

JUSTICE 1 COMMITTEE

Wednesday 21 April 2004
(*Morning*)

Session 2

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JUSTICE 1 COMMITTEE

14th Meeting 2004, Session 2

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Mr Stewart Maxwell (West of Scotland) (SNP)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Marlyn Glen (North East Scotland) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*Margaret Mitchell (Central Scotland) (Con)

Margaret Smith (Edinburgh West) (LD)

*attended

COMMITTEE SUBSTITUTES

Roseanna Cunningham (Perth) (SNP)

Helen Eadie (Dunfermline East) (Lab)

Miss Annabel Goldie (West of Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

THE FOLLOWING ALSO ATTENDED:

Hugh Henry (Deputy Minister for Justice)

Allan Wilson (Deputy Minister for Environment and Rural Development)

CLERK TO THE COMMITTEE

Alison Walker

SENIOR ASSISTANT CLERK

Douglas Wands

ASSISTANT CLERK

Douglas Thornton

LOCATION

Committee Room 1

Scottish Parliament

Justice 1 Committee

Wednesday 21 April 2004

(Morning)

[THE CONVENER *opened the meeting at 09:34*]

Subordinate Legislation

The Convener (Pauline McNeill): Good morning and welcome to the 14th meeting this year of the Justice 1 Committee. I have received no apologies. I ask members to switch off their phones if they have not already done so.

There are two items on the agenda this morning, both of which concern statutory instruments to be dealt with under the affirmative procedure, with which members are familiar.

Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 (Draft)

The Convener: I welcome Hugh Henry, the Deputy Minister for Justice, and his team.

I refer members to the note prepared by the clerk on the draft Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004.

The Deputy Minister for Justice (Hugh Henry): The draft regulations build and improve on an earlier set of regulations—the Sex Offenders (Notice Requirements) (Foreign Travel) (Scotland) Regulations 2001 (SSI 2001/188). It is unfortunate, but a large body of evidence proves that people convicted of sex offences are among the most difficult and challenging offenders with whom the criminal justice system deals. They can be extremely skilled in avoiding detection and in creating and manipulating situations to their advantage.

It is important to set the new regulations in that context. They form part of a package of measures that we and our counterparts in the rest of the United Kingdom seek to introduce under part 2 of the Sexual Offences Act 2003. The 2003 act, which replaces the Sex Offenders Act 1997, strengthens and extends the requirements placed on those convicted of a wide range of sexual offences to register with the police their name and address and any subsequent changes of those. The draft regulations are made under section 86 of the 2003 act, which Parliament approved through a Sewel motion that was debated last year.

The strengthened regulatory framework that we are putting in place will further our knowledge of the whereabouts of convicted sex offenders and increase our ability to protect children from sexual exploitation and sex tourism.

The 2001 regulations provided that sex offenders had to notify the police when they intended to travel abroad for a period of eight days or more and to provide information on their travel arrangements 48 hours before their intended departure.

The practical experience of the police to date has shown that that eight-day period is considered far too long and means that the police can be unaware that an offender has left the country. We must recognise that the advent of cheap foreign travel, linked to the emergence of new sex tourism destinations in eastern Europe and north Africa, has meant that it is relatively easy for offenders to travel to regions where children are particularly vulnerable to sexual exploitation. People could easily do that and return within eight days. By reducing the period of notice to three days, the police will be able to keep a better track of offenders and alert the enforcement authorities in those countries where appropriate.

We also seek to increase the period of advance notice that offenders will have to give the police of their travel plans from 48 hours to seven days before they intend to travel. In doing so, we recognise that there could be circumstances in which an offender might have to travel at short notice—for example, when there is a family crisis or a bereavement—and the regulations provide for such circumstances.

At all times, we try to strike a balance between enabling the police to administer the sex offender registration scheme to best effect and recognising that there should be no undue restriction on offenders. Equally, we have to give proper recognition to public safety. In that respect, we are satisfied that the regulations are compliant with the European convention on human rights. They do not in any way prohibit offenders from travelling overseas or restrict their movements, although they require those who intend to travel to give due notification of that.

The regulations will provide a reasonable and measured step to reduce further the scope for offenders to travel abroad for sexual exploitation. If a registered sex offender fails to comply with the regulations without good reason, they would—as with all other registration requirements—be guilty of a criminal offence, which could carry a sentence of up to five years in prison.

A similar set of regulations has been framed for application in England, Wales and Northern Ireland, which would also come into effect on 1

May. We believe that, by having a consistent approach throughout the United Kingdom, we will send a clear message to sex offenders that there is no safe haven in any part of the United Kingdom and, more than that, that there will be no safe haven for them to carry on such practices abroad.

In conclusion, the Executive, with the Parliament's consent, is taking a number of significant steps to improve detection, to manage such offenders in order to minimise the trauma of victims, many of whom are—unfortunately—children, and to safeguard the public as far as possible. The draft regulations form part of our efforts in pursuit of those objectives.

I move,

That the Justice 1 Committee recommends that the draft Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 be approved.

Mr Stewart Maxwell (West of Scotland) (SNP):

Good morning, minister. I welcome the draft regulations, which are a move in the right direction. You said that the previous period of travel was eight days, which will be reduced to three days. On what basis was three days chosen?

Hugh Henry: In making that decision, we tried to strike a balance in respect of the length of time that such offenders could travel to the areas that would cause concern. One issue that the police considered and reflected on was whether the period should be reduced even further. The difficulty with that was that it would place significant strains on the police, who might not only have to log and register every movement for a day if a person was to fly to a football match and back, for example, but perhaps think about whether they needed to notify the authorities in those countries. The aim was to try to identify areas of particular concern, how long it would take to travel to and back from those areas, what measures could reasonably be introduced that did not infringe the ECHR and what would be reasonable for the police and other authorities to be able to cope with without causing undue strains on the system. The balance is reasonable and is based on the experience of those who are directly involved.

Mr Maxwell: Given that the regulations concern the protection of vulnerable people—particularly children—from sexual predators, was the possibility considered that any travel within the UK for periods of several days should also be notified? Obviously, that matter is not covered. If an offender in Glasgow moved to London for a week and came back, for example, is there any reason why that should not be notified?

Hugh Henry: There is a notification requirement when such people move within the United

Kingdom. If I can be given a minute, I will double-check with my officials what the period is.

Under the 2003 act, there is already a requirement to notify any intention to travel for a period of seven days or more, I think. The regulations are intended to address particular problems relating to what were regarded as sex tourism areas in which children are clearly being exploited. There is a restriction relating to travel within the United Kingdom. However, we believe that the supervisory and legal frameworks are stronger here and that people would not easily be able to take advantage of them and travel for sex tourism purposes within the United Kingdom. For example, if there was an obvious problem in a particular town or city in the United Kingdom and people were travelling to it because it had gained that type of notoriety, we would expect that to be dealt with immediately, rather than for the pattern of sex offences to be considered.

09:45

Mr Maxwell: I accept what you are saying about sex tourism, but it seems, from what I have read, that many such offenders operate in paedophile groups across countries and across the world and that they co-operate in exploiting children. It would be quite simple for such a person from Scotland to travel to London for a week to carry out those offences, but that would not be sex tourism in the sense that we have been talking about, even though an offence would be committed. Would not it be reasonable to reduce the period of travel within the UK that had to be notified, to avoid people travelling to another part of the UK, exploiting children there and then returning home, with no recognition by the authorities that that person had been in the area at the time?

Hugh Henry: I recognise what Stewart Maxwell is saying. That would indeed be of concern. The considerations on the regulations were based on the experience and evidence of practitioners who were knowledgeable about patterns of sex offending behaviour and what was required to restrict such behaviour. It was a matter of trying to strike a balance, with restrictions that protect the public but are not overly burdensome on the police and that do not go so far as to infringe other rights that individuals have under the ECHR.

We believe that we have struck a proper balance, but it is always possible to be flexible—today's debate shows how flexible we can be in acting on and reacting to specific problems. If the police and other agencies started to express concern that the time limits were excessive or were leading to the type of problems that Stewart Maxwell identifies, we would seek professional advice on further proposals as soon as possible. At the moment, we see no reason to do that and

we have not been advised that that is required. However, I assure members that all the relevant agencies pay close attention to such issues.

Margaret Mitchell (Central Scotland) (Con):

Was there the opportunity to make such provision when the Sexual Offences Bill was passing through Parliament last year? If so, why did the Scottish Executive not take the opportunity then?

Hugh Henry: There had been an earlier attempt to introduce regulations, but a problem was identified by the scrutiny committee at Westminster. We have now come up with something that we believe is more robust. We are working in partnership with the rest of the United Kingdom. In fact, the proposed timetable is almost identical and we are aiming for a common implementation date. We are working consistently across the United Kingdom to ensure that provisions apply equally and that there are no anomalies or loopholes and no different time frames in different parts of the United Kingdom. We believe that this is the appropriate time to do that, working in partnership with the UK Parliament.

Margaret Mitchell: You may correct me if I am wrong, but I believe that the majority of the 2003 act applies UK-wide, so the Scottish Executive would have to have exempted itself from being included in the provisions. Here we are, a year later, closing the gap. I just wonder how that came to be, because it does not seem to be the most efficient way of doing business.

Hugh Henry: I am not quite clear about the point that Margaret Mitchell is driving at. We are not talking about closing a loophole that we failed to identify. With your permission, convener, I would like to bring in one of the officials to see whether we can tease the matter out a bit further.

The Convener: I am clear that you have brought previous regulations to us as and when issues have arisen and my understanding is that, in this case, having researched the matter, you have proposed a reduction in the number of days.

Margaret Mitchell: Paragraph 8 of the note from the clerk says that the regulations were laid

"In order to avoid the creation of a loophole in the sex offenders register regime in Scotland and a consequent difference in the regime north and south of the border".

There was an opportunity to do that last year and I wonder why it was not done.

Hugh Henry: Convener, with your indulgence, may I bring one of the officials into the discussion?

The Convener: Unfortunately, officials are not permitted to speak in this debate, but you may take whatever time you need to reply.

Hugh Henry: I apologise for the uncertainty, but I am still not entirely clear what the issue is,

although I think that it is the one to which I referred earlier. Regulations were laid previously at Westminster and in the Scottish Parliament and, when the Westminster committee was considering those regulations, it identified a loophole. That loophole having been identified, the Westminster Government withdrew the proposed regulations, and the Scottish Executive withdrew its proposed regulations. The Westminster Government has come back with a new set of proposals and we have come back with a new set of proposals, too, which are the draft regulations that we are considering today. They take account of the identified loophole.

I am not aware that there would have been any opportunity for us to act earlier and I certainly would not argue that we should act differently, because we have, at all times, attempted to act consistently throughout the United Kingdom. I believe that we are acting appropriately and I do not think that anything has been missed. If I am addressing a different point from the one that Margaret Mitchell is making, I apologise.

Margaret Mitchell: I am happy to accept the minister's explanation that this is the earliest opportunity at which the regulations could have been introduced.

Michael Matheson (Central Scotland) (SNP):

Are similar regulations being passed at Westminster? If so, when were those regulations published and when will they be passed by Westminster?

Hugh Henry: Regulations that will have exactly the same effect as the ones that we are discussing are being considered at Westminster. The intention is that those regulations will come into effect on 1 May. I ask for a minute to find out whether we have details of when those regulations were published.

Michael Matheson: I suspect that that is where the confusion exists.

Hugh Henry: The regulations were debated in the House of Commons yesterday; they have still to be debated in the House of Lords.

Michael Matheson: When do you expect them to be passed?

Hugh Henry: As far as we are concerned, they should be passed in time to have effect on 1 May, but I am not familiar with the procedures in the House of Lords.

Michael Matheson: In effect, there is no loophole at the moment in Scotland; the debate is about preventing one. There could be a loophole if the regulations take effect in Scotland at the beginning of May but the Westminster regulations hit some problem and are delayed. However, at this stage, there is no loophole.

Hugh Henry: No. The loophole to which I referred earlier was more of a technical loophole that the Westminster committee had identified, which would have created certain difficulties and anomalies. The new regulations are intended to address that. If the two sets of regulations were completely out of kilter, I would have my worries, but I have no reason to believe that the timescale within which we are operating will produce any great difficulties in relation to what is happening in Westminster.

The Convener: Okay. I will revert to some of the technical issues. You said that failure to notify is a criminal offence. Would that mean that in every case in which an offender did not give the requisite seven days' notice—if they gave six days', five days' or four days' notice, for example—they would be committing a criminal offence of failing to notify? If not, what would happen?

Hugh Henry: The offender would be liable to be prosecuted in the same way as anyone would be for committing an offence. They have a requirement to notify and, if it becomes apparent that they have travelled abroad without giving the proper notification, they will be liable for prosecution.

The Convener: There are no further questions.

We are required to draw up a report, if we have anything to say on the regulations. The points that we want to focus on in the report have perhaps already been made.

Motion agreed to.

That the Justice 1 Committee recommends that the draft Sexual Offences Act 2003 (Travel Notification Requirements) (Scotland) Regulations 2004 be approved.

The Convener: We could just use a summary of the debate to compile a report and we could check whether members wish to emphasise any particular points. We will circulate a draft report by e-mail. I ask members to check their e-mail in the next few days to ensure that they are happy with the draft report's contents. Please let us know if you are not. I thank the minister for attending.

Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004 (Draft)

The Convener: Item 2 is consideration of a second piece of subordinate legislation. I welcome Allan Wilson, the Deputy Minister for Environment and Rural Development. I know that it is a while since he has been at a meeting of a justice committee and I welcome him back. We will deal with the draft Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004. Members have a note that the clerk has prepared, as well as some very helpful maps. Although there

are not enough maps for everyone, everyone should be able to see one. I hope that they will help to illustrate the order that we are about to discuss.

I invite the minister to speak to and move motion S2M-1169.

The Deputy Minister for Environment and Rural Development (Allan Wilson): Thank you, convener. It is indeed good to be back to discuss land reform. We are pressing on with our land reform agenda. I am glad that you find the maps helpful. They will give members a better visual image of what we propose.

I welcome the opportunity to contribute to the committee's consideration of the Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004. I am accompanied by Richard Frew, who has responsibility for the community right to buy in part 2 of the Land Reform (Scotland) Act 2003, and the solicitor Ron Grant.

I will begin by explaining why the draft order, which is referred to in section 33(2) of the act, was initially laid before Parliament on 9 March, withdrawn and then re-presented on 15 March. That followed discussions between our officials and the Subordinate Legislation Committee's legal adviser. It was agreed that the table, which designates the locations at which copies of the maps showing the excluded land will be held for public access, should be moved from the body of the order to the explanatory note, as the act does not prescribe that such information should be contained in the order itself. One could say that that is a technicality. Members will see that the location details are now contained in the explanatory note that accompanies the order. That has no effect whatever on the order. It was done in the interest of being helpful.

10:00

From the Executive's consultation material on the draft order under part 2 of the act, the committee will be aware that the purpose of the order is to define land that is excluded from being registered and, therefore, from being brought under the community right to buy. That will be done by excluding all settlements whose population is above a given threshold.

The Executive's 12-week consultation on the draft order ran from 19 August to 14 November last year. In the interest of openness, we highlighted our invitation for views on the proposal to increase the population threshold for defining excluded land from 3,000 to 10,000. Our reasons for making the proposal were fully explained in the consultation material and a summary of all responses received was issued on 23 December 2003.

From the order, it will be clear to the committee that we decided to increase the population threshold to 10,000. I believe that many rural communities with populations up to 10,000 display the characteristics of smaller rural settlements, including: reliance on the land to deliver community-wide social, economic and environmental benefits; having certain specific areas of land or buildings that are important to community development; and wanting to attempt to address the consequences of land ownership resting in relatively few hands.

Increasing the population threshold will reduce the amount of land that is excluded from the legislation. It will enable a further 117 settlements to benefit from the right to buy, ensuring that additional communities are given the opportunity to determine their future when land in which they have registered an interest comes to be sold.

I understand the concerns that were expressed during the consultation about a population threshold of 10,000 being too high. However, some people thought that the right to buy should apply to the whole of Scotland. We have struck a balance and have applied the legislation fairly to settlements containing what appears to be undeveloped rural land, which might be exactly the kind of land that communities require. Excluding those settlements would result in communities being unable to benefit from the purchasing of land that appears to be rural in and around their settlement.

The maps that I have provided the committee with give a clear definition of the land to which I refer. The Thurso example is probably the most explicit in demonstrating clearly the rural context within which the land is placed. Within the settlement area, a substantial expanse of land can be seen that can be considered only to be rural. Other maps show more built-up areas, such as those in West Lothian. Again, it can clearly be seen that Armadale contains areas of land that could be considered to be rural and that other settlements are surrounded by land that would properly be described as being rural and having community connections.

For the reasons that I have given, I invite the committee to accept that the appropriate population threshold for defining excluded land for the purpose of the community right to buy should be 10,000.

As I mentioned initially, the order provides for designation maps to be made available in the offices of the Scottish Executive Environment and Rural Affairs Department at Pentland House, in the Executive's library in Saughton House and at our local agriculture area offices that have excluded land in their area. The purpose of that is to give rural communities the same opportunity

that members have had today to look at the maps and to enable them to do so in their area without having to travel to Edinburgh.

The order refers to the General Register Office of Scotland's report, "Scottish Settlements—Urban and Rural Areas in Scotland", the contents of which I have spent many happy hours poring over. It details the methodology used to determine facts about settlements. It is intended that updated maps will be provided regularly to reflect the changes to settlement boundaries and to population statistics.

We welcome the Subordinate Legislation Committee's approval of the order on 16 March, and I hope that this committee will do likewise. We hope that the community right to buy will be in force by the end of May. It will provide an historic opportunity for Scotland's communities to take direct ownership and control of land that is of economic, environmental and social benefit to them. The order is a crucial part of our preparations for that; therefore, I invite the committee to approve it.

I move,

That the Justice 1 Committee recommends that the draft Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004 be approved.

The Convener: I thank the minister for the very visual way in which he expressed the order's intention, which was helpful in addition to the maps that have been provided. I invite committee members to comment on what is before them.

Margaret Mitchell: It will come as no surprise to the minister that I do not welcome the advent of the new legislation—in fact, I am totally opposed to it. It is not really a community right to buy; it is a community right to pre-emption. It is funded by the taxpayer and lottery money, so we are all paying for it, and it forces landowners to sell at an artificially low price rather than at genuine market value. Were the right to be extended to property rights generally, we would be going back to the dark ages and a Stalinist regime. I do not welcome the new legislation: I am totally opposed to it.

Allan Wilson: I suspect that that says more about the contemporary Tory party than it does about the proposals that I have put before you. It surprises me that you continue to maintain what I believe to be unreasonable opposition to a very reasonable measure that will afford communities the length and breadth of the land the opportunity to take direct control of the land in their communities, which will benefit them socially, environmentally and—potentially—economically. It is a tremendous opportunity for communities throughout Scotland. It is sad that the Tory party cannot welcome the opportunity that I am offering the Scottish people.

The Convener: I have allowed Margaret Mitchell a bit of latitude—

Margaret Mitchell: Could I just press a little further—

The Convener: Let me finish. The order is specifically about excluded land. I ask members to relate any further comments to the order.

Margaret Mitchell: In the past, communities have had the opportunity to do what is proposed without the community right to buy. On what basis does the minister justify the order being passed?

Allan Wilson: The order extends the right to buy to smaller communities that display rural characteristics and which have a population of between 3,000 and 10,000 people, enabling them to take advantage of the community right to buy that we introduced with the Land Reform (Scotland) Act 2003. The order extends the right to buy to 117 additional communities with a combined population of 675,000. It gives greater opportunity for many more communities to benefit from the provisions of the Land Reform (Scotland) Act 2003. Parliament decided that there should properly be a transaction between a willing seller and a willing buyer: there is no question of compulsion. If more communities demonstrate a desire to own land that is of social, economic or environmental value to them, that is a good thing. That should be welcomed and I encourage them to do so.

Margaret Mitchell: On a point of information, if the communities sell the land on, will it be sold for genuine market prices? In other words, will it be open to auction, not a matter of first emption—take it or leave it—as it is under your proposals?

Allan Wilson: As the convener knows, we had a long discussion in committee and subsequently in Parliament on the need to ensure that no depreciation in overall land value is brought about by the introduction of a community right to buy. I argued then—and I believe now—that the community right to buy will stimulate the market in land and will act as a boon to land values in our communities. I fully expect communities to demonstrate an increasing interest in securing greater ownership of land that is of economic, social or environmental benefit to them, which will stimulate land values in areas that were hitherto derelict or devoid of any interest or speculation over their acquisition.

Margaret Mitchell: Can you confirm that individuals will be able to sell on and make a massive profit?

Allan Wilson: As I thought I said when I answered the question, we introduced provisions in the 2003 act to have the land independently valued by a market valuer, so that the amount

reflects the market value of the land at the point of acquisition or disposal.

Margaret Mitchell: We will tell that to Jack Vettriano.

Allan Wilson: To whom? I thought that he was a painter.

Margaret Mitchell: I was alluding to market prices.

The Convener: The order is before us because it is the remit of the justice committees to examine ownership. Obviously, as the minister has illustrated, there are issues that are vital to the regeneration of rural communities, and those are a matter for the relevant committee. In addressing the question of land ownership, I whole-heartedly welcome the continuation of scrutiny of the 2003 act, which will, I hope, change the profile of who owns land in Scotland.

The order is before us because it is about property ownership. I hope that more communities will own land in the future because of the 2003 act. Will the minister share with the committee what led the Executive to initiate in the first place the consultation on making the dramatic change from the figure of 3,000 to 10,000? I know that there was a thorough consultation.

Allan Wilson: I must take considerable responsibility for that because it was during our stage 3 deliberations on the Land Reform (Scotland) Bill that I began to think about how we might ensure that more communities could benefit from the opportunity that we were affording to the smaller communities that are rural settlements of 3,000 people or less. Subsequent examination of the maps and of the register to which I referred demonstrated clearly that many other communities display the same rural land characteristics as the smaller communities. Consequently, I believe that they ought to be included in the 2003 act's provisions, to allow them the opportunity to buy land for community purposes, whether those are economic, social or environmental.

Margaret Mitchell is wrong, because taxpayers' money is not involved in the community purchase of land. The communities themselves must raise the necessary funds to purchase land that is of value or interest to them. When I examined the pattern of applications to the Scottish land fund, I saw that the majority of applications do not involve the crofting estate buyout that the Tory party so hates. Most of the applications are from communities that come together to buy land for community ownership to provide, for example, a playpark or other recreational facility for the community that might not otherwise be provided. That is a right and an opportunity that deserves to be afforded to more of our fellow citizens.

We looked at the maps and the core definition of rural land and concluded that, although there must be a cut-off point, and exclusion or inclusion based on the core definition, extending the cut-off point from 3,000 to 10,000 would bring in a further 117 communities and increase the number of our fellow citizens who would be given the opportunity of community land ownership to more than 3 million. I believe that that is a good thing.

The Convener: What you are saying makes perfect sense to me. I support the order. I just wanted an insight into what sparked off your thinking about changing the cut-off point from 3,000 to 10,000. I wondered whether any representations were made to you that sparked off your thinking.

Allan Wilson: Members will probably recall that there was a debate on the matter at stage 3 of the Land Reform (Scotland) Bill, when I indicated an interest in extending the definition of excluded land. I wanted to consult widely on how we would define that. As I have said, during the consultation, a sizeable number of people said that they wanted to extend the opportunity to the whole of Scotland. As members know, that is not possible under the current Land Reform (Scotland) Act 2003 because of the way in which the act refers to rural land. However, by defining rural land in a better way in this order, we can extend the provisions to many more of our fellow citizens. It was the stage 3 debate before the passing of the 2003 act that set us off on this road.

10:15

The Convener: It appears that no other members wish to speak so I will allow the last word to Margaret Mitchell—as long as she does not mention Jack Vettriano.

Margaret Mitchell: I would like the minister to clarify something: initially, is it not taxpayers' money and lottery money that will fund this?

Allan Wilson: No. It is for communities themselves to raise funds to secure the opportunity to buy land that is of interest to them. Obviously, those communities can apply for lottery funding and I hope that they will. That would obviously assist them in bringing more land into community ownership.

Margaret Mitchell: Is it merely lottery money that they have access to, and not taxpayers' money?

Allan Wilson: They are at liberty to apply to the New Opportunities Fund's Scottish land fund, and I hope that many more people will do so to take advantage of the opportunity to bring land into community ownership.

The Convener: At least some of us think that there will be benefits for communities that take

advantage of the land fund. Does the Executive intend to monitor that benefit in years to come? I believe that, following some community buyouts, people are already starting to pay back some of the money that they were able to raise.

Allan Wilson: Lottery money is not the same as taxpayers' money. People contribute to the lottery voluntarily; there is no compulsion. However, as members know, the Executive liaises with colleagues in DCMS on the best use of lottery funds, which are raised for good causes. I believe that extending community ownership to more communities is a good cause. It will allow communities to take a direct interest in land, which could lead to social, economic and environmental benefits. With my colleague Frank McAveety, who is the minister responsible, I will be liaising with colleagues at DCMS. Like the convener, we will want to consider how communities respond to the new opportunity. We will want to assist them, in any way we can, to buy land for which they have registered an interest and from which they may gain social, economic and environmental benefits.

The Convener: We were wondering what you meant by "DCMS", but I take it that it is the Department for Culture, Media and Sport.

Allan Wilson: Yes. Sorry. It is easy to fall into acronym-speak.

The Convener: As there are no further questions, I will put the question.

The question is, that motion S2M-1169, as printed on the agenda, be agreed to. Are we agreed?

Margaret Mitchell: I do not agree.

The Convener: In that case, there will be a division.

FOR

Butler, Bill (Glasgow Anniesland) (Lab)
Glen, Marlyn (North East Scotland) (Lab)
McNeill, Pauline (Glasgow Kelvin) (Lab)
Matheson, Michael (Central Scotland) (SNP)
Maxwell, Mr Stewart (West of Scotland) (SNP)

AGAINST

Mitchell, Margaret (Central Scotland) (Con)

The Convener: The result of the division is: For 5, Against 1, Abstentions 0.

Motion agreed to.

That the Justice 1 Committee recommends that the draft Community Right to Buy (Definition of Excluded Land) (Scotland) Order 2004 be approved.

The Convener: I thank the minister and his officials for their attendance this morning.

Allan Wilson: Thank you, convener.

The Convener: That brings us to the end of our agenda. I remind members that the next meeting of our committee will be on Wednesday 5 May in committee room 2. At that meeting, we will have an informal briefing from the Scottish Executive on the Civil Partnership Bill; we will take evidence on the Emergency Workers (Scotland) Bill from the bill team; and we will consider a statutory instrument.

We will now take a short break before our joint meeting with the Justice 2 Committee to discuss the budget.

Meeting closed at 10:19.

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

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Monday 3 May 2004

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