



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

27th Meeting, 2018 (Session 5)

Tuesday 30 October 2018

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decisions on taking business in private:** The Committee will decide whether to take items 5 and 6 in private.

2. **Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012:** The Committee will take evidence from—

Chief Constable Iain Livingstone, Police Scotland;

Susan Deacon, Chair, Scottish Police Authority;

and then from—

Alasdair Hay, Chief Officer, Scottish Fire and Rescue Service;

Dr Kirsty Darwent, Chair, Scottish Fire and Rescue Service Board.

3. **European Union (Withdrawal) Act 2018:** The Committee will consider a proposal by the Scottish Government to consent to the UK Government legislating using the powers under the Act in relation to the following UK statutory instrument proposal—

The Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019.

4. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting held on 25 October 2018.
5. **Pre-Budget Scrutiny:** The Committee will consider a draft letter as part of its Pre-Budget Scrutiny.

6. **Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill:** The Committee will consider its approach and potential witnesses for the scrutiny of the Bill at Stage 1.

Stephen Imrie  
Clerk to the Justice Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5195  
Email: justicecommittee@parliament.scot

The papers for this meeting are as follows—

**Agenda item 2**

Paper by the clerk - Police and Fire Reform (Scotland) Act 2012 J/S5/18/27/1

Private paper - Police and Fire Reform (Scotland) Act 2012 J/S5/18/27/2 (P)

**Agenda item 3**

Paper by the clerk - EU (Withdrawal) Act 2018 J/S5/18/27/3

**Agenda item 4**

Paper by the clerk - Justice Sub-Committee on Policing J/S5/18/27/4

**Agenda item 5**

Private paper - Pre-Budget Scrutiny J/S5/18/27/5 (P)

**Agenda item 6**

Private paper - Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill J/S5/18/27/6 (P)

## Justice Committee

27<sup>th</sup> Meeting, 2018 (Session 5), Tuesday 30 October 2018

### Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

#### Note by the clerk

#### Introduction

1. The Scottish Parliament's Justice Committee is undertaking post-legislative scrutiny of the [Police and Fire Reform \(Scotland\) Act 2012](#). The 2012 Act created a single police service and a single fire and rescue service, replacing the eight police forces and the eight fire brigades that had existed previously.
2. The Committee is to examine whether:
  - the policy intentions of the Police and Fire Reform (Scotland) Act 2012 have been realised and are being delivered in relation to the police service and the fire and rescue service; and whether
  - any further policy or legislative changes are required to improve the effectiveness of the Police and Fire Reform (Scotland) Act 2012.
3. There will be two panel evidence sessions on 30 October. The purpose is to explore whether the legislation and the policy intentions of the reform of the police and fire and rescue services are being met. The first panel will explore the views of the Chief Constable of Police Scotland and the Chair of the Scottish Police Authority. The second panel will explore the views of the Chief Officer of the Scottish Fire and Rescue Services and the Chair of the Scottish Fire and Rescue Services Board.

#### Justice Committee consideration

4. At its meeting of 30 October 2018, the Committee will hear from two panels of witnesses. This is the Committee's fifth evidence session on the 2012 Act. The first panel will comprise Chief Constable Iain Livingstone from Police Scotland and Susan Deacon, Chair of the Scottish Police Authority. The second panel will comprise Alasdair Hay, Chief Officer of the Scottish Fire and Rescue Service and Kirsty Darwent, Chair of the Scottish Fire and Rescue Service Board. Written submissions from the witnesses can be found [here](#).
5. At its meeting of 18 September 2018, the Committee held a roundtable evidence session. It heard from Chief Superintendent Ivor Marshall, President, Association of Scottish Police Superintendents, Councillor Elena Whitham, Spokesperson for Community Wellbeing, and Mike Callaghan, Policy Manager, COSLA, Denise Christie, Scottish Regional Secretary, Fire Brigades Union Scotland, Sandy Brindley, Chief Executive, Rape Crisis Scotland, and Professor Nick Fyfe, Founding Director, Scottish Institute for Policing Research.

6. At its meeting on 25 September 2018, the Committee heard from two panels of witnesses. It heard from Police Scotland, Fife Council, the Auditor General for Scotland, and Her Majesty's Inspector of Constabulary in Scotland.
7. At its meeting on 2 October 2018, the Committee heard from the Scottish Police Authority and Police Scotland.
8. At its meeting on 23 October 2018, the Committee heard from representatives of the Scottish Police Federation, the Association of Scottish Police Superintendents, Unison Scotland, the Fire Brigades Union, and the Fire and Rescue Services Association.
9. The Committee's remaining evidence sessions on the 2012 Act are scheduled for 6 and 13 November 2018.
10. Official Reports of all meetings will be published on the Committee's [webpage](#).

**Justice Committee**

**27th Meeting, 2018 (Session 5), Tuesday 30 October 2018**

**European Union (Withdrawal) Act 2018 – Consent to UK Statutory Instruments**

**Note by the clerk**

**Introduction**

1. Members will be aware that the UK Parliament has recently passed the European Union (Withdrawal) Act 2018, which has now received Royal Assent. The Act paves the way for the UK and Scottish parliaments to begin the process of considering regulations to convert non-domestic EU law into UK law, which will need to be implemented speedily and flexibly.
2. Members will recall that the process by which the UK leaves the EU requires consideration to be given as to whether the current body of law within the UK needs to be amended to reflect the fact that the UK will no longer be a member of the EU after exit day. At present, there are many references in regulations, for example, to EU bodies and the EU itself that will no longer be applicable after the UK has left the EU.
3. Some of the necessary changes to the statute book will be done through Scottish Statutory Instruments (SSIs) in the usual way. However, a number will be done through Statutory Instruments (SIs) passed in the UK Parliament with the consent of the Scottish Parliament based on the recommendation of the Scottish Government (SI notifications). Consent will be sought as these SIs will make changes to devolved powers and/or executive competences. Such changes should be broadly technical in nature. [Protocols](#) governing arrangements for both of these processes have been agreed to with the Scottish Government.

**The Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019**

4. At today's meeting, members will consider the [SI notification](#) from the Scottish Government for the Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019.
5. The proposed Regulations revoke the Victims of Violent Intentional Crime (Arrangements for Compensation) (European Communities) Regulations 2005. The 2005 Regulations implemented Directive 2004/80/EC on compensation to crime victims. The Directive requires member states to facilitate cross-border access to compensation and to establish compensation arrangements to victims of violent crime in their territory. Currently the access to compensation in cross border situations is handled by the Criminal Injuries Compensation Authority (CICA) which administers the Criminal Injuries Compensation Scheme to compensate victims of violent crime in Scotland, England and Wales. Northern Ireland has a separate scheme.

6. The proposed Regulations are necessary to address the deficiencies in these arrangements when the UK ceases to be a member of the EU whereby reciprocity between the UK and remaining Member States will not be possible.
7. The proposed Regulations are due to be laid in the UK Parliament on 5 November 2018.
8. Further information can be found in the Scottish Government's [notification](#).

**Views from external bodies**

9. The clerks approached relevant external organisations to seek their views, if any, on the proposals. This is in addition to the notification being placed on the Committee's website for public awareness. No views have been expressed on the notification.

**Justice Committee**

**27th Meeting, 2018 (Session 5), Tuesday 30 October 2018**

**Feedback from the Justice Sub-Committee on Policing**

**Note by the clerk**

1. The Justice Sub-Committee on Policing met on 25 October 2018 when it agreed its letter to the Justice Committee on its pre-budget evidence, ahead of the Scottish Government's publication of its draft budget for 2019-20.
2. The Sub-Committee also considered its forward work programme and agreed that it would like to hear from the Chief Constable of Police Scotland, Iain Livingstone, and also Susan Deacon, Chair of the Scottish Police Authority at later dates, to be confirmed.
3. The Sub-Committee also agreed to request a written update on Police Scotland and the Crown Office and Procurator Fiscal Service's review of the justice services that it provides to migrant communities and to schedule a future evidence session on Police Scotland's role in the immigration process. It also agreed to request written evidence from Police Scotland on its proposed roll-out of the use of digital device triage systems (also known as cyber kiosks) to interrogate mobile devices.
4. The Sub-Committee agreed to keep a watching brief on the implementation of Police Scotland's digital, data and ICT strategy and Policing 2026.
5. The Sub-Committee will next meet on 15 November 2018.