend rather than examining the budget in its entirety. Given the significant savings expected to be achieved from police reform, we examined the police budget in each of the four years since the new policing arrangements came into effect. A recurring issue during that scrutiny was the issue of Police Scotland, along with the Scottish Fire and Rescue Service, not being able to recover VAT. Other areas of scrutiny included the budgets allocated to: prisons, the courts, implementing recommendations on women offenders, the fire and rescue service, and the Crown Office and Procurator Fiscal Service. While the Committee made a number of recommendations under each topic, it made no alternative spending proposals.

75. Each year, during budget scrutiny, the Committee has heard that Police Scotland’s ability to make the financial savings expected through the reform process has become more challenging, culminating this financial year in a budget deficit. The Committee therefore recommends that our successor continues to include policing within its future budget scrutiny, along with the Scottish Fire and Rescue Service, and the Crown Office and Procurator Fiscal budgets.

**EU scrutiny**

76. At the start of the session, the Committee appointed Roderick Campbell as its EU Reporter to bring to its attention any significant EU issues relating to its remit.
Each year, we agreed a number of EU priorities with possible implications for Scotland, but only two caused us serious concern.

77. The first was a proposal to create a European Public Prosecutor’s Office (EPPO), which we agreed in September 2014 did not comply with the subsidiarity principle and which led to a committee motion on a subsidiarity breach being debated and agreed to by this Parliament for the first time. Despite a weight of opinion agreeing with this and other Parliaments on the issue, the Commission decided to proceed with the proposal. Although the UK does not intend to opt in to this proposal, there may be implications for Scotland and the UK when co-operating with the EPPO if it were operating in other member states. In his latest written update to the Committee on 1 March 2016, the Minister for Community Safety and Legal Affairs noted from recent discussions that member states participating in the EPPO recognise the need to provide some means to enable the EPPO to work with the UK which, he argues, should help to ensure no adverse impact on the Scottish prosecutorial system.

78. The second issue was the UK Government’s decision to opt out of 130 police and criminal justice measures adopted prior to the Lisbon Treaty and to re-join 35 individual measures. Given the possible implications for detecting and prosecuting crime in Scotland if certain measures were removed through the opt-out, we requested regular briefings from the Scottish Government between the time of the initial announcement on 15 October 2012 to the decision coming into effect on 1 December 2014. Particular concerns included the potential opt-out of both the European Arrest Warrant and European Judicial Network and the risk of a gap between the block opt-out and individual ‘opt-ins’. The Minister confirmed in his latest written update to the Committee of 1 March 2016 that the Scottish Government is not aware of any issues arising from the transition at operational level. The UK Government has, since the opt-out, decided to opt back in to Council Decisions 2008/615 and 2008/616 which, among other things, speed up exchanges of information in respect of fingerprints and DNA in cross-border cases. The Scottish Government was consulted and is content with this approach.

79. While the UK Government does not intend to opt in to the measure creating a European Public Prosecutor’s Office, there could be implications for Scotland co-operating with the EPPO operating in other member states. The Committee therefore urges our successor to continue to monitor this measure as part of its future scrutiny of EU issues.

Public petitions

80. Over session 4, the Committee considered a total of twelve petitions. At the end of the session, five are still open. A short summary of the Committee’s consideration and actions on these petitions is set out below.
Closed petitions

- **PE1063**\(^74\) lodged by Robert Thomson in June 2007 on the apparent conflict of interests between solicitors/advocates and clients in speculative fee arrangements (no win – no fee). We wrote to Sheriff Principal Taylor asking him to take into account the petitioner’s views in his review on expenses and funding of civil litigation in Scotland, and closed the petition in November 2011.

- **PE1280**\(^75\) lodged by Julie Love and Dr Kenneth Faulds in September 2009 calling for the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 to be amended to require an FAI to be held when a person from Scotland dies abroad. We took evidence from the petitioner as part of our scrutiny of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill. An amendment to that Bill allowing FAIs to be held even where a body is not repatriated was agreed in November 2015, largely addressing the terms of the petition. The petition was therefore closed in January 2016.

- **PE1427**\(^76\) lodged by Robert Kirkwood in May 2012 calling for changes recommended by the Scottish Civil Courts Review on multi-party actions to be implemented. We closed the petition in April 2015 after asking the Scottish Government to include the petitioner in its consultation on the recommendations of the aforementioned Taylor Review. We also passed to the petitioner a response from the Government to specific concerns he had raised regarding withholding information.

- **PE1436**\(^77\) lodged by Colette Barrie in June 2012 asking for provisions in the Criminal Justice (Scotland) Bill relating to the abolition of the corroboration requirement to apply retrospectively. The Committee considered this petition as part of its scrutiny of that Bill and agreed to close the petition in February 2014 after concluding in its Stage 1 report that the abolition, if agreed to by the Parliament, should not apply retrospectively.

- **PE1449**\(^78\) lodged by Accountability Scotland in August 2012, calling for an independent Scottish Administrative Justice Council to be created after abolition of the UK-wide Administrative Justice and Tribunals Council. An interim advisory committee on administrative justice and tribunals was created in November 2013. We agreed to close the petition two years later, in November 2015, asking the petitioners to liaise directly over the detail of the Government’s proposals.

- **PE1479**\(^79\) lodged by Andrew Muir in May 2013 calling for the Legal Profession and Legal Aid (Scotland) Act 2007 to be amended to remove references to the requirement for complaints to be made timeously. We agreed to close the petition in January 2016 on the basis that the Scottish Legal Complaints Commission intends to undertake a further consultation on proposed rule changes, including on the time-barring of complaints.
• PE150480 lodged by Kathie McLean-Toremar in December 2013 seeking changes to legislation relating to civil appeals from the Court of Session to the Supreme Court. We considered this petition as part of our scrutiny of the Courts Reform (Scotland) Bill and closed it in November 2014 once the Bill was passed.

Ongoing petitions

• PE137081 lodged by Justice for Megrahi (JfM) in November 2010 calling for an independent inquiry into the conviction of Abdelbaset Ali Mohmed al-Megrahi for the bombing of Pan Am flight 103 in December 1998. Much of the Committee’s recent activity has focused on receiving progress updates on Police Scotland’s ‘Operation Sandwood’. This operation is its investigation into JfM’s nine allegations of criminality levelled at the COPFS, the police, and forensic officials involved in the investigation and legal processes around Megrahi’s conviction. In addition, the Committee has been examining the process for the COPFS appointing independent counsel to examine the findings of Operation Sandwood when available. We requested a final update on progress with Police Scotland’s investigation in March 2016 for consideration by our successor committee.

• PE150182 lodged by Stuart Graham in December 2013 seeking the right to a mandatory public inquiry with full evidence released in deaths determined to be self-inflicted or accidental, following suspicious death investigations and PE1567 lodged by Donna O’Halloran in April 2015 seeking changes to the law and procedures regarding investigating unascertained deaths, suicides and FAIs in Scotland. We considered the petitions together, given their similarities. Much of the petitioners’ concerns appear to relate to the ability of families to question the validity of a police investigation into a sudden or suspicious death and the corresponding decision taken by COPFS. The Government recently provided comments on the petitions describing the various means by which a family might raise concerns and stating it would not support an additional review process as requested. The Committee agreed to keep the petitions open to allow its successor to consider whether there was merit in continuing to pursue the issues raised.

• PE151083 lodged by Jody Curtis in March 2014, asking the Committee to undertake an inquiry into the closure of police, fire and non-emergency service centres north of Dundee. The Committee considered PE151184 lodged by Laura Ross in March 2014 at the same time as PE1510, as it relates to the Scottish Fire and Rescue Service’s decision to close the Inverness control room. In January 2016, Police Scotland announced that the control rooms in Inverness and Aberdeen would transfer their work to Dundee later this year, while, in December 2015; the SFRS explained that it intends to bring its Inverness and Aberdeen staff into the Dundee control room by the end of 2016. We agreed in February 2016 to keep both petitions open to allow our successor committee, if it wishes, to monitor progress with the closures and their impact.
81. The Committee agreed to keep the five petitions listed above open and asks our successor committee to continue their consideration.

One-off evidence sessions

82. While the Committee has used round-table evidence sessions to stimulate debate between witnesses as part of our ongoing Bill and inquiry work, we have also used them to set the scene, to initially explore whether an issue merits further scrutiny, so as to best make use of the limited time available. This format was particularly useful for our one-off evidence sessions on a range of issues, including many wider cross-cutting issues engaging other committees’ remits. On those occasions, we advised the committees concerned of our planned work and extended an invitation to their members to attend, some of whom did. The Committee sees merit in more opportunities for joint cross-cutting work with other committees to obtain a more holistic view of the challenges in certain areas and how they might be addressed.

83. The topics explored during one-off sessions are set out below. In all cases the Committee reported key issues raised to the Scottish Government or the COPFS for consideration:

- the connection between school exclusions and offending (December 2012),
- speech, language and communication needs of children and young offenders in the criminal justice system (May 2012),
- brain injury in the criminal justice system (August 2014),
- environmental crime and its connections with serious organised crime and money laundering (August 2014),
- fatal road collisions (May 2013).
Public engagement

Fact-finding visits

84. Over the course of the session, the Committee has undertaken a small number of fact-finding visits to inform our scrutiny work.

85. As part of our inquiry into purposeful activity in prisons, we visited seven prisons across Scotland in January 2013 to enable members to see first-hand the nature and extent of purposeful activity in prisons across Scotland and the barriers to engaging prisoners in the activities. We met with the governors of each prison, staff, prisoners, external training providers, employers and third sector organisations. Key issues raised at the visits relating to purposeful activity informed our questioning of witnesses and were reflected in our inquiry report. In addition, more general issues discussed during the visits, for example, relating to the transfer of prison healthcare to the NHS, throughcare, family contact, and housing, informed other work including on budget scrutiny and women offenders.

86. In February 2015, we undertook a series of visits to speak directly with victims of human trafficking and exploitation and with the frontline staff who support them on a day-to-day basis, to inform our examination of the Human Trafficking and Exploitation (Scotland) Bill. Key themes arising from the visits to the Trafficking Awareness Raising Alliance, the Scottish Refugee Council/Scottish Guardianship Service and Barnardo's Scotland Safer Choices Project were explored during our formal scrutiny of the Bill and, again, were reflected in our Stage 1 report.

87. Finally, we visited the High Court, the Criminal Appeal Court, and the Judicial Institute for Scotland in May 2014, to see court proceedings first-hand and to discuss the work of the Judicial Institute and the use of technology in court. The visit informed work on the Courts Reform (Scotland) Bill, but also wider work in relation to court closures and the use of technology, such as video-conferencing, in courts.

Informal discussions

88. As with our work on human trafficking, we were keen to hear from victims of crime about their individual experiences of the criminal justice system to assist with our consideration of the Victims and Witnesses (Scotland) Bill. We therefore held an informal round-table discussion with victims from across Scotland. Again, this gave us valuable insight into what was actually happening in practice to assist us with our formal questioning on the Bill at Stage 1. We replicated this approach with the Abusive Behaviour and Sexual Harm Bill, speaking to a number of victims in private about their experiences.
Social media

89. This session, we launched a Committee Twitter Feed to promote our work and engage with those who may not traditionally have come into contact with us. Over the last two years we have amassed 921 followers, a number which is continuing to grow.
## Justice Committee

Country Paper, 8th Report, 2016 (Session 4)

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Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005
Family Law (Scotland) Act 2006
Justice Committee’s Report on the Family Law (Scotland) Act 2006
Shaping Scotland’s Court Services (published April 2013)
The Committee visited HMP Inverness, HMP Edinburgh, HMP YOI Polmont, HMP Low Moss, HMP Glasgow, HMP Perth, and HMP Addiewell.
Justice Committee report of its inquiry into purposeful activity in prisons (published on 28 March 2013)
Joint response from Scottish Government and Scottish Prison Service to the Justice Committee’s report on purposeful activity (21 May 2013)
Delivering a Strategy for Purposeful Activity in the SPS (31 March 2014)
Final report of the Commission on Women Offenders (published April 2012)
Scottish Government news release (22 June 2015)
Solicitor General’s announcement of a review of agricultural crime policy (3 March 2015)
Letter from Police Scotland to Justice Committee on agricultural crime (27 January 2016)
COPFS agricultural crime policy (16 December 2015)
IOCCO’s statement on Police Scotland breach of Code of Practice (25 November 2015)
The Committee heard from Deputy Chief Constable Neil Richardson, John Foley, Chief Executive of the Scottish Police Authority, and the Cabinet Secretary for Justice, on 15 December 2015, and from Assistant Chief Constable Ruaraidh Nicolson on 12 January 2016.
Scottish Police Authority statement on IOCCO determination (25 November 2015)
The Investigatory Powers Tribunal is a court which investigates and determines complaints of unlawful use of covert techniques by public authorities infringing our right to privacy and claims against intelligence or law enforcement agency conduct which breaches a wider range of human rights.
Lord President’s consultation on cameras in court
This session was held on 20 November 2012.
Draft Budget 2013-14.
Draft Budget 2016-17.
Draft Budget 2014-15. This issue also arose during scrutiny of the courts budget 2015-16.
Standing Orders, Rule 12.6.2.
Justice Committee’s report on the European Commission Proposal for a Council Regulation on the establishment of the European Public Prosecutor’s Office (4 September 2013)
Article 5 of the Treaty on European Union sets out the principle of subsidiarity as: “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level”.
The UK Parliaments took the same view and submitted a ‘reasoned opinion’ to the Commission, along with a large number of other member states. This triggered a ‘yellow card’ procedure requiring the Commission to review the proposal and to decide whether to maintain, amend or withdraw it. The Committee decided to proceed with the proposal without any amendment.
PE01063: Speculative fee arrangements between solicitor-advocates and clients
PE01280: Requirement for fatal accident inquiry
PE01427: Access to justice for non-corporate multi-party groups
PE01436: Abolition of the requirement for corroboration
PE01449: Maintenance of a Scottish Council for Administrative Justice
PE01479: Complaints about solicitors
PE01504: Party litigants - Civil Appeals to the Supreme Court
PE01370: Justice for Megrahi
PE01501: Public inquiries into self-inflicted and accidental deaths following suspicious death investigations
83 PE01501: Public inquiries into self-inflicted and accidental deaths following suspicious death investigations
84 PE01511: Inverness Fire Service Control Room