

JUSTICE 1 COMMITTEE

Wednesday 1 February 2006

Session 2

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JUSTICE 1 COMMITTEE

4th Meeting 2006, 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)
*Mike Pringle (Edinburgh South) (LD)

COMMITTEE SUBSTITUTES

Brian Adam (Aberdeen North) (SNP)
Karen Gillon (Clydesdale) (Lab)
Miss Annabel Goldie (West of Scotland) (Con)
Mr Jim Wallace (Orkney) (LD)

*attended

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERK

Douglas Wands

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 6

Scottish Parliament

Justice 1 Committee

Wednesday 1 February 2006

[THE DEPUTY CONVENER *opened the meeting at 09:48*]

Proposed Criminal Proceedings etc (Reform) (Scotland) Bill

The Deputy Convener (Stewart Stevenson): Good morning, everyone, and welcome to this meeting of the Justice 1 Committee. If members could switch off their phones, as I have, that would be helpful. We have no apologies from members.

Item 1 is the forthcoming proposed criminal proceedings etc (reform) (Scotland) bill. Members have a paper with a specification for a proposed adviser to assist the committee with the bill. We must consider whether we wish to appoint an adviser and request approval from the Parliamentary Bureau. Is that agreed?

Members indicated agreement.

The Deputy Convener: Have members any comments on the specification contained in the paper?

Mrs Mary Mulligan (Linlithgow) (Lab): No, it is fine.

The Deputy Convener: In that case, we will request the Parliamentary Bureau to approve the committee's decision to appoint an adviser. I am advised that that should happen at the bureau's meeting on 7 February 2006. Subject to the bureau's approval, we can then as a committee consider potential candidates at our meeting next week or at the meeting immediately after the recess, which will be on 22 February 2006.

Mike Pringle (Edinburgh South) (LD): Was our previous adviser on the list? I have not yet seen the list.

The Deputy Convener: We do not yet have a list of proposed advisers. That will come when we consider who our adviser will be.

Item in Private

09:50

The Deputy Convener: Under item 2, I ask members to agree to consider our work programme in private at our next meeting. Is anyone otherwise minded?

Members indicated disagreement.

Family Law

09:50

The Deputy Convener: Item 3 is on family law. Members have a note prepared by the clerks on work further to our consideration of the Family Law (Scotland) Bill. In particular, we are asked to consider whether to appoint a reporter to proceed with that work. In view of the interest that Mrs Mary Mulligan has expressed in the matter and her willingness, should the committee so decide, to serve as reporter, perhaps she will make some comments.

Mrs Mulligan: During our deliberations on the Family Law (Scotland) Bill, the committee accepted that there were some provisions that we could not put into the legislation because they were not appropriate to it. However, there was a feeling that we wanted to delve further into the provision of services in our communities because of the very disparate arrangements that exist across the country. We recognised the benefits that some services can provide in supporting family law. Before the completion of stage 3, I asked the committee to conduct an inquiry into the provision of services by local authorities and the voluntary sector. The Executive is also conducting its own inquiry into service provision. The paper before members today suggests that the committee goes ahead with such an inquiry.

As ever for the committee, time is pressing. As it will be difficult for the whole committee to examine the issue, it has been suggested that we appoint a reporter. I am happy to take on that role. However, I recognise that other members have strong interests in the area and that they have a contribution to make. I am more than happy for them to take part in any interviews that I may hold for the inquiry. Although I will be taking a lead, if that is what the committee wishes, the process will be open to all members.

The Deputy Convener: Thank you for those helpful remarks. If other members have any views on the inquiry's remit, it would be useful if they gave them at this point.

Marlyn Glen (North East Scotland) (Lab): Although it is a large task, it is a very good idea to have a report on services. I gave some consideration to the remit and was amazed at the issues that emerged. Many issues also emerged from previous discussions on the topic.

I am interested in how contact centres are spread around the country and, particularly, whether those centres have facilities for supervised and safe contact. That is an onerous task in itself. I am also interested in the breakdown of funding for the four national bodies. Does

Stepfamily Scotland receive the same amount of funding as other bodies? How do attendance statistics break down? Do stepfamilies go to other organisations? It would be interesting to look a wee bit more closely at the statistics that some of the organisations have already compiled.

Another concern of mine is the statistical breakdown on families attending marriage guidance counselling with organisations such as Scottish Marriage Care. Do those organisations have a religious affiliation, and is that considered in their work?

We could carry out some research as well as having a reporter, but it might be too big a task to try to find out the opinions of people who use the services. It seems that the services that are in place are excellent. What is the standard across the country, however? It would be difficult to find that out.

Mike Pringle: I agree. More power to Mary Mulligan's two elbows—she will need both of them, because this is a huge issue, and a huge amount of work requires to be done. She will not be able to cover everything—even if we were all involved, we could not do so. Therefore, perhaps it would be sensible to concentrate on one or two areas that were of concern to some or all of us during the passage of the Family Law (Scotland) Bill. As members know, I pursued the question of giving stepfathers more rights, and I would like to investigate that during this inquiry, if possible. It seemed impossible to make the necessary contacts when we were busy scrutinising the bill.

Marlyn Glen alluded to another issue. Some friends of mine went through a bit of a crisis in their marriage recently, and it took them eight weeks before they could get their first appointment. We would all acknowledge that marriage breakdown is not something that starts on a Monday and finishes on a Friday; it starts at the beginning of one year and the couple will finally admit it nine months, a year or even 18 months later—four years later, in the case to which I am referring. Once people get to that point and have admitted that they have a problem, they do not want to hang around and wait for eight weeks before getting some advice. Such delay exacerbates the problem.

I would be interested to know more about the provision of services. I think that it is better in some parts of the country than in others. I would like to know exactly how quickly and where people can get advice on marriage breakdown, family breakdown and relationships between adults and children. Provision seems to be patchy, and the Executive has a responsibility to ensure that people have the same opportunity to get advice, whether they live in Orkney, Dumfries and Galloway, Edinburgh or the Borders.

Margaret Mitchell (Central Scotland) (Con): I apologise for being late.

I am anxious to ensure that the funding arrangements for services that are currently directly funded are not changed so that they come under the local authority. That would be a retrograde step. I know that there is concern in certain quarters—particularly Couple Counselling Scotland and Scottish Marriage Care—about changes in funding. As Mike Pringle says, it would be good to get an overview of the services that are currently available. Once we have that information, we can proceed. I am quite happy with the terms of the remit as outlined in the paper.

The Deputy Convener: Thank you, colleagues.

I note that paragraph 9 of the paper suggests that information about

“the services that are provided ... could be sought from COSLA and the four national bodies that receive Executive funding.”

I take it that it would be helpful to Mary Mulligan, if she is appointed as reporter, for the committee to write to the Convention of Scottish Local Authorities and the other four organisations to obtain information, so that she has something to build on.

Members indicated agreement.

The Deputy Convener: I invite the committee to agree to appoint a reporter.

Members indicated agreement.

The Deputy Convener: Secondly, I ask for the committee's agreement that the reporter be Mary Mulligan.

Members indicated agreement.

The Deputy Convener: We have considered the remit as it is set out in front of us, and there are no formal suggestions for changes. Mary Mulligan should, however, be free to come back to the committee at any time to discuss, in the light of her investigations, any extension to—or, indeed, any restriction of—the remit. I think that we can rely on her good offices to do that.

Mrs Mulligan: It will be really important for me to come back to the committee with a broad indication of where we want to take the inquiry. I notice that there is an issue with the timeframe. We want to make our inquiry as comprehensive as possible, but we do not want it to go on forever. Therefore, we need to suggest a timeframe, although it must be flexible. I would be keen to come back to the committee on that fairly soon.

The Deputy Convener: You are proposing that your first response to the committee will be an indication of the timeframe.

Mrs Mulligan: And a broad outline of the inquiry.

The Deputy Convener: On that basis, is the committee content?

Members indicated agreement.

Petition

Family Law (PE770)

10:00

The Deputy Convener: Members should have in front of them a note from the clerk on PE770, from Ms Patricia Orazio. I invite members' comments.

Marlyn Glen: I agree with the recommendation "that the Committee close its consideration of the petition".

I suggest that, in our letter in reply to the petitioner, we outline what we are planning to do in our inquiry and keep her up to date with the reporter's work.

The Deputy Convener: At paragraph 15 of the note, it is indicated that we should make reference to how Ms Orazio has influenced the Family Law (Scotland) Bill and matters related to it. I am sure that we can include that.

Margaret Mitchell: I agree with that recommendation. The petition has been useful in directing the committee's attention to various aspects of the Family Law (Scotland) Bill that were a matter of concern. Ms Orazio should have some satisfaction that her petition was successful in that regard.

The Deputy Convener: Is that agreed?

Members indicated agreement.

Subordinate Legislation

Criminal Legal Aid (Scotland) Fees Amendment (No 3) Regulations 2005 (SSI 2005/656)

10:00

The Deputy Convener: We have three negative instruments before us today. We will take each one in turn. Does anyone have any comments on the first set of regulations?

Members indicated disagreement.

Bail Conditions (Methods of Monitoring Compliance and Specifications of Devices) (Scotland) Regulations 2006 (SSI 2006/7)

The Deputy Convener: Are there any comments on the second set of regulations?

Members indicated disagreement.

The Deputy Convener: I should indicate at this stage that I am reserving my position on the regulations for the narrow purpose of making some personal inquiries as to the effectiveness of the devices that they sanction. It is not that I am seeking to oppose the principle of what the regulations contain, and I have time to make those inquiries.

Restriction of Liberty Order (Scotland) Regulations 2006 (SSI 2006/8)

The Deputy Convener: Are there any comments on the third set of regulations?

Members indicated disagreement.

The Deputy Convener: These regulations are also about devices, so I make the same comment in relation to them as I made in relation to the previous set of regulations.

Is the committee happy to note all three sets of regulations?

Members indicated agreement.

The Deputy Convener: I would like to give the convener the opportunity to be present for the start of agenda item 5. Unless anyone objects, I intend to suspend the meeting.

Mike Pringle: You mean item 6.

The Deputy Convener: I beg your pardon. I must be ahead of myself.

I see now: my briefing note says 5, but you are perfectly correct—I meant item 6.

Mike Pringle: I was not meaning to be pedantic.

The Deputy Convener: I am obliged to you, Mr Pringle. I will suspend the meeting for one minute before handing over to the convener, who has just arrived.

10:03

Meeting suspended until 10.04 and thereafter continued in private until 13.04.

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