JUSTICE 1 COMMITTEE

Wednesday 1 December 2004

Session 2

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JUSTICE 1 COMMITTEE
37th Meeting 2004, Session 2

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Stewart Stevenson (Banff and Buchan) (SNP)

COMMITTEE MEMBERS

*Marlyn Glen (North East Scotland) (Lab)
*Mr Bruce McFee (West of Scotland) (SNP)
*Margaret Mitchell (Central Scotland) (Con)
*Mrs Mary Mulligan (Linlithgow) (Lab)
Margaret Smith (Edinburgh West) (LD)

*attended

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)
Helen Eadie (Dunfermline East) (Lab)
Miss Annabel Goldie (West of Scotland) (Con)
Mike Pringle (Edinburgh South) (LD)

CLERK TO THE COMMITTEE

Alison Walker

SENIOR ASSISTANT CLERK

Douglas Wands

ASSISTANT CLERK

Douglas Thornton

LOCATION

Committee Room 4

Scottish Parliament

Justice 1 Committee

Wednesday 1 December 2004

[THE CONVENER *opened the meeting at 10:03*]

Dangerous Driving and the Law

The Convener (Pauline McNeill): Good morning and welcome to the 37th meeting this year of the Justice 1 Committee. Marlyn Glen is late but she will join us. I have received no other apologies. I ask members to do the usual and check that they have switched off their phones.

We have a number of agenda items, which are primarily to do with outstanding business. Agenda item 1 is dangerous driving and the law. Members will note that the clerk has prepared a note giving the background to consideration of that topic.

I invite members to consider what further action, from a number of options, they wish to take. There is the option of examining the consultation paper from the Home Office, which is to be published imminently. There is the option of writing to the Crown Office asking to be informed of the outcome of the pilot for gathering more comprehensive statistics on road deaths and serious injury cases. Scotland's Campaign against Irresponsible Drivers raised the question of transparency in the review process. There is a variety of suggested next steps if the committee wishes to pursue them. I invite comments from members.

Stewart Stevenson (Banff and Buchan) (SNP): As a number of us are new to the committee, we have not been party to the committee's previous consideration of the wide range of issues that are associated with the matter. The clerk's note is useful in drawing together where the committee has been so far.

Statistics ought to concern us, but I will focus on one issue that touches on concerns that have been raised in other contexts, and on which it might be useful for us to commission a paper to help us understand where it comes from. I refer to a comment from a correspondent that is included in our note:

> "Victims and their families should have the right to have the deaths of their loved ones investigated thoroughly … It is also unacceptable that the Crown Office and Procurator Fiscal Service remain unaccountable to the victims' families and in so doing add to the distress of families at a time of intense grief."

That echoes something that I and, I suspect, others have encountered in other contexts. Of course, in many ways that stems from the status of the Crown Office and Procurator Fiscal Service as independent and above the fray, which is an important part of Scots law. However, in many other countries, in particular in the Netherlands, the equivalent services act, in effect, on behalf of victims.

I am not a lawyer, and I am sure that a long history underpins why we have a prosecution service that is independent, rather than one that champions the rights of victims. It might be useful, not just for ourselves but for others, if we understood more clearly why Scots law treats prosecution in that way. Being better informed might help us to form a view on whether that is the right way for the prosecution to continue to stand in Scots law. Many of the issues to do with the Crown Office and Procurator Fiscal Service feeling unable to respond to queries, particularly from victims, stem from the fact that the service is there not to represent victims, but to represent an abstract concept of a disinterested prosecution service.

I suspect that this is not the moment to engage in that debate—I cannot contribute to it as I am not well-enough informed—but it might be appropriate to commission someone to produce a paper to help us understand why that remains the right way forward in Scots law.

Mr Bruce McFee (West of Scotland) (SNP): I will be brief. I also come quite late to consideration of the issue; that is one of the problems when a new member joins a committee and an inquiry has been going on for some time. Indeed, previously the issue was dealt with elsewhere. I am interested in finding the best way of pursuing the matter.

I was struck by some of the inconsistencies in the charges that were levelled against drivers who were involved in remarkably similar incidents. I do not want to go into the circumstances, but in one case that was mentioned somebody was charged with careless driving while in another case someone who committed an offence that seemed less serious was charged with dangerous driving. The penalties for the two offences are significantly different—in fact, one is seen almost as a misdemeanour. I note the work that is being done in considering the potential for a third charge—a middle way—to be made available to the Procurator Fiscal Service.

What response have we had from various procurators fiscal with regard to the criteria that they apply when determining which charge to pursue? I do not want to stray into areas that are not within the committee's remit. It has come across not just in correspondence but in a number

of cases over the years that there is dissatisfaction with the Procurator Fiscal Service, in that it seems that some individuals who have seriously injured or killed another person as a result of their driving got off relatively lightly. Even if they were found guilty, the charge was often careless driving. Perhaps part of the dissatisfaction with the current system arises because people feel that the charge, never mind the punishment, does not fit the crime. I wonder how we can best advance consideration of that, if indeed the committee has taken evidence on it.

Mrs Mary Mulligan (Linlithgow) (Lab): The point that Stewart Stevenson made is interesting. Having read the note by the clerk, my inclination was to choose option (c), which involves

"seeking information on the process for reviewing charges brought."

Stewart Stevenson's suggestion would take us a step back from that and it might inform our consideration of the information when it comes, which would be helpful. There is an issue about the Crown Office and Procurator Fiscal Service being one step removed, rather than being the representative of the injured party. I am more than happy to see statistics, but we could get bogged down in them for some time. I am more interested in the process of bringing cases to court, seeing what the charges are, why they are chosen and what the outcomes might be. Both sets of comments that we have heard so far are helpful in focusing on which option to plump for.

The Convener: I take on board the comments of Stewart Stevenson and Bruce McFee, who pointed out that this matter, which has been the subject of at least two petitions, has been before the committee for some time. One of the petitions dates back to when Lord Hardie was the Lord Advocate, prior to Colin Boyd—that is how old it is.

We have not explored in depth what statute law says about careless driving and dangerous driving. I am sure that the Crown Office would tell us that it specifies what the standard of driving is, but procurators fiscal can exercise discretion on the basis of the information that is available to them in deciding the best way forward. There has probably been a sea change in opinion about the courts' approach to careless driving and dangerous driving, particularly when the case involves a death. We got a commitment, which has been enforced until now, that cases in which a death occurs as a result of careless driving or dangerous driving will go to the High Court—not all such cases did so previously.

Does Stewart Stevenson mean that he would like a report from the Crown Office reminding us why we have a system in which it represents the public interest and how it applies the guidance in determining the charge in any case in which the standard of driving has to be judged? I need to check that we have not done that before. I do not think that we have.

10:15

Stewart Stevenson: In making my proposal, I did not make any suggestion as to who should do the research. For me, the core of the matter is not the Crown Office's view. Perhaps the Scottish Parliament information centre could help us to compare and contrast the situation in Scotland, where the prosecution represents the public interest, with that in other countries, where the prosecution represents the interest of victims, so that we understand the history of why we have ended up with the approach that we have. Perhaps SPICe could also tell us what academic research or other information exists that suggests that there is particular merit in the way that we deal with things compared with the way that other jurisdictions do them or vice versa. I suspect that we know. I could probably say what the Crown Office and Procurator Fiscal Service is likely to tell us in about three sentences—although it would, of course, be sure to tell us in six or eight pages—and I think that the view of somebody from outside the system might be of greater value. However, I am in my colleagues' hands on that matter.

The Convener: That is well outside the remit of the inquiry. We are considering dangerous driving and the law, but you are asking us to take a general view on our prosecution system. I have no questions about that system. There are issues with accountability to victims, what information is available and whether the law is right, but I would not be in favour of the committee questioning the Crown Office's role in representing the public interest and I would not want us to change that role. If committee members want that role to be changed, it will have to be done in another way because I do not see how we can report on it in relation to dangerous driving and the law. We would need to seek a general view on it.

Mr McFee: I agree with you on that, convener. Stewart Stevenson's proposal opens up the discussion to a new area that would keep us here considering it for the next 10 years. It might be an interesting matter for Stewart Stevenson to pursue at his leisure.

I am interested in the Crown Office and Procurator Fiscal Service's accountability to victims and I am not sure that we have managed to make it accountable. Part of that accountability lies in explaining to the relatives of victims—or to the victims themselves, if they have been injured as opposed to killed—how it reaches a decision on the charges that are laid. I detect great dissatisfaction on the part of victims' families that

they can have lost somebody in an incident that looks entirely reckless to them, but, when the case comes to court, the individual is charged with a relatively minor offence. That takes some explanation, and I could not offer an answer if somebody were to ask me about it. I could not give an answer about some of the charges that are eventually pursued and I want to understand better the reasons and rationale behind some of the decisions that are made. That might involve examining the number of charges of dangerous driving or careless driving area by area to find out whether there is a history of vastly different charges being levelled against the perpetrators of similar crimes in different situations. To judge by the evidence that has been offered, there is such a history; that is where a lot of the dissatisfaction stems from. There is a lack of transparency in how the charges are arrived at, and it would seem that the views of the relatives are, to be frank, ignored.

Margaret Mitchell (Central Scotland) (Con): Given that the petitions span reserved and devolved matters, I am very much in favour of option (a) in the note from the clerk, which suggests that the committee examine the consultation paper from the Home Office when it is published just to ensure that the correspondence in relation to the downgrading of offences has been taken into account.

As transparency is key, I also favour option (c) in the note from the clerk, which suggests that the Crown Office and Procurator Fiscal Service should be given the questions that were put by Scotland's Campaign against Irresponsible Drivers so that it can answer them directly. That would be a useful step forward. I would like the committee to monitor the situation, perhaps on a six-monthly basis. If the review is left until 12 or 18 months have passed, too much could fall by the wayside without our having control of it.

Marlyn Glen (North East Scotland) (Lab): On a point of clarification, we should not refer to (a), (b) and (c) as options; they are all recommendations that we can follow and they all seem to be useful and sensible. Doing that would obviously mean more work, but I am in favour of following all three recommendations. What Margaret Mitchell said about considering the situation on a six-monthly basis was fair.

The Convener: There is no restriction on us, other than consideration of what is possible given our general workload. Does Stewart Stevenson still want to pursue his point?

Stewart Stevenson: No, I am quite happy to listen to the committee on the matter. I will retain a concern and simply ask SPICe to put together some research for me and make it available to colleagues if it comes up with anything that appears to be of value. I am not trying to dragoon the committee into doing something that could open up a much wider area of work before we know how big an area it might be.

The Convener: That is fair. Further to that, Margaret Mitchell suggested that the committee consider option (a) about the Home Office consultation paper, which is a reserved matter. The committee made the point previously that we were concerned that the report was not properly informed by Scottish statistics, so that is an issue to pursue.

Bruce McFee suggested adopting option (c), which is concerned with transparency in the review process. It recommends that we write to the Crown Office to seek information on the process for reviewing charges brought.

I would be happy to go along with both recommendations, but I sound a note of caution and say that we need to discuss transparency in more detail. Like Bruce McFee, I realise that transparency is an issue for family members particularly in the case of a death or a serious injury. There is a need for the system to be more responsive and to give families an opportunity to understand why a decision has been arrived at. However, how far do we want to go? If we go down the road of dangerous driving and the law, are we saying that the Crown Office must explain its decision in every case? I do not see how distinctions could be made. The Crown Office must still retain a level of discretion. I would be happy to go along with Bruce McFee's suggestion, but we need to strike the balance between the needs of families and the need of a service to use its necessary discretion.

Is the committee content to follow options (a) and (c)?

Mr McFee: I presume that once the information has been gained, we will monitor developments as a matter of course because the matter will come back to the committee?

The Convener: Paragraph 36(d) in the note sets out the next steps, which are to

"consider progress on a six monthly basis (including any correspondence from interested parties)"

and to allow

"a period of time to elapse to allow current activities by the Scottish Executive and the Department for Transport to come to fruition".

I assume that the committee wants to maintain its interest in the matter, particularly in the consultation. When there is something to report to the committee, we will put it on the agenda.

Mr McFee: Is there a need to formalise paragraph 36(d)(i) as Margaret Mitchell suggested? I would favour that.

The Convener: That seems fair. I think that we could manage to monitor progress on a six-monthly basis. Is that agreed?

Members *indicated agreement*.

Emergency Vehicles and the Law

10:25

The Convener: Item 2 is on emergency vehicles and the law. I refer members to the note that has been prepared by the clerks, which sets out the background to the committee's consideration of the issue. Again, I appreciate that this subject has been under consideration for some time. It is the result of at least two petitions about emergency vehicles, particularly involving reported incidents of careless driving. As the committee will know, petition PE111 is closed; however, I invite the committee to consider whether it wishes to take any further action.

Stewart Stevenson: The clerks' note refers to the working group on a national standard for response driving. It is not clear to me what that standard might contain, so it would be useful for the committee to have sight of that standard when it is available. If the standard is to be of the quality that I would expect, it should contain provisions for ensuring that people who undertake emergency service driving meet certain criteria in respect of their skills being up to date and having been tested within a reasonable time frame. If it is simply going to set standards for drivers to qualify as emergency drivers, and if their performance is not to be independently assessed and reviewed periodically thereafter, the standard will not be satisfactory.

As members will know, I have an interest in flying. Someone such as myself—a private pilot—must fly with an examiner every two years. There is no known case in recent history of a private pilot killing anybody on the ground. I think that that is perfectly reasonable and excellent, and I never fly with an examiner without learning something to my advantage that raises my performance. By the same token, I expect that because of the special skills that have to be exercised by emergency service vehicle drivers, a similar requirement—I do not prescribe what—should be in the national standard. I would like in due course to see whether it is.

The Convener: I have only one comment to add. The point has been made before that, when an emergency vehicle is oncoming or approaching from behind—I am sure that we have all witnessed such situations—there is pandemonium because people are not sure what to do. The advice in our papers is that a driver should speed away from an emergency vehicle in order to clear its path. I am not convinced that drivers are generally taught that, although they might be nowadays—I passed my test a long time ago. It has been acknowledged that there should be public information on that, but more could be done to

make the public aware of the steps they should take. I have been appalled to witness drivers making no effort to move out of the way of emergency vehicles, and it has occurred to me that it should be a road traffic offence not to get out of the way of an emergency vehicle. That is a slightly different issue from the quality of emergency vehicle driving, which Stewart Stevenson mentioned. I totally support what he said.

However, we are presented with a two-part equation. On one side, we must ensure that drivers who exceed the speed limit for emergency purposes are properly trained, because a police car that is exceeding the speed limit to chase a criminal, or an ambulance that is attending a serious incident, should not knock someone down. On the other side, the public need to be aware how to deal with emergency vehicles. I would like there to be more public information, but I presume that that is a matter for the Department for Transport and not for the Scottish Executive Justice Department.

10:30

Mr McFee: I have some sympathy on the matter. We must also consider the people who are waiting for the ambulance, the fire engine or the police car to arrive. Society expects the emergency services to break all the rules to get to an incident safely and as quickly as possible, but when something goes wrong—as must inevitably happen—people say that the vehicle should not have jumped a red light or have been travelling at 45mph in a 30mph zone. There is a balance to be struck. Driver training for the emergency services can help, but all drivers know that it is not just about what we do; what other road users do also matters.

"The Highway Code" is good at telling us what to do if our indicators stop working. It explains how to indicate that we are turning left by putting our right hand out of the window. However, when I last read the code I did not notice that it said anything about what to do if an emergency vehicle is approaching. I have seen people dawdling along at 25mph in front of a fire engine, which can be damned hard to stop when it gets up a bit of speed, given its size and the weight of the water in the back. We ask much of our emergency services.

The matter is outwith the scope of the Scottish Parliament, but perhaps should be included in the driving test. I read the response from Fife fire and rescue service, which referred to vehicles

"accelerating out of the path"

of emergency vehicles, but there was a time when people would have been booked for doing that. What are drivers supposed to do if they are sitting at a traffic light? If there is a camera at the traffic lights it will flash and record the number of any car that crosses at red or amber and the driver will be charged. The law is not clear about what drivers who have a red light in front of them and a blue light behind them should do; drivers do not know how they should react. We might not be able to legislate on such matters, but we can improve the information that ordinary drivers receive and perhaps even incorporate such situations into the theory component of the driving test.

"The Highway Code" is gloriously vague and we put emergency drivers in an invidious position. We expect them to do everything they can do to reach incidents quickly, but then come down on their heads like a ton of bricks when something goes wrong. That does not help someone who knows a person who was killed or injured in a collision with an emergency vehicle, but we must be careful in our approach. We should ensure that drivers know what they should do in certain situations, but that is outwith our scope.

The Convener: The matter is reserved, but training of and public information for drivers are devolved, so it is perfectly within our competence to make recommendations on those matters if we want to do so.

Mr McFee: I was thinking of the driving test for drivers such as you or me, which I understand is entirely reserved.

The Convener: Yes. The driving test is a reserved issue.

Margaret Mitchell: What is the situation with regard to the police? The clerks' paper seems to concentrate on the fire brigade. I appreciate that there is a problem about whether ordinary motorists respond properly in getting out of the way of the emergency services. However, there is sometimes a fine line between their driving and the emergency to which they are going. What response did we receive from the police on training and guidelines for the traffic police and others who respond to incidents? More than once, I have seen the police driving in what was, to be frank, a reckless manner. To justify driving in that way, they would have to be sure that the emergency merited it.

The Convener: To clarify, the Association of Chief Police Officers in Scotland advises us that

"in April 2003 all Scottish police forces adopted the ACPOS Police Driver Training Programme to ensure common practice. The programme is accredited by the Driving Standards Agency. All operational police officers undertake a standard driving course to equip them to drive police vehicles under operational conditions, including emergency response situations. Participants have to pass a written examination and undertake a final driving assessment."

That response tells us that police forces already provide training.

Margaret Mitchell: Do we have an on-going tally of traffic incidents involving the police?

The Convener: No. As a result of petition PE111, the media referred to a couple of such incidents, but we do not have statistics on injuries or fatalities that result from incidents that involve emergency vehicles.

Margaret Mitchell: I have a nagging doubt that the issue is not being highlighted enough. With the police's rights come responsibilities. That should be underlined and I would like the committee to do so.

Stewart Stevenson: I am willing to be corrected but, if I recall correctly, police driver training qualifies people at three different levels—classes 1 to 3—depending on the job that they are expected to do. It might be useful to ask the police, or some other body, to provide statistics on the safety records of the different categories of police drivers. Although I am sure that what the police have told us is perfectly correct, it may slightly overstate the qualifications that the most basic of the police driver courses provides. The most highly qualified police drivers are in an entirely different league from those who have passed the basic test to drive a panda car. It would be useful to see whether there is a correlation, which might provide us with an insight into the issues.

Mrs Mulligan: I am a little concerned about Margaret Mitchell's assertion that the police drive recklessly. Given that we do not know about the situation to which the police are responding, we need to be careful. I am less concerned about that than I am about the general public's driving in reaction to the approach of blue-light emergency service vehicles. I acknowledge that driving tests and training are reserved issues, but we could assist with provision of information on how people should respond, or perhaps make a recommendation on that issue. People are uncertain about how they should respond. The letter from Fife fire and rescue service suggests that people should speed up to get away from slow-moving vehicles, but I am not sure that that helps to clarify what people should do. Perhaps the committee can do something to add to people's knowledge of how to respond in such circumstances.

The Convener: The committee can ask for more information, whether on the police safety record or on training of officers. In addition, we could make a recommendation on training and public information, which are devolved issues. Any other matter would be reserved.

Mr McFee: Is there a mechanism through which we can make representation to the British Government on the driving test to ask whether it will consider the matter?

The Convener: I suppose that it would be open to the committee to do that. My feeling is that if we do anything, we should recommend to the relevant department that there be more public information, such as advertisements on television about how to deal with emergency vehicles. I do not suppose that there would be anything wrong with our simply suggesting that the Scottish Executive offer that input to whoever is responsible for driving tests at the Department for Transport. We will just be commenting; we realise that we have no authority in the matter, so we could make recommendations related to the points that Mary Mulligan made.

On Margaret Mitchell's points, it is a question of asking the police for more information—there would be nothing wrong with our doing that. I say only that the issue has been on-going for some time; we have been corresponding with the police and fire services for several years now, so we need to be sure that we will get something useful out of a further round of correspondence. I am quite open-minded about that, because I think that the subject is important.

Margaret Mitchell: Our asking for the statistics would help to remind the police that we take the issue seriously and that they must also be vigilant about reminding people of the various types of training that they receive.

Mr McFee: Is not it the case that all police forces record all such incidents anyway? My understanding is that such records are kept for all emergency services, although I do not know for how long. If someone has an accident and prangs their car or fire engine, they are called to account for it.

The Convener: I assume, in that case, that the committee wants to get some more information, whether from the Scottish Parliament information centre or from police organisations. We shall make some recommendations and comment indirectly that it might be an idea to include responding to emergency vehicles as an item in the driving test. There is also Stewart Stevenson's suggestion in relation to the work that is currently being undertaken by the Chief Fire Officers Association Scotland, which has a working group to review the national standard for response driving to ensure that it fully reflects the needs of the competency approach to driving and the integrated personal development system. Is that what you wanted to pursue, Stewart?

Stewart Stevenson: It is not clear to me from the wording of the clerks' note—perhaps they can illuminate it—whether such a national standard

exists and is being reviewed or whether it is being created. If it exists, I can obviously go and get a copy and have a look at it. If, on the other hand, it is—[*Interruption.*] I am getting some sotto voce advice and am being told that the document exists. It would be useful to get a copy of that and at least to look at it. That is all that I suggest at the moment, because I have some views as to what should be in the standard.

The Convener: We have established that there is a national standard, but what you would like to examine further is whether there is a need to review those standards.

Stewart Stevenson: That is right.

The Convener: Part of the difficulty is that we are writing to the police organisations and the fire services. It would be easier if we could address our letter to just one source. I know that there are obviously differences between the services, but we are concerned in each case with the same issue of national standards in driving.

Stewart Stevenson: It is not clear to me whether the national standard is a Scottish document or a Westminster-based document that applies to the UK as a whole. Either way, I am interested in it. I do not see any reason why it would not be a UK-wide document, to be honest.

The Convener: I think that we will have to write to the ambulance service as well as to the fire service and the police. We could address our letter to the Scottish Executive, but I presume that it would just refer us to the three services.

It is agreed that we will pursue the question on public information, and the driving test issue. We will also seek more information on national standards for driving in the three services.

Protection from Abuse (Scotland) Act 2001

10:45

The Convener: Item 3 is post-legislative scrutiny of the Protection from Abuse (Scotland) Act 2001. Again, a note has been prepared that sets out the background to the act. Members will recall that the committee agreed to review the operation of the act as part of our approach to post-legislative scrutiny. A report from the Scottish Executive is available and there are a number of other papers on how the act is operating.

I invite members to consider whether they wish to take further action.

Stewart Stevenson: I have given copies of the act to a number of visitors to my surgeries, on the basis that it will inform their legal advisers about something of which—it appeared to me—they were unaware. That was probably relatively early in the life of the act, but I have seen umpteen instances in which the act appears to offer a way forward where no other appears to exist. I would certainly like to know more about the success or otherwise of the act, so further research should certainly be conducted. I am not clear about the appropriate timing of that research, but it should not be done too long from now. The act has been in force for a couple of years and if it has not made an impact during that time it would be useful to know and understand why.

Margaret Mitchell: There is an issue about general awareness of the powers of arrest in the act. There is concern that the powers are not being taken up and that some professionals know about the act, but not its details. Anything that we can suggest to try to raise awareness of the content of the act would be welcome. The fourth option in the clerks' note is such a suggestion, but I wonder whether the committee has any others, such as to run campaigns. Domestic abuse is often tackled in campaign form, so such action could perhaps be extended to let people know about the powers of arrest. That might be a way forward.

Marlyn Glen: I agree. I read the action points at the end of the clerks' paper, and it seems to be a good idea to write to the Law Society of Scotland and Scottish Women's Aid to ask about responses to the article in the *Journal of the Law Society of Scotland.* It is also a good idea to write

"to the Scottish Executive in support of further research".

That would leave timing of such research up to the Scottish Executive, but perhaps that is a wise thing to do.

I also like the idea of

"pursuing the option of issuing a press release"

on 6 February 2005. That seems to be a good date because it will be three years since the act came into force, which would give focus to raising awareness.

Mr McFee: I think that the last action point, which is that we issue a press release sometime in the new year, is quite weak. If there is a problem and individuals who should know how to use the act do not appear to have that knowledge or are not in full possession of information, that suggests that we need a publicity campaign, whether it is fully public or focused on relevant organisations that are close to the ground. To be frank, I do not think that a press release would do that. Perhaps we could consider something a bit more adventurous.

Marlyn Glen: Such as?

Mr McFee: Such as a campaign to make people or organisations aware of the provisions and how they could use the act.

Margaret Mitchell: Or both.

Mr McFee: Yes—if we were to be even more adventurous.

The Convener: What we have in our responses is that solicitors, sheriffs and police organisations should now be aware of the provisions. What we will never know is what is happening at the Scottish Police College and whether the provisions of the act are being taught on each and every training course. We do not know whether every solicitor in Scotland is aware of the provisions in the act when a client comes to them. It is fair to say that we have changed the law substantially. We have attached a power of arrest to the Protection from Harassment Act 1997, the Matrimonial Homes (Family Protection) (Scotland) Act 1981 and the Protection from Abuse (Scotland) Act 2001. Solicitors now have at their disposal three separate areas of the law that they did not previously have at their disposal. I imagine that the subject is complex.

I agree with Marlyn Glen that we should ask the Law Society of Scotland and Scottish Women's Aid to comment on the matter. It is difficult to know at what point in the future we should review the operation of the act again, but we should review it. I am not in favour of reviewing potential amendments to the act. The responses that the committee has received contain some suggestions on amending the legislation. Our primary focus should be to advertise the fact that the legislation exists and can be used, rather than to review whether the act needs to be amended.

There were always different views about whether, when we changed the law of interdict, the breach of an interdict should be a criminal offence. I offer no opinion on that, but it is important that awareness be raised of the fact that an interdict is available and that, as far as we know, it could be an effective remedy. We will not be sure for a few years yet whether it is an effective remedy. It is a civil interdict and there will continue to be debate, in particular in relation to domestic abuse cases, about what the crossover would be between a civil interdict and the criminal act. It would be good for us to focus on raising awareness rather than on potential amendment of the act.

Bruce McFee suggests that a press release is not adventurous enough; that is fair enough. Whether such a press release would get coverage would depend on what news it was competing with on the day. It would be issued on 6 February, on the third anniversary of the act coming into force. We could suggest politely to the Executive that it would be good for it to use that date to do something more than that and to campaign to raise awareness of the provisions in the act. We could see what response we get to such a suggestion; it would be for the Executive to decide whether resources should be devoted to running a campaign.

Stewart Stevenson: I have a simple suggestion. I saw one or two members nodding their heads when it was suggested that we have found the act useful in our constituency casework. To be frank, if MSPs were all aware of the value of the act to constituents who approach us, that would probably lead to a step change in its use, which might not be too hard a thing to achieve. Most of us, as constituency members who are trying to support our constituents, look for straightforward ways of helping people who approach us and the act has always seemed to me to be one of the easy ways of doing that. For a while, I took a couple of copies of the act with me to all my surgeries to hand out to constituents. The act also helps us to respond to constituents who approach us and to offer them a way forward. It might be that part of the solution is in our own hands.

The Convener: You make a fair point—we can do our bit, too. Any MSP can advertise the fact that the option exists.

Does the committee agree to write to the Law Society and to Scottish Women's Aid asking to be kept informed, and to ask the Executive to pursue the option of a press release and perhaps to consider a slightly bigger campaign to promote awareness?

Mr McFee: We would call it an awareness campaign. I hesitate even to include a reference to a press release. If there were an awareness

campaign, there would be at least one press release with it, as that is the norm. We should suggest that the Executive undertake an awareness campaign, although I do not want to be prescriptive and say that it should focus on X, Y and Z, which would be more than presumptuous.

The Convener: Okay—I accept the spirit of what you are asking for. We will suggest very strongly and in polite terms that there is a real need to push the existence of the 2001 act among those who are likely to use and need it. It is good legislation, which we are, as it was the first committee bill to be passed by Parliament, proud of. If we agree to that course of action, I suggest that we end our scrutiny of the act at this point, but keep our consideration of it live until we—or the Justice 2 Committee—determine that it should be reviewed when enough time has passed. Is that agreed?

Members *indicated agreement*.

Regulation of the Legal Profession

10:56

The Convener: Item 4 concerns our predecessor committee's inquiry into the regulation of the legal profession and public petition PE763. The report of our predecessor committee on its inquiry was a good piece of work that made recommendations on the regulation of the legal profession. We emphasise that the report is not our report, but we have picked it up because it deals with many live issues and because we are continuing to monitor its recommendations.

In addition to the accompanying papers and the note that the clerks have prepared, members have a copy of petition PE763, which the Consumers Association submitted recently. I thought that it was appropriate to include consideration of the petition as part of our work on the inquiry into the legal profession, as it seemed to be relevant to that subject. I invite the committee to consider the options that the paper puts forward and any action that it wishes to take.

Stewart Stevenson: In her letter to the convener of 5 July, which is attached to the papers, the Minister for Justice says:

> "We propose to issue a public consultation paper towards the end of this year".

That is in relation to those of our predecessor committee's recommendations that would require new legislation to implement. Has such a consultation paper been issued? I realise that we have another three or four weeks before the end of the year, but if such a paper has not been issued, do we have any indication of the Executive's progress on one?

The Convener: The answer to that is no—the consultation has not yet been made public. We do not know when that will happen; we know only of the principle that there will be a consultation.

Stewart Stevenson: As a new member of the committee, it seemed clear to me from reading the available papers that the key hole in addressing the recommendations in our predecessor committee's report is in the area of new legislation. That is the key thing that will allow us to make progress; the other aspects are of relatively low importance. The committee can write to the Executive to encourage it to tell us when it will respond or we can wait until January to write a sniffy letter that says, "You havenae done it." I am quite open-minded about which option we take.

11:00

Mrs Mulligan: We need further guidance from the Executive on when the consultation is likely to begin, because it is central to what the former Justice 1 Committee recommended. However, I do not think that we should let either the Law Society of Scotland or the Faculty of Advocates off the hook. I suggest that we make further representations to them as outlined in the note by the clerk to seek further information on the work that they are doing. They have taken action, but not in a way that would allow us to say that the issue is closed.

Margaret Mitchell: I support that.

The Convener: In summary, the committee wants to press the Executive on the timescale for the consultation. As Mary Mulligan and Margaret Mitchell said, that should not mean that we do not continue to press for answers from the Law Society and the Faculty of Advocates. It might be open to the committee to consider having a meeting with them to discuss the general approach. There are many recommendations in the committee's report, some of which are complex, so we are talking about a major piece of work. We could choose one or two areas in which we want to see progress, such as compensation or some of the other areas in which the Law Society and the faculty have accepted that there needs to be change.

Mrs Mulligan: Once we have an indication of what the Executive is intending to do, we will be able to marry that with the actions that the other two bodies are taking to see whether we want to pursue other matters. We need to have all the information before we can make a final decision.

Mr McFee: There is a danger that we will be working at cross-purposes unless we know exactly what is being consulted on and the nature of the consultation. We could end up either duplicating something or missing something entirely—I am not sure which would be worse.

The Convener: I agree. Some of what the Consumers Association calls for in petition PE763 is the same as the recommendations that the previous Justice 1 Committee made. There is the additional matter of the Clementi review, which is about a legal framework in which to promote competition in the legal sector. I assume that the Executive will include that work in its consultation, but we have yet to have that confirmed. Do members want to say anything about the petition?

Mr McFee: This is not on the petition. My understanding is that the Clementi report is not available yet. We are now no longer in the hands of the Executive, but in the hands of Sir David Clementi, who, I understand, should have reported by now but has not.

The Convener: That is correct. He has not reported yet and is not due to report until the end of the year.

Mrs Mulligan: Is that the end of this year?

The Convener: In the light of Bruce McFee's point, we would need to see the outcome of the Clementi review, when it is available, in conjunction with the consultation paper that the Executive will produce separately. We need to ensure that we are getting both bits of information at the same time. I presume that the Executive might want to include in its paper recommendations from the Clementi review, but we need to have that clarified. Bruce McFee is right that there are two separate publications—the consultation paper and the report of the Clementi review—but there might be cross-over. Do members want to meet representatives of the Faculty of Advocates and the Law Society of Scotland to discuss the matter? Would that be of use?

Mrs Mulligan: It might be useful, but we need to see what the consultation from the Executive is going to be, first of all. If we can time it in that way, that would be helpful.

Mr McFee: We are really in the hands of the Executive, regarding when the consultation kicks off and what that might throw up.

The Convener: Okay. That seems fair. Do we want to get an update from the Law Society and the Faculty of Advocates on where they are on both of the issues?

Members *indicated agreement*.

The Convener: The petition is currently open and on the agenda. Do members wish to keep the petition open or should we close it in view of the fact that we will pursue the issues arising from it in what we have just agreed?

Mr McFee: I suggest that we leave the petition open. We do not know what will be in the consultation, so we do not know what will be addressed. If everything is properly addressed, we will have the option of closing the petition at a future date. It is sitting there, waiting like the rest of us for the consultation to commence.

The Convener: Is anyone otherwise minded than to leave the petition open?

Members: No.

The Convener: Okay. That is agreed.

Legal Fees (Transparency)

11:06

The Convener: Item 5 is on the transparency of legal fees. I refer members to a note that the clerk has prepared, which sets out the background and the committee's consideration of the issue. There are several options for us to consider. A separate but related issue was raised in a letter from one of Margo MacDonald's constituents to me, as convener, about a dispute that he had had about legal fees and the auditors of court. I felt that there was a general issue to be pursued, and we pursued the matter with the Scottish legal services ombudsman, who agreed that there were issues. One issue of note was the requirement for a practice rule, whereby solicitors must outline the work that they are going to do for their client.

The committee has had some success. The Law Society of Scotland wrote to the committee on 29 June, confirming that its council had agreed to make a practice rule that will require solicitors to provide in writing to their clients, at the earliest possible opportunity, information on the work that they are to carry out and the fees and outgoings that are to be charged. English solicitors have operated a similar rule for some time, but the practice has not been widespread in Scotland. The practice rule will require solicitors to provide the identity of the person or persons by whom the work will be carried out and the identity of the person to whom the client should refer in the event of there being any dissatisfaction with the work. The committee should take full credit for getting that important concession from the Law Society, which should have been operating such a rule in the first place.

I invite the committee to make any comments or suggest any action.

Stewart Stevenson: The clerk has laid out several options for us. It would be sensible for us to write to the Law Society. I take it that the proposed meeting would be an informal briefing meeting with the Law Society's remuneration committee, which would be useful. It would also be useful for us to request information from the Minister for Justice and the Scottish Court Service about the work that is being undertaken on the taxation of solicitors' accounts. I would prefer not to take up the offer of an informal briefing on the transparency of legal fees and the taxation of solicitors' accounts until we have received those responses.

Margaret Mitchell: We should take up options (b), (c), and (d). Before we meet the remuneration committee, it would be helpful for us to have more background knowledge on and understanding of the issue.

Mr McFee: I concur with that. Fees require to be absolutely transparent, particularly in the light of moves to introduce greater competition in the legal system. When people are making fee comparisons, they need to know exactly what they are based on and how services can be judged. For example, people need to know whether they are paying for a junior or a fully qualified solicitor who has 20 years' experience. If competition is to be introduced, the position and how fees are charged must be transparent from the outset. A useful first step would be for us to understand the mechanism.

The Convener: We are to hear from the Scottish legal services ombudsman—all we have to do is to find a slot for the session. Notwithstanding what comes out in the consultation, we might want to consider legislation to give the ombudsman additional powers. Certainly, in principle, the system would be greatly assisted if the ombudsman were given additional powers and, if we are going to continue to support self-regulation, the way forward must include an independent ombudsman with the appropriate powers. At the moment, the powers are not strong enough. We will have to see what comes out of our other work on the subject. I made the suggestion in the knowledge that we have no idea at the present time of the level of commitment that such a suggestion would incur.

Mr McFee: I support the convener's suggestion. I have great reservations about the self-regulation of the legal profession. For me, the issue is a matter of principle. Clearly, if the profession is going to continue down that route, we need to put in place better methods of redress than exist at the moment. Frankly, it does not matter whether that is done by giving increased powers to the ombudsman or by another course; we need to put in place a mechanism that is capable of challenging the vested self-interest of such self-regulatory bodies.

The Convener: All right; let us conclude our discussion. It has been suggested that we go with option (b), which is to

"consider whether to accept the offer of a meeting with the Law Society's Remuneration Committee to discuss transparency of legal fees",

and option (c), which is to

"write to the Minister for Justice and the Scottish Court Service requesting an update on work being undertaken by the Scottish Court Service regarding the arrangements for the taxation of solicitors' accounts".

The suggestion was also made that we go with option (d), which is that we accept Professor Alan Patterson of the University of Strathclyde's offer of

an informal briefing on the subject. He has some expertise in the area.

As I said, we will take evidence from the ombudsman at some point and we should be well prepared by the time that we reach that session.

No member has mentioned option (a).

Stewart Stevenson: I did.

The Convener: I am sorry; you did, Stewart.

Margaret Mitchell: I think that we assumed that the point was covered—

Stewart Stevenson: I am relaxed about it.

The Convener: So far, we have agreed options (b), (c) and (d), as well as option (a), which, as Stewart Stevenson said, is to write to the Law Society to say that we would welcome

"the introduction of a practice rule requiring solicitors to issue clients with a letter of engagement"

and to ask

"whether it has considered making a practice rule requiring solicitors to provide clients with itemised bills (without charging for such a bill to be produced)"

and

"whether solicitors advise clients that they have the right to challenge the level of fees charged by a solicitor by going to the Auditor of Court".

The Law Society has told us that, as part of its new practice rules, in the event of a client expressing dissatisfaction with work that has been undertaken on their behalf, it will give out the identity of the person to whom the client should refer. We could ask the Law Society to confirm whether information on the right to challenge the level of fee will also be given.

Mr McFee: I assumed that our agreeing to option (b) left it open for us to raise all these matters with the Law Society of Scotland when we meet it. We are meeting the remuneration committee. Does agreeing to option (b) preclude us from raising some of the issues that appear in option (a)?

Margaret Mitchell: I thought that our agreeing to option (b) meant that we would not pursue option (a), but there is no reason why we should not pursue option (a) as well—forewarned is forearmed. If we wrote to the Law Society, it would know our concerns and the areas that we intend to target. We do not want to hear from the remuneration committee that it has not thought about an issue and would like to get back to us on it. It might be best for us to cover that possibility beforehand.

The Convener: Do we agree to adopt option (a) in addition to option (b), so that we have some answers in writing before meeting the remuneration committee?

Mr McFee: Yes. That would give us an agenda for the meeting.

The Convener: Option (a) is agreed.

Justice and Home Affairs in Europe

11:16

The Convener: Item 6 concerns European Union justice and home affairs. There are many interesting documents in members' papers, which account for most of the papers that members have. I refer members to all the notes that the clerks have prepared, which it must have taken some time to photocopy. I thank the clerks for providing those useful reference documents. I invite the committee to consider the options that are set out in paper J1/S2/04/37/6.

As we have discussed previously, because of the volume of information and the number of decisions that are being made at European Union level, it is important for us to consider taking a systematic approach to this issue. It is suggested in the paper that we start by considering the priorities of the presidency and that we receive an annual report on the timetable for legislation. We have the option of slotting that into our agenda, when appropriate. Members will know from their visit to Brussels that many on-going issues that are of direct relevance to the committee are being considered in green papers and other papers. I invite members to consider the available options and to indicate specific interests that they have in on-going EU matters.

Stewart Stevenson: The proposed actions that are suggested by the clerks in paragraphs 7, 11, 24, 25 and 30 make eminent sense. I want to raise a timetabling issue in relation to the green paper on bail. Paragraph 40 states:

"The Executive is presently formulating its response to this Paper working to a deadline of the end of November",

which was yesterday. That does not imply that we will see the Executive's response. Is it intended that we or our colleagues on the Justice 2 Committee will see it? Has the Executive managed to work to the timetable that is stated in the paper?

The Convener: There would be no harm in clarifying with the Justice 2 Committee what point the Executive has reached with its response, as this is a very important issue. There is a common theme through all these issues, especially in the area of justice. We are supposed to be operating on an agenda of mutual recognition, but in some areas it is hard to see how mutual recognition and minimum standards can be applied at the same time, as that would require changes to be made in some member states that operate different systems. Do we agree that we will clarify with the Justice 2 Committee what point the Executive has reached with its response to the green paper on bail?

Members *indicated agreement*.

Margaret Mitchell: I have a question about divorce. Were there issues that we wanted to flag up prior to the publication of the green paper? Did we not have reservations concerning property law?

The Convener: We were informed on our visit to Brussels that there was a white paper on divorce and that papers on the law of succession would be coming down the line at some point. We took from that that applicable law on divorce is only the starting point. There is a response for the committee to make here—if we take an approach to which should be the applicable law in civil cases such as divorce, it is hard not to go down the road of looking at the laws of succession and property.

At the moment, as far as I understand it, the proposal simply deals with the transaction of divorce, but not with the division of property, which will be dealt with separately. The law of succession will also be dealt with separately, but it is, of course, related. As we have distinct provisions in Scots law, we have to be alive to the potential for change.

I am struck by the complicated principle of applicable law on divorce. We heard from the officials in Brussels about current rules that guide the European Union on which member state's law is applicable in a divorce case. Members will recall that we heard that the principle of applicable law allowed residents of the European Union to "jurisdiction shop" and to decide in which member state it would be advantageous to them to pursue divorce. Given that there are two parties in any divorce proceedings, there will be cases in which it would be advantageous to one party to sue in one jurisdiction and not in another.

As members know, it is currently EU law that if a UK national marries in France, for example, and then returns to Scotland, they cannot pursue a divorce for up to six months after separation, whereas the person who remains in the member state where the marriage took place can sue immediately. Minor changes have been made to the law already, but we can begin to see the impact that the introduction of common European rules would have. We can see that we might want common rules, because there are more mixed marriages—in the sense that individuals from different member states live in countries in which they were not born—but we can see why the legal situation is complicated.

One could take a simple approach—I do not see why the jurisdiction in which people marry should not be the jurisdiction in which they seek divorce. That would be fairer to both parties.

Stewart Stevenson *indicated disagreement.*

The Convener: I will let Stewart Stevenson speak in a minute because I see that he is shaking his head.

However, the road down which the European Commission is going is concerned with a very complex area of law and I am not sure that it needs to be. I am worried about the example that we were given of an Italian couple who were married for 30 years. He went to Malta, Spain or somewhere for a temporary job, decided that he had had enough of the marriage and sought to divorce the woman—who was still in Italy—under Spanish law because it was more advantageous to him. She was stuck in Italy trying to defend the action. There is a lot of unfairness in that situation. The situation varies from one extreme to another. Divorce is a paper exercise in Finland and no court is involved, whereas other countries take the more moralistic view that divorce should not be easy anyway. Regulations in member states generally reflect the view of their societies, but the Commission is trying to standardise them under applicable law.

Stewart Stevenson: The European justice and home affairs note from the clerk indicates that the expectation of a white paper on divorce has now been replaced by expectation of a green paper. In other words, the Commission is finding changing the regulations much more difficult than it anticipated. That does not surprise me.

The convener suggested that one should be divorced where one got married, but if the couple moved to another country in the European Union and wished to divorce 30 years later, it might be onerous in terms of cost and time for both parties to have to go back to the other country now that they are residents of a different one. I only say that to illustrate that almost anything you can come up with has genuine difficulties. I have no solutions whatsoever. My only general observation is that much of this touches on family law, which the Executive is examining. We have to keep a close watching brief on the interactions between what is proposed by the Executive, what is happening in Europe and so on. It will be difficult.

Mr McFee: As a former justice of the peace who performed the procedures for quickie divorces, I know that they could not be contested, property could not be divided and there could be no children involved—the situation was that there had been a clear mistake. There are differences in our own system in how and where you can perform a divorce. I have sympathy with the argument that you have the divorce in the country in which you were married—I speak as someone who was married abroad—simply because you accepted the rules of the country in which you were married. However, if both parties agree to have the divorce in another land, that should be a matter for them. I thought that the idea that you nipped off on a business trip and came back divorced happened only in Las Vegas.

The Convener: You marry in Las Vegas and you divorce in Reno.

Mr McFee: I am making notes in case it ever becomes necessary.

If both parties do not agree, and he beetles off and obtains a divorce without telling her, they should be compelled to go back to the land in which they were married. However, if the two people agree to get married in Las Vegas and divorced in Reno, they should carry on.

Margaret Mitchell: I take on board the strong message that we received when we went to Brussels, which was to intervene early and as soon as possible. I am not in favour of waiting for publication of the green paper before we flag up the general concerns—without getting into the details—about the applicable law on divorce and how it affects nationals from our member state. We should flag up that we have reservations about the law of property and the law of succession being affected by any decision in the green paper. If we do that prior to the green paper being published, it will be a firm concern. We should do that rather than wait until the green paper is published and then respond, because we know that things start to become entrenched further along the legislative process.

Mr McFee: The law on divorce might be the easy part. What happens when children are involved, and how are custody and access determined? There is a great deal of difference between, for example, the law in Germany and the law here, with regard to where a child can go without the permission of both parents, particularly if one is a German national. In addition, the view of divorce in Ireland is somewhat different. There are major difficulties in trying to standardise the law. There are cultural differences. I am not sure how you can pay due respect to people's cultural and religious beliefs and insist that there is a common system. There has to be a rough set of rules under which actions can take place, but there must also be diversity.

Marlyn Glen: We spent some time looking at civil partnerships, but there are lesbian and gay marriages in some countries in Europe, and if we are talking about mutual recognition the green paper might take a long time to make progress.

The Convener: That is a good point.

I point out that a regulation on parental responsibility comes into force in March 2005, which in part deals with the question of parental responsibility and access. If members are

interested in that, the notes are worth reading further, because they say that the UK delegation reflected well in the negotiations both UK and Scots law. However, the battle was hard, because some Scots law principles would have been overturned by principles of other member states' law.

11:30

Many of the issues are already determined by international conventions, such as the Hague conventions. Existing conventions that have operated effectively for some time may be undermined. I doubt whether the European Union needs to redo existing conventions because one member state feels that the way in which it does things should be recognised. That is often what some member states use the presidency priorities for, whether a subject relates to Brussels 2, which the proposal comes under, or family law generally.

Margaret Mitchell says that the key is early involvement. I agree that we need not wait, but we must have a discussion to establish the committee's views before we can respond. We will need to timetable a discussion on the applicable law in divorce with a view to preparing a response. When we have that discussion, members can decide what they want to do with the submission.

We have submitted a response about the proposed directive on some aspects of mediation and we received an update from the Commission when we were in Brussels. That is another issue that the committee can pursue.

The green paper on maintenance obligations is connected to the proposal on applicable law. Would it be better to put those two items together?

Mr McFee: I presume that the green paper covers enforcement and its practicality when people live elsewhere.

Stewart Stevenson: Until we receive the paper, who knows?

The Convener: The green paper was published in April 2004, but we have not had a chance to read it.

Stewart Stevenson: I beg your pardon.

The Convener: We might need to read the green paper to summarise the main points and find out whether the issues in relation to the applicable law on divorce and to maintenance obligations have commonalities. If they do, discussing the papers at the same time might have value, although they are separate consultation papers. The green paper is a bit further down the road.

Mr McFee: The implications will be direct.

The Convener: I imagine so. I have not read the document.

If the committee agrees, we will have a summary of the main points in the document, which will show whether we need to take up any issues immediately.

Does the committee want an update from the Executive about what it is doing on all the matters that we have discussed, which are of great importance?

Margaret Mitchell: Option e) in the clerk's note would be useful.

The Convener: Unless members tell me otherwise, I will presume that they accept options a) to e), which include an oral evidence session with the Minister for Justice during the Luxembourg presidency, so that we can have details of the Executive's plans. Is that agreed?

Members *indicated agreement*.

The Convener: I leave it to members to consider whether we should take that evidence jointly with the Justice 2 Committee. I do not ask for a decision today. We must consider how much business we need to cover. When the two committees are together, it is sure that the option to pursue issues in detail is reduced. I will also discuss the matter with the Justice 2 Committee's convener, Annabel Goldie, to find out her view. I will return to the question.

We have reached the end of the agenda. I remind members that we will undertake a fact-finding visit to the 218 time-out centre and other drug treatment programmes in Glasgow on Monday 6 December, as part of our inquiry on the rehabilitation of prisoners, which is drawing to a close. I remind members that the committee will receive from Professor Rennie, who is the committee's adviser on the security of tenure, an informal briefing about hutters. That concerns another issue that has been on the table for some time.

Finally, I remind members that we will meet at half past 9 on Wednesday 8 December in committee room 4 to take evidence from the Scottish Executive bill team as we begin stage 1 of the Protection of Children and Prevention of Sexual Offences (Scotland) Bill. There is no rest for the wicked.

Mr McFee: I have a quick question. Do you have a time for Monday's visit? Does it start at 10 am?

The Convener: We are likely to start at 10. Is that a problem?

Mr McFee: Starting at 10 is not a problem. What is the finishing time?

The Convener: The visit will conclude by half past 3.

Mr McFee: That is a problem.

The Convener: I suggest that you liaise with the clerks to tell us what you can do. We will work round that.

Mr McFee: Okay.

Meeting closed at 11:36.

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