

JUSTICE 1 COMMITTEE

Tuesday 22 May 2001
(Morning)

Session 1

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JUSTICE 1 COMMITTEE

† 17th 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)

*Nora Radcliffe (Gordon) (LD)

*attended

CLERK TO THE COMMITTEE

Lynn Tullis

SENIOR ASSISTANT CLERK

Alison Taylor

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

The Chamber

† 16th Meeting 2001, Session 1—joint meeting with Justice 2 Committee.

Scottish Parliament

Justice 1 Committee

Tuesday 22 May 2001

(Morning)

[THE CONVENER *opened the meeting at 10:06*]

The Convener (Alasdair Morgan): I have received apologies from Michael Matheson. I ask everyone to follow my good example and switch off their mobile phones and pagers.

Item in Private

The Convener: Under agenda item 1, we must consider whether to take item 3—a decision on our adviser for the inquiry into the regulation of the legal profession—in private. Is that agreed?

Members *indicated agreement.*

Petitions

The Convener: Under agenda item 2, we have two petitions to consider. The first is PE361 from Mr Stuart Usher, on behalf of Scotland Against Crooked Lawyers. The petition has been referred to the committee by the Public Petitions Committee for information only. A note from the clerks has been circulated. Members will be aware that we will undertake an inquiry into the regulation of the legal profession. It is my opinion that no further action is necessary on the petition at this time. The matters raised in it will be dealt with as part of the inquiry later this year.

Gordon Jackson (Glasgow Govan) (Lab): Technically, I should perhaps declare an interest. The petition is about crooked lawyers. I am a lawyer, although that might be a slightly different thing.

Maureen Macmillan (Highlands and Islands) (Lab): I declare that my husband is a solicitor and a former member of the council of the Law Society of Scotland.

The Convener: With that on the record, are members happy that we take no further action on the petition at present?

Members *indicated agreement.*

The Convener: The second petition, PE89, from Eileen McBride, deals with enhanced criminal record certificates. Members will be aware that we have had a substantial amount of correspondence on the matter. The last piece of correspondence is a letter from the Minister for Justice dated 2 April, in response to my letter seeking clarification on whether the subject of the certificate would be aware that a certificate had been asked for. There is also a note from the clerk.

In my opinion, it is now appropriate to end our consideration of the petition. We have taken it as far as we can. The minister says that there is a difficult balance to be struck. I think that he has gone as far as we can ask him to go.

Gordon Jackson: As a committee, we cannot take the matter any further. Certainly, we cannot repeal the legislation, which is what the petitioner wants. The petitioner argues that the legislation is contrary to the European convention on human rights. It is not for the committee to say whether she is right or wrong about that. Someone else would have to test that argument.

Members *indicated agreement.*

The Convener: We now move into private session to consider agenda item 3.

10:10

Meeting continued in private until 10:17.

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