

**JUSTICE 1 COMMITTEE AND  
JUSTICE 2 COMMITTEE  
(JOINT MEETING)**

Wednesday 4 April 2001  
*(Morning)*

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## JUSTICE 1 COMMITTEE

9<sup>th</sup> Meeting 2001, Session 1

### CONVENER

\*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

### DEPUTY CONVENER

Gordon Jackson (Glasgow Govan) (Lab)

### COMMITTEE MEMBERS

\*Phil Gallie (South of Scotland) (Con)

\*Maureen Macmillan (Highlands and Islands) (Lab)

Paul Martin (Glasgow Springburn) (Lab)

Michael Matheson (Central Scotland) (SNP)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross)  
(LD)

\*attended

### CLERK TO THE COMMITTEE

Lynn Tullis

### SENIOR ASSISTANT CLERK

Alison Taylor

### ASSISTANT CLERK

Jenny Goldsmith

### LOCATION

Committee Room 4

## JUSTICE 2 COMMITTEE

6<sup>th</sup> Meeting 2001, Session 1

### CONVENER

\*Pauline McNeill (Glasgow Kelvin) (Lab)

### DEPUTY CONVENER

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

### COMMITTEE MEMBERS

\*Scott Barrie (Dunfermline West) (Lab)

\*Christine Grahame (South of Scotland) (SNP)

Ms Margo MacDonald (Lothians) (SNP)

\*Mrs Mary Mulligan (Linlithgow) (Lab)

Tavish Scott (Shetland) (LD)

\*attended

### CLERK TO THE COMMITTEE

Gillian Baxendine

### ACTING SENIOR ASSISTANT CLERK

Fiona Groves

### ASSISTANT CLERK

Graeme Elliot

### LOCATION

Committee Room 4



## Scottish Parliament

### Justice 1 Committee and Justice 2 Committee (Joint Meeting)

*Wednesday 4 April 2001*

*(Morning)*

[THE CONVENER *opened the meeting at 11:36*]

**The Convener (Pauline McNeill):** As Maureen Macmillan has just arrived, the meeting is now quorate. Thank you, Maureen. I declare the meeting open.

Our main item of business is a joint discussion of the budget process by the Justice 1 Committee and the Justice 2 Committee. Before we begin, I ask members to perform the usual ceremony of turning off their mobile phones and pagers.

I have received apologies from Margo MacDonald, Tavish Scott and Jamie Stone. I welcome Mary Mulligan, who has joined the Justice 2 Committee, and invite her to make any relevant declarations of interest.

**Mrs Mary Mulligan (Linlithgow) (Lab):** Thank you, convener. I look forward to serving on the Justice 2 Committee, and I have no interests to declare at this stage.

**Scott Barrie (Dunfermline West) (Lab):** Do you not have any criminal convictions, Mary?

**Mrs Mulligan:** Not that I am going to declare. *[Laughter.]*

**The Convener:** You are required only to declare interests that may conflict with matters that the Justice 2 Committee might discuss.

We move on to item 1 of the agenda. I ask members to agree to take in private item 4, which will be a detailed discussion of whom we wish to appoint as our adviser.

**Members** *indicated agreement.*

## Budget Process 2002-03

**The Convener:** Item 2 on the agenda is the budget process. I will not rehearse in detail the background of how we got here, as I am sure that members are familiar with that. The Parliamentary Bureau agreed that the Justice 1 Committee and Justice 2 Committee may meet jointly, which is why members of both committees are here today.

Members have before them a paper that is numbered differently, depending on whether they are a member of the Justice 1 Committee or of the Justice 2 Committee, but the content is identical. The paper sets out the various stages and timetable of the budget process, and gives members an idea of what the committees' commitments will be.

The paper suggests two ways of approaching the budget process. The first is to focus on two or three areas into which it may be appropriate to dig a little deeper, while the second is to take an overall view of the budget. Members may also wish to consider whether the timetable is appropriate.

Do members have comments or questions?

**Christine Grahame (South of Scotland) (SNP):** The Justice and Home Affairs Committee dealt with the budget process last year, and I am trying to recall whether we had any options. I think that we considered the budget overall and then picked certain areas that we felt required further scrutiny. I do not think that we took an either/or approach, and I would like further guidance on that point. Perhaps Scott Barrie can remind me what we did last year.

**Scott Barrie:** I think that we took an overall view of the budget and then focused on certain issues, given the evidence that we heard and the reservations that some committee members had about the presentation of the figures.

If we are to go through the process properly, we should take an overall view of the budget, but we are likely to focus on specific issues that members have raised during the year and that they will probably wish to continue to raise. I do not think that we should exclude either approach at this stage.

**The Convener:** Do any members have different views?

**Members:** No.

**The Convener:** Christine Grahame was right to point out that last year the Justice and Home Affairs Committee examined the whole budget and then scrutinised areas of interest to members.

**Christine Grahame:** Our approach evolved as

we were considering the budget.

**The Convener:** Members are content with the approach of taking an overall view of the budget, which is agreed.

I advise members that the annual expenditure report was published on 30 March. The clerk has a copy, so members can see what it looks like.

**Christine Grahame:** It will be our Easter reading.

**The Convener:** We had some difficulty last year, as we did not receive the document in time. However, we have received it in time this year, which gives members a chance to have a quick—or more detailed—read through it before we meet again.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** There can be no excuses this year.

**The Convener:** We had an excuse last year, but not this year.

Are there further comments about the timetable, which is outlined in the paper on the budget process?

**Phil Gallie (South of Scotland) (Con):** I suspect that we will be told to meet the time scale—that is that. Other committees are also considering the budget and the Executive has a deadline.

**Christine Grahame:** The paper proposes that the committees should take evidence

“from the Executive Officials and Non-executive witnesses”

at one meeting, which might be quite a lot of evidence to narrow down to one meeting.

When we have considered the budget, we might decide to take more evidence from non-Executive witnesses. I do not think that we took much evidence from such witnesses last year. I would be concerned if we were to have only one meeting in which to take that evidence.

I think that having only one meeting in which to take evidence from the Minister for Justice is enough. The way in which I presented that thought sounded a little rude—and I do not want to appear rude—but my view is that one such meeting would probably be sufficient.

The proposed evidence-taking sessions are in the right order—[*Interruption.*] Someone’s mobile phone is ringing. They cannot have been present for your warning, convener.

**The Convener:** Is that your phone, Phil?

**Phil Gallie:** I do not think so, as my phone was set on charge—[*Interruption.*] I am sorry, convener—it was my phone. I could not think of

anything else to do to disrupt the meeting.

**Christine Grahame:** As I was saying, the sessions are in the right order to enable us to put points to the Minister for Justice. However, I would like to slot in another evidence-taking session, in case we need to take further evidence from non-Executive witnesses. That would give us more time, rather than tying us to the proposed timetable.

**Alasdair Morgan:** We want to be serious about considering the budget overall and then going into one or two issues in depth, but that timetable will not allow us to do that.

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** Further to Christine Grahame’s comments, would we be able to timetable another slot to take more evidence from non-Executive witnesses? I am reaching for my diary to see how that could be done.

**The Convener:** Is it the view of members that we should consider the possibility of having an extra evidence-taking session?

**Members indicated agreement.**

**The Convener:** Early on—particularly if we appoint an adviser—we will try to get an idea of the issues that we want to consider in more detail. That approach would give us advance warning, should a further meeting be required. We will consider the options behind that approach.

**Phil Gallie:** I have considered the categories in the budget document, and already I wish to highlight various areas for further examination. It would be desirable for us to pull in comments from other people on, for example, the Scottish Prison Service or the Scottish Court Service. It is inevitable that we will want to talk about the police, although that service is also covered, to a degree, by the Local Government Committee, which will consider local government allowances. I certainly want to speak to people about the SPS or the SCS, but given the time scale that has been laid down, I suspect that we will have no opportunity to do so.

**Maureen Macmillan (Highlands and Islands) (Lab):** Owing to the time scale, we will have to focus on exactly what it is we want to do. We do not have time to browse before picking up three or four areas that interest us. In the short time scale that we have, we are going to have to be specific about what we want to do and what witnesses we want to invite. People will be invited as specific and not general witnesses.

**Christine Grahame:** We also have to give notice to witnesses, so that we can ensure their availability.

**The Convener:** All that we can do now is to pre-

empty the areas that the committee wants to consider, perhaps including some that were mentioned by Phil Gallie. I agree with Maureen Macmillan that we have enough expertise on the Justice 1 Committee and on the Justice 2 Committee for us now to be able to be quite focused on the budget process. Members should try to do a wee bit of work on the budget process beforehand, so that they can focus on the areas that they want to pursue. That will allow us to see if there is common agreement on which witnesses we should call, particularly in the case of non-Executive witnesses. Alasdair Morgan, the clerks and I will talk about giving witnesses some early warning that they may be invited to appear before the committee.

## Appointment of Adviser

11:45

**The Convener:** The paper for item 3 suggests that it might be useful for us to appoint an adviser for the budget process 2002-03, although the Justice and Home Affairs Committee did not appoint one for last year's budget process. As agreed, we will discuss in private session who that person might be and what job description would be attached to the appointment. Are members agreed in principle that we appoint an adviser?

**Members** *indicated agreement.*

**Christine Grahame:** It may be a silly question, but is the adviser to be present during our meetings or are we going to have written advice in advance of meetings? I agree in principle to the appointment but, as we have not yet had an adviser, I do not know how the advice will be structured.

**The Convener:** That would be the case, as the point of having an adviser is for the committee to be given direct advice.

**Christine Grahame:** Can I take it that we would ask for our meetings to be adjourned at the points where we need to go into private session to take that advice?

**The Convener:** No, you will note from the timetable that the first meeting with the adviser is scheduled to be held on 25 April 2001. At that meeting, the adviser will help us to identify key issues. On that day, we can have a direct conversation with whoever is appointed and we can discuss with that person what our requirements would be thereafter. Christine Grahame is correct to point out that, for the process to be worth doing, we should have access to the adviser and also written advice if needed.

**Scott Barrie:** I remember that the Justice and Home Affairs Committee discussed the possibility of having an adviser for the legal aid inquiry. Given that that inquiry is now being undertaken by the Justice 1 Committee, I do not know what role the adviser is playing in that inquiry, but would our situation not be similar?

**Alasdair Morgan:** The Justice 1 Committee has an adviser who gives us suggested lines of questioning in advance of meetings. In addition, the adviser is present at meetings and can slip me little notes suggesting that I ask about such-and-such.

**Scott Barrie:** As that is the format that is already in use, will we not follow the same process?

**The Convener:** Members have in front of them the adviser's in-principle job description, which I hope we will agree to. Given that, and that the person who is offered the post agrees to take it on, we can shape the adviser's role into one that we want it to be.

Members have agreed that we will appoint an adviser. Are we further agreed that the job description that is outlined in annexe 4 of the clerk's paper is acceptable?

**Maureen Macmillan:** Lyndsay McIntosh and I are sharing papers and we cannot find the job description.

**Scott Barrie:** You will find it in the papers after the Scottish Parliament information centre note.

**The Convener:** As all members have now found the job description, perhaps those who have not yet read it would like to do so before we agree or disagree the terms.

In the job description, members will see a list of duties and person specifications that include: briefing the committee on the Scottish Executive justice department and the Crown Office budget; comparing the Justice and Home Affairs Committee's responses for 2001-02 with the Executive's proposals for 2002-03; setting out a framework for gathering evidence; assisting in the identification of relevant witnesses—a point that was made earlier; preparing lines of questioning for witnesses, as was already mentioned by Alasdair Morgan; and sifting the evidence that has been gathered.

Are members happy with the job description as detailed?

**Phil Gallie:** The adviser has to set out a framework for gathering evidence. That takes us back to the question that was posed earlier by the convener about time scales. I suggest that the adviser should give early consideration to the time scale, as that might help us to set out the evidence-gathering framework.

**The Convener:** An early question for the adviser to consider might be whether the committee can do justice to the process in the timetable that we have been given.

**Mrs Mulligan:** At the first meeting with the adviser on 25 April, will we not discuss the timetable and whom we will call as witnesses?

**The Convener:** Yes, a good early question for the adviser would be to let him or her look at the proposed timetable alongside our comments. There might be need for an extra meeting to do that. We could perhaps take the adviser's advice on whether there is enough time for us to do what we want to do.

**Christine Grahame:** I realise that I have asked

questions that were clear from the job description. That has put a blush on my face, as I had not read the job description before the meeting.

I recall that the clerks drafted the Justice and Home Affairs Committee's response to the Finance Committee, on the basis of the evidence and proceedings. If that continues to be the position, am I to understand that the response will not be in the sole hands of the adviser? I would not want the committee to be too distant from the process.

**The Convener:** It is taken for granted that the report is the committee's report. Even if it is drafted by the clerks, it is always the committee members who determine what is what.

**Christine Grahame:** I understand that, but the job description says that the adviser will "draft the Committee's response".

**The Convener:** If someone who has expertise in the field writes up the response, that gives us a head start. That is the best starting point from which to make our own adjustments.

**Christine Grahame:** That is fine.

**The Convener:** Are we agreed in principle on the job description?

**Members indicated agreement.**

**The Convener:** As agreed, we now move into private session for item 4.

11:51

*Meeting continued in private until 12:04.*



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