



The Scottish Parliament  
Pàrlamaid na h-Alba

## Committee on the Scottish Government Handling of Harassment Complaints

David McKie  
Levy & McRae

c/o Clerk to the Committee  
Room T1.03  
The Scottish Parliament  
Edinburgh  
EH99 1SP

BY EMAIL

[SGHHC@parliament.scot](mailto:SGHHC@parliament.scot)

12 March 2021

Dear Mr McKie

The Committee has considered Mr Salmond's proposal in oral evidence, followed up in correspondence afterwards, that further evidence should be requested from you using the powers under section 23 of the Scotland Act. The Committee also notes the additional material that has already been provided following Mr Salmond's attendance at the Committee. The Committee has made it clear that it does not wish to obtain from you any material which was disclosed to you or Mr Salmond by the prosecutor under Part 6 of the Criminal Justice and Licensing (Scotland) 2010 for the purposes of the criminal trial.

The Committee is of the clear view that it would not be appropriate to use section 23 to request such material from you given the terms of section 162 of the 2010 Act. I recognise that you have a different view of this but the Committee considers section 162 to be unambiguous in its terms and that the Parliament should not use its section 23 powers to ask someone to produce documents in a way that the Parliament has agreed would be unlawful.

The Committee is clear that the appropriate means for it to obtain any material held by the Crown Office relevant to its inquiry is to request it from the Crown Office. The Committee has done so as it has considered necessary and the Crown Office has responded to those requests.

Given this position, it is unclear whether there is anything further that Mr Salmond can provide to supplement the extensive submissions he has already made. However, should there be further material that falls within the committee's remit in relation to the complaints handling process or the judicial review and **that was not disclosed** to Mr Salmond under Part 6 of the 2010 Act for the purposes of preparing his defence for the criminal trial, the Committee would be happy to consider this if it can be provided by 10am on Monday morning. The Committee is however not able to accept or use any disclosure material from you.

Yours sincerely

**Linda Fabiani MSP**

**Convener, Committee on the Scottish Government Handling of Harassment  
Complaints**