JUSTICE 1 COMMITTEE

Wednesday 29 March 2006

Session 2

£5.00

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by Astron.

CONTENTS

Wednesday 29 March 2006

JUSTICE 1 COMMITTEE
10th 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

THE FOLLOWING GAVE EVIDENCE:

Alison Coull (Scottish Executive Legal and Parliamentary Services)
James Laing (Scottish Executive Justice Department)
Elizabeth Sadler (Scottish Executive Justice Department)

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERK

Douglas Wands

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 4

Scottish Parliament

Justice 1 Committee

Wednesday 29 March 2006

[THE CONVENER *opened the meeting at 09:50*]

Subordinate Legislation

Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 (SSI 2006/96)

Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006 (SSI 2006/97)

The Convener (Pauline McNeill): Good morning and welcome to the 10th meeting this year of the Justice 1 Committee. All members are present and as usual I ask everyone to switch off their mobile phones.

Item 1 is consideration of items of subordinate legislation that are subject to the negative procedure. The first two instruments make significant changes to the system of disclosure checks that is administered by Disclosure Scotland. The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 respond in part to the recommendations of Sir Michael Bichard in his report on the murders of Jessica Chapman and Holly Wells at Soham and deal with eligibility for enhanced disclosure. The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006 give the Scottish ministers new powers in relation to the Disclosure Scotland register, which is maintained under section 120 of the Police Act 1997.

I welcome the Scottish Executive officials James Laing, Elizabeth Sadler and Alison Coull, who will give background information on the regulations. It would be helpful if one of them made opening remarks about the regulations.

Elizabeth Sadler (Scottish Executive Justice Department): Thank you for inviting us to give evidence to the committee. I am head of the branch of the Justice Department that has responsibility for Disclosure Scotland. My colleague James Laing is also from the Justice Department and Alison Coull is from Scottish Executive Legal and Parliamentary Services.

The two sets of regulations that are before the committee deal with the operation of Disclosure Scotland, which carries out criminal record checks for employment and other purposes on behalf of ministers. The regulations consolidate and replace the current regulations and put in place additional provisions to protect vulnerable groups.

The Police Act 1997 (Criminal Records) (Scotland) Regulations 2006 address four main policy objectives. First, they extend eligibility for enhanced checks to a wider range of posts that involve work with adults at risk and children. Secondly, they define eligibility for enhanced disclosures in secondary legislation rather than in the 1997 act, which means that if a gap in eligibility for a check is identified, it can be addressed more quickly. Thirdly, to assist in the verification of the identity of applicants the regulations widen access to the databases of the United Kingdom Passport Service, the Driver and Vehicle Licensing Agency and Driver and Vehicle Licensing Northern Ireland, and to the Department for Work and Pensions national insurance numbers database. Fourthly, the regulations extend the scope of information that can be gathered for an enhanced check. The regulations also provide that from 1 April 2006 the fee for applications to Disclosure Scotland will be £20.

The regulations make a number of other, smaller changes. First, the age at which parental consent is needed for fingerprint identification in Scotland in respect of disclosures is reduced from 18 to 16, which brings the system into line with most other requirements of Scots law.

The Police Act 1997 (Criminal Records) (Registration) (Scotland) Regulations 2006 set out rules on the registration of individuals and organisations in relation to the countersigning of applications for standard and enhanced disclosures. The regulations make two main changes. First, the Scottish ministers will be allowed to check the background of an individual who is nominated by a registered person to countersign applications on their behalf. Secondly, ministers will be allowed to remove from the register that is held under section 120 of the 1997 act a person who has become unsuitable, and to refuse to accept an unsuitable person for inclusion in that register. The regulations also cover the handling of appeals against such decisions. The one-off fees for registration and for the inclusion of additional countersignatories remain unchanged at £150 and £10 respectively. We will be happy to answer any questions that the committee might have.

The Convener: Thank you. That is helpful. I am sure that members have questions. We will start with Stewart Stevenson.

Stewart Stevenson (Banff and Buchan) (SNP): I have one or two questions. Regulation 8(1)(i) of SSI 2006/96 includes in the list of relevant police forces the Garda Síochána and it is my understanding that regulation 8(1)(j) provides that any of the police forces named in regulations

8(1)(a) to 8(1)(i), including the Garda Síochána, can extend the list of relevant police forces. For the sake of fantasy, can you confirm whether it would be proper under the regulations for the Garda Síochána to decide that the police force in Albania should be included in the list?

James Laing (Scottish Executive Justice Department): If a relevant police force is aware that another police force holds information about the subject of an application for a check and the second police force is the owner of that information, we feel that it would be more relevant for that force to advise Scottish ministers of the information. Given that there is a data protection issue about who is responsible for the accuracy of the information, we felt that it would be inappropriate for that responsibility to fall on the force to which the request was made if it did not own the information.

With regard to your point about the police force in Albania, our expectation is that the provision will operate only within the British isles, which includes Ireland.

Stewart Stevenson: I understand perfectly that that is your expectation. I was not seeking to make any criticism of the Garda Síochána, but it appears that the regulations will give that force such a power and I just wanted to be clear that that is the case. I think that your answer probably confirmed that.

I will move on to another of the regulations. Regulation 17 provides a list of the appropriate police authorities that must pay a fee. I have not examined the primary legislation to which the regulation refers, so I do not know what section 119(7) of the Police Act 1997 says; I ask my question purely in the spirit of seeking information. Do forces such as the Garda Síochána have the power to ask for information and, if so, does the construction of regulation 17 imply that they would not have to pay for any such information, whereas the police authorities that are listed in the regulation would have to pay for it?

Elizabeth Sadler: The payment works the other way round in that it is for Scottish ministers to make a payment to the police force from which it asks for information. When the 1997 act was amended, it was not amended to allow Scottish ministers to make a payment to the police forces in the Channel Islands or the Isle of Man or to the Garda Síochána. That is why those bodies are not mentioned in regulation 17. When we make further amendments to the 1997 act, we intend to rectify that error so that Scottish ministers can make such payments because if we ask people to provide us with information, we should obviously pay for it.

Stewart Stevenson: I take it that the officials are responsible, either collectively or individually, for the Executive note. In relation to the financial effects part of that note and its reference on page 3 to DTZ Pieda Consulting, can you confirm that the numbers on which the financial projections are based imply that you envisage that 500,000 applications will be made each year for the remaining eight years of the contract? Is that correct?

Elizabeth Sadler: Yes, that is right.

Stewart Stevenson: So you expect 10 per cent of the population of Scotland to be subject to disclosure.

10:00

Elizabeth Sadler: Yes. So far, just over 500,000 checks have been carried out at all levels in 2005-06. The expectation is that that volume will continue for the rest of the contract.

The Convener: I want to ask about the provisions in relation to adults at risk. Is this the first time that we have legislated on that issue in disclosure legislation or is there a reference to it in the 1997 act?

James Laing: We have done so before. One of the instruments that is being revoked allows checks to be carried out in that regard. The term that is used in the existing legislation is “vulnerable adults”. People working with such adults have been eligible for enhanced checks since 2002.

The Convener: What is the difference between that regulation and this one?

Elizabeth Sadler: The current regulation states that people who work with children or adults at risk are eligible for an enhanced check if they have regular access to them as part of their normal duties. The requirement for there to be regular access is being removed and, under the new regulation, posts in which someone has contact with children or vulnerable adults, whether regular or not, will be eligible for an enhanced check. People who were eligible for a standard check will now be eligible for an enhanced check. Under the Bichard proposals, there is likely to be a further extension of the definition of the adult at risk workforce, which would extend the scope for eligibility further.

The Convener: I want to be clear about this. Two things are happening. First, a much wider range of people will be subject to the enhanced checks.

Elizabeth Sadler: Yes.

The Convener: That must mean that a lot of posts that were not covered previously will be covered.

Elizabeth Sadler: SSI 2006/96 does not extend significantly the range of posts that are eligible for checks; it extends the scope of the eligibility for enhanced checks. The standard check allows for the disclosure only of convictions whereas the enhanced check allows for the disclosure of other relevant police information.

The Convener: The increase in the fee to £20 is quite substantial. I have heard comments about the present level of the fee, so I am interested to know what the justification is for increasing it from £13 to £20.

Elizabeth Sadler: The first thing to point out is that this is the first time that the fee has increased in the four years of the operation of Disclosure Scotland. The 1997 act places a responsibility on the individual to pay for the disclosure. It also places on Scottish ministers a responsibility to recoup the cost of the disclosure through the application fee. The current fee was set on the basis of projections that were made for the volume of applications before the 1997 act came into effect. However, the volume of disclosure checks has been significantly lower than was expected. Because the level of business has been lower, the fee income has been lower. As a result, Scottish ministers and their partner, British Telecommunications, have not recovered their costs in the first four years of the contract.

Because of that, we asked DTZ Pieda Consulting to carry out a further set of projections for the business of Disclosure Scotland until the end of the contract. It has forecast that there are likely to be just more than 500,000 checks a year, which means that a fee of £20 is necessary to enable Scottish ministers and BT to recover the costs of the contract by the end of the contract.

The Convener: Has the Scottish Executive consulted on that increase?

Elizabeth Sadler: No. The increase was announced as part of the Bichard proposals on 8 February, but there has been no formal consultation. There have been discussions with a number of the main users of Disclosure Scotland, who were alerted on 8 February to the fact that it would happen.

The Convener: This is a question for Scottish ministers, so I will tread lightly. What has been the response of users to this fairly substantial increase? I take the point that you make. It is often said by organisations that put up their fees that they have not done so for four years. However, the people who pay the fees would probably have preferred an incremental increase to such a significant jump. Have you been in dialogue with the Executive on the main users' response to the increase?

Elizabeth Sadler: There has been a very low rate of response from users. I doubt that many of them are happy, although my perception is that they were expecting an increase in the fee. In the comparable service in England and Wales, a standard disclosure costs £31 and an enhanced disclosure costs £35. At £20, the Scottish service is still significantly cheaper.

Stewart Stevenson: Does not the change to regulation 8 of SSI 2006/96, which reduces the required history period from 10 years to five years, consequentially reduce the amount of work that needs to be done to provide a disclosure? That suggests that, rather than going up, the price should fall and that, like other parts of government, the contractor—BT—should be looking to improve its efficiency. Given the reduction in the period over which the check extends, there is a case against the price rising in the way that is proposed.

James Laing: We found that the 10-year history created more work, because many people were unable to provide details that went back that far. In his report, Sir Michael Bichard was content that a five-year address history should be used for the authentication of applicants. He believed that it was more reasonable for people to know their address history for that period.

Stewart Stevenson: So will the reduction from 10 years to five years lead to a reduction in the amount of work?

James Laing: It should.

Elizabeth Sadler: The criminal record information that is provided in the disclosure is not limited to five years. The five-year limit applies to referral of cases on which the Scottish criminal history system indicates the police have other relevant information. Such information exists in only 10 per cent of cases. For around 90 per cent of applications, the workload will be the same. The reduction relates only to cases in which other information is held by police forces in Scotland or elsewhere in the United Kingdom.

Stewart Stevenson: I think that Mr Laing said that the period between five and 10 years accounted for a substantial proportion of the work. I accept that there is other relevant information in only 10 per cent of applications, but that does not necessarily equate to 10 per cent of the work. What has been said suggests that it is somewhat more than that, although I am not in a position to say how much. I am not trying to be exact, but merely trying to establish the fact that a reduction in work stems from the change to regulation 8, which stipulates that addresses now need to be provided for a five-year rather than a 10-year period. From Mr Laing's response, it was clear to the committee that there is a reduction in the work involved.

James Laing: There are two issues in which the five-to-10-year question crops up. In all cases, when an application is received, Disclosure Scotland has to verify the applicant's identity. Therefore the reduction in the required address history from 10 years to five years will lead to a reduction in the workload. The point that Elizabeth Sadler made concerns the 10 per cent of cases where Disclosure Scotland has to go to police forces for additional information. There will be a lesser drop in the workload in such cases. There are two areas in which work will decrease, but in the second area—the criminal record checking part—the reduction in work will be somewhat less than in the applicant authentication part.

Stewart Stevenson: Are you suggesting that the verification of the older five-year address information, which is now to be excluded from the application, does not constitute the most difficult part of the verification process? If that is not the case, why make the change? I am sure that you are making the change not just on the back of the Bichard recommendations but because it will reduce work—it will reduce work disproportionately. I do not want to go too far down this road, because the general principle that the change will reduce work is well established. Can you tell us anything else of use?

Elizabeth Sadler: We check identity through the provision of a passport, driving licence and utility bill, in conjunction with which a five-year address history is sufficient to confirm identity. The extension of the databases from which Disclosure Scotland can ask for information and conduct an enhanced check might lead to an increase in workload, which will counterbalance the decrease that we have discussed.

The Convener: I want to be sure that I understand the effect of the regulations. You mentioned removing unsuitable persons from the register. Are they people who should not have been on the register?

Elizabeth Sadler: For a standard and enhanced check, before the check goes to Disclosure Scotland, it is countersigned by a registered body. The registered body has a role in helping to confirm identity and in satisfying itself that the post is eligible for a check. The checks reveal sensitive information about people, including convictions that would normally be spent under the Rehabilitation of Offenders Act 1974, and other police information.

SSI 2006/97 deals with the arrangements for registering people as registered persons. At the moment, they do not include provisions for removing people from the list when it is subsequently found that they are unsuitable to act in that important role. They also do not allow for ministers to carry out a check of those people to see whether they are suitable before they become registered persons. The regulations introduce those two changes so that we can ensure that the people who are acting as countersignatories and who see and interpret the information about the applicant are fit and proper people to do so.

The Convener: You said that you are reducing the age for parental consent for fingerprint evidence from 18 to 16. Will you say more about that?

10:15

Elizabeth Sadler: Yes. Disclosure Scotland put in place a number of safeguards to ensure that the information that it discloses to an individual is about the applicant. In response to Mr Stevenson's question I mentioned the checks against passports, driving licences and utility bills. Inevitably, in a small number of cases—there have been about 200 since Disclosure Scotland started operation—the person's name, date of birth and place of birth all check, but when the applicant gets the information back they say that it is not about them. SSI 2006/96 provides that when there is a dispute an applicant can go to a police station to have their fingerprint taken and matched against the fingerprint that is attached to the person's criminal record. That confirms whether the person about whom the disclosure is made is the same person as the applicant.

The regulations currently provide that if the applicant is under the age of 18, they must have the consent of their parents before their fingerprint can be taken in those circumstances. The regulations lower the age to 16, so it is only in the very unlikely event that the applicant is under the age of 16 that their parents' consent would be required for them to have their fingerprint taken. In all cases, the fingerprints are taken only with the consent of the individual and they are destroyed after they have been checked against the criminal record.

The Convener: Did you read the comments that were made by the Subordinate Legislation Committee?

Elizabeth Sadler: Yes.

The Convener: You will know that that committee has some concerns, in particular about the use of certain words. It has drawn to the attention of the Justice 1 Committee, as the lead committee, the fact that it is concerned about the regulations

"on the grounds of failure to follow proper legislative practice."

I am not altogether clear what the committee means by that phrase. Can you elaborate?

Alison Coull (Scottish Executive Legal and Parliamentary Services): I think that

"failure to follow proper legislative practice"

is the Subordinate Legislation Committee's standard wording to cover what is essentially a drafting point. The committee considers that there are some extraneous words in some bits of the regulations, but there is no disagreement about what the regulations do. I am not sure that in this case we agree with the Subordinate Legislation Committee that we have failed

"to follow proper legislative practice."

The Convener: But you have accepted one of the committee's suggestions on SSI 2006/97.

Alison Coull: Yes. We have accepted that there is a drafting error in one instrument, as there is a wrong statutory reference. We have offered to amend that at the next available opportunity. However, we do not think that the error affects the operation of the regulations, because what was meant will be clear.

The Convener: We have no further questions. I invite members to make any final comments.

I am a bit concerned that there has been no consultation on the increase in the fee. I have always been slightly nervous about some of the disclosure stuff. I support the legislation in principle, but there is a constant expansion of the use of disclosure. We must therefore ensure that such regulations are properly scrutinised. I would prefer there to have been some consultation on the regulations, particularly as they contain powers for ministers to legislate through secondary legislation rather than primary legislation. I certainly want us to comment on that.

Stewart Stevenson: I support those comments. We should draw Parliament's attention to the substantial increase in the fee that is incorporated in the instrument, without there having been a formal consultation of users.

The Convener: We can deal with the instrument at the next meeting, on 19 April, so we still have time. We will use the *Official Report* to assist us in drawing up our report to Parliament. I thank the witnesses for answering our questions.

Civil Partnership Family Homes (Form of Consent) (Scotland) Regulations 2006 (SSI 2006/115)

Abolition of Feudal Tenure etc (Scotland) Act 2000 (Specified Day) Order 2006 (SSI 2006/109)

The Convener: We move to item 2. I refer members to the notes by the clerk on the two Scottish statutory instruments. Do members have any comments?

Members: No.

The Convener: On the Civil Partnership Family Homes (Form of Consent) (Scotland) Regulations 2006, members will be familiar with dealing with the numerous regulations that simply tidy up the primary legislation on civil partnership. I expect that this will not be the last such instrument that we see. It is quite straightforward.

The Abolition of Feudal Tenure etc (Scotland) Act 2000 (Specified Day) Order 2006 interests me because I dealt with the abolition of feudal tenure—it seems like a long time ago. The order specifies 31 March as the date on which the feudal system in Scotland will cease to exist. Members might want to celebrate that—or not, as the case may be.

Stewart Stevenson: By going to a smoke-free pub.

Mike Pringle (Edinburgh South) (LD): Strangely enough, I came across someone who still pays feu duty.

The Convener: As I said, 31 March is the date on which all feudal tenure should come to an end, so perhaps you should make some representations on that case.

Does the committee agree to note the instruments?

Members *indicated agreement*.

Northern Ireland (Miscellaneous Provisions) Bill

10:21

The Convener: Item 3 is the Northern Ireland (Miscellaneous Provisions) Bill, which is United Kingdom legislation. Members have a note that has been prepared by the clerks and the legislative consent memorandum that has been lodged by Cathy Jamieson, the Minister for Justice. Legislative consent memoranda were formerly known as Sewel motions, I believe.

Do members have any comments or are they content to note the memorandum?

Stewart Stevenson: I make the obvious comment that it is disappointing that the Westminster Parliament has inadvertently created a situation in which our minister has to undertake additional work. I agree entirely with the clerk's paper, but it is disappointing that things have had to be dealt with in this way.

The Convener: Under rule 9B.3.5 of standing orders, we are required to submit a short report on the matter. As members have nothing further to say, we are content to note the memorandum. If members wish to support Stewart Stevenson's point—

Stewart Stevenson: I am content that my point will be in the *Official Report*. It need not be incorporated in our report to the Parliament.

The Convener: Thank you. That is helpful.

Scottish Criminal Record Office Inquiry

10:23

The Convener: We move on to item 4. I will say a few words about paper J1/S2/06/10/7, which sets out a possible approach for the committee's inquiry into the Scottish Criminal Record Office and the Scottish fingerprint service. Members are familiar with the remit for the inquiry, which we agreed at last week's meeting. We need to agree certain matters today. The paper suggests a possible approach but, obviously, it is for members to discuss the arrangements for the inquiry and propose any changes.

We need to agree the call for written evidence and the date of publication. The paper suggests that we allow four weeks for the submission of written evidence, but I will take members' comments on that. We need to decide whether we want to ask the Minister for Justice to provide the action plan at an earlier date. We also need to decide whether the committee wants to undertake a fact-finding trip to the SCRO, as we have had an invitation from the director.

We need to agree the witnesses for the first oral evidence session, which will be on 26 April. The paper includes some suggestions for the panel on that day. Again, it is up to the committee to agree to that or otherwise. We should give at least preliminary consideration to the question of which additional witnesses we want to call, although members might want to see the written evidence that is submitted before they agree the full list.

We need to agree how many evidence-taking sessions we will hold and the overall timetable. I remind members that, in discussing the number of sessions, we need to remember to build in sessions for consideration of our report. Sometimes we forget about that. As members know, we have pencilled in a further date in June and we will use at least part of our meeting on that day for evidence on the matter.

Mr Bruce McFee (West of Scotland) (SNP): I have a number of points about different sections of the paper. Do you intend to take it section by section?

The Convener: I am fairly relaxed about what form the discussion should take. Perhaps members might begin by giving an overview, after which we can focus on the various sections of the paper.

Mr McFee: On the call for written evidence, I note the comment in paragraph 5 that

"it is normally considered good practice to allow 6 or 8 weeks for responses".

However, there was a feeling that we had to get on with the matter, particularly if we wanted to avail ourselves of an evidence session next month.

I am happy to agree the suggested four-week period for responses to our call for evidence, but I point out that in other committee inquiries—perhaps of a different type—the committee has had the discretion to consider any late evidence that might be submitted. I wonder whether that is everyone else's understanding of the procedure. After all, there is the danger that evidence might come in a couple of days late.

The Convener: The clerks can correct me if I am wrong, but because of the difficulties in managing information we always have a deadline for evidence that we try to stick to. I have always been particular that members have a full set of papers before they come to a meeting. I usually decide on the criteria for allowing late evidence and agree to the submission of late papers and additional evidence only in exceptional circumstances. That said, I make that judgment on the basis of what I think the committee should see.

Mr McFee: I am just wary of the sensitivity of certain aspects of this matter. I am sure that you are able to handle yourself, but you might well put yourself in a difficult position if you are the sole arbiter of whether any late evidence is submitted to the committee. After all, we are restricting the time for submitting responses to four weeks. I have a wee nagging doubt at the back of my mind, and I might want to revisit the point after other members have given their views.

The Convener: Late evidence has been submitted to the committee before, and I would never exclude or filter out anything from the committee's consideration. I know that the issue is sensitive, but the committee is duty bound to consider only the evidence that is received during the official period. I cannot guarantee that any late evidence will be referred to the committee.

Mr McFee: It would be unreasonable to ask for that. I simply want to establish that the committee could, if it so wished, consider late evidence. I know that other committees have considered late evidence; indeed, not so long ago, a source that should have known better submitted evidence extremely late to this committee and we decided whether to consider it. I am not suggesting that we leave the matter open and guarantee to take every piece of evidence that we receive—that would be silly—but I simply want to establish that the committee will be able to decide whether to consider any late evidence that might be received.

Moving on, I have no difficulty with agreeing to the three bullet points that are set out in the draft call for evidence in annex A on page 6 of the paper. However, there is one glaring omission—and I should make it clear that, in proposing an addition to those bullet points, I am mindful of and agree with the views that are expressed in Ken Macintosh's letter dated 29 March and his e-mail dated 22 March about some of the issues that should be examined. As a result, I propose that the fourth bullet point in the draft call for evidence should be, "Do you have information relevant to the misidentification or otherwise of fingerprints in what has become known as the Shirley McKie case?" That point—which might even come first on the list—is not highlighted in the draft call for evidence, but, in all fairness, it should be.

I will stop there for the moment, convener.

10:30

Stewart Stevenson: I support what Bruce McFee said, given that our remit comments on the implications of the McKie case. It would be appropriate to solicit specific views on that subject.

Mrs Mary Mulligan (Linlithgow) (Lab): The paper by the convener is helpful. I am surprised by Bruce McFee's concern that we will not get all the evidence in four weeks, given that last week he thought that we could get it in a matter of days. However, he is right to say that the committee has tried to be flexible in the past when receiving evidence and I have every confidence that we will continue to do that.

In deciding on which witnesses to invite to committee, it is important to consider what the inquiry seeks to achieve. I suggest that we organise our work to look at the different aspects that the committee would like to consider, such as the problems at the SCRO and the Scottish fingerprint service in particular, and the recommendations that have been made, most of which have been acted on.

We should consider the work that David Mulhern will carry out and the further support around the international community in relation to how the Scottish fingerprint service has changed, will change and will continue to change into the future.

That is my suggested direction for choosing witnesses. I recognise, as other members have done, that we are constrained by time, but if we respond to where we want to go with the inquiry, we will be able to draw up a list of witnesses who can answer our questions and allow us to produce a report that will start to reinvigorate confidence in the delivery of the service. That is our ultimate aim.

Margaret Mitchell (Central Scotland) (Con): I am happy with the timetable—four weeks is fine. It would be good to see Mr Mulhern's action plan as soon as possible. A visit to the SCRO would be worth while.

When we take oral evidence on 26 April and 7 June, it is important that we invite a balance of witnesses. If the convener is looking for suggestions for witnesses, I certainly want to hear from: the four SCRO fingerprint experts who were involved in the McKie case; Shirley McKie; Peter Swann, the independent fingerprint expert; David Russell, Peter Swann's solicitor; Jim Wallace; Colin Boyd; the Minister for Justice, Cathy Jamieson, who has already been suggested; William Taylor, who commissioned the 2000 report to inspect the SFS; James Mackay, who commissioned the 2000 report to investigate the conduct of the SCRO; and William Gilchrist, who was the regional procurator fiscal who investigated the fingerprint evidence.

Marlyn Glen (North East Scotland) (Lab): As Mary Mulligan said, it is important to keep in our heads the aim of the inquiry—to re-establish confidence in the Scottish fingerprint service.

I am a little concerned about the long list of witnesses that Margaret Mitchell suggested. Last week, we spoke about trying to complete the inquiry by the summer recess. It is important that we get the balance right between trying to complete the inquiry in a short enough time to ensure that we react properly and being thorough. It is a difficult balance. The proposed four weeks in which we will receive written evidence seems fine.

After the suggested four-week period, once we have considered the written evidence, we should consider further what witnesses we need to call to give oral evidence. If we saw everyone who is on the current witness list, that would take up much of the time that we need to set aside. We must be thorough, without taking too long to do the whole inquiry. We have a bit of a balancing act to perform. The four-week period for taking written evidence is short, but it must be accepted.

Mike Pringle: If anybody who would give evidence to the committee was not aware of the call for evidence within the first of the four weeks, they would need to have been on holiday somewhere where they did not read newspapers. I would think that there would be no problem whatsoever with the four-week period. I accept what Bruce McFee said, but there is no doubt that we will get everything we want during the four weeks.

Margaret Mitchell suggested a long list of witnesses; I am not against calling any individuals to give evidence, but I am not sure that we can call the Lord Advocate. Perhaps I can have advice on that. We will need legal advice, because we must be careful about who we call to give evidence. I am well aware of Ken Macintosh's and Mike Rumbles's letters to the convener. I am not against calling any of the people whom Ken Macintosh, Mike Rumbles or anybody else suggests.

Mr McFee: What Rumbles letter?

Mike Pringle: Mike Rumbles's letter is dated 27 March. I do not know whether the convener got a copy of it—did you?

The Convener: Yes. It was delivered by hand.

Mike Pringle: So if there is more, you do not have it yet.

The Convener: I have got the letter, but given that we live in an electronic age, it would have been more helpful for it to have been e-mailed.

Mike Pringle: Okay. For the benefit of other committee members, I will explain Mike Rumbles's request to the convener. Mike Rumbles met a constituent called Gary Dempster, who is employed by Grampian police. Mike Rumbles says in his letter:

> "I was very impressed with the information that he had to impart and feel that it is essential that he is invited by the Justice 1 Committee to give evidence in the forthcoming Parliamentary enquiry."

I am not against that request, nor am I against what Ken Macintosh has requested. That brings me back to my point about legal advice, because we could move into the territory of re-examining court cases in the inquiry, but I do not think that we can really do that.

I want the inquiry to be as robust as possible. Initially, I thought that we would have to complete it by the summer recess; there is an expectation that we will do that. However, in terms of work pressure, we will also be considering two bills. I am not against Margaret Mitchell's list of suggested witnesses, although I have asked for clarification about whether we can call Colin Boyd. I am not against calling all the other people who have been suggested, but if we end up calling all those people, we can rest assured that four evidence-taking meetings will not be enough. Can we fit in four such meetings plus the meetings that we have already earmarked before the summer recess? I would like the inquiry to be finished before the recess, but it will be difficult to do that, given what members have said.

We must remember that once we have seen everybody, we will have to compile a report. As we discovered previously, it often takes longer to compile a report than it does to listen to all the witnesses. In addition, once we have received all the written evidence at the end of four weeks, we might find that we want to call more people.

I am not excluding or including anybody, but I would like advice on witnesses. Perhaps the committee should talk to the head of the parliamentary legal services, Ann Nelson, or somebody like that. I do not think that any committee members are qualified lawyers, so it would be useful and sensible to appoint a legal

adviser for the inquiry in case we or any witnesses who come in front of us need legal advice. We need to ensure that all those who give evidence to the committee appreciate the fact that, although members may have some sort of parliamentary immunity, witnesses do not. As I said, and with that in mind, it would be extremely useful for us to have a legal adviser; they could advise both the committee and witnesses.

The Convener: Perhaps it would be helpful if we were to break this down into chunks. I suggest that we tackle things in the following order: first, we agree the call for evidence and then the construction of the letter—Bruce McFee has made a suggestion on that. Following that, we should discuss the draft list of witnesses.

I will then respond to the issues that Mike Pringle raised on whether we should take legal advice and our position on the rules under the Scotland Act 1998. When we have reached some sort of agreement on those matters, it would seem appropriate for us to look at the timetable. I hope that the committee thinks that that is an acceptable way in which to proceed. Members should not worry that they will not get their say at any point. Let us deal first with the call for evidence.

Mr McFee: Can I help you in that regard, convener? I am not suggesting that we extend the proposed four-week period; I simply want our approach to be on the record, because I think that that will be useful. Members are right to suggest a four-week period. I agree with Mike Pringle that anyone who has a particular interest in the subject will know about the call for evidence. I just wanted to cover the back door—that is always important.

The Convener: Okay. Let us hear from Stewart Stevenson.

Stewart Stevenson: I am encouraged by the spirit in which all of us have contributed to the debate so far.

On the call for evidence, we need to ensure that we have the right people before us. It would be helpful if the Minister for Justice were to provide us with all the reports. She has indicated a willingness to co-operate with this inquiry; I am sure that she did that in good faith. For example, it would be extremely helpful if we were to receive the Mackay report from 2000 and the McLeod reports from 2004, along with the other reports that we believe the Executive has commissioned. Having those reports would enable us to focus on the key issues. Providing us with those reports would be evidence of the minister's good faith.

On the back of our call for written evidence, I propose that we write to the minister asking her for those reports. We should include in the letter a catch-all request for any papers that are relevant to our inquiry. After all, we do not know of everything that touches on the matter. It would be helpful to the committee and the Executive if the matter were to be brought to the speediest possible conclusion. We all want to get to the point at which we can say in all seriousness that confidence has been restored in the SCRO and its operations.

I will listen to what colleagues have to say.

The Convener: I think that the committee is agreed on the suggested timescale for the call for evidence. I am always very particular about timescales. I do not want to lose the valuable extra time; we always argue for such time, although it makes a difference to our timetables. In this instance, the shorter timescale is justified.

Usually, I circulate to the committee any evidence that we receive outwith the deadline. We want people to subscribe to deadlines, so we do not guarantee that we will refer in our report to any evidence that we receive after the deadline. I leave the decision on that to members. I urge anyone who wants to say something to us to submit their response on time. That will allow us to manage the flow of, and compare, the evidence. In the event that we receive late responses, I will ensure that members take a view on how we deal with them. Are we agreed on the timetable?

Members *indicated agreement*.

The Convener: I turn to the information that we are to request. Obviously, the Minister for Justice has given us quite a bit of information so far; it summarises the recommendations in the report by Her Majesty's inspectorate of constabulary. Some members may have a copy of that report. Do you want to elaborate on that, Stewart?

10:45

Stewart Stevenson: Some of the documents to which I have referred have been circulated informally among certain members. It would not be proper for some members to have seen certain things and others not to have seen them. The committee should have access in a formal sense to documents that the minister says are substantive and complete. If it does not, there is the severe danger that we will disappear down rabbit holes that have not been occupied for donkey's years and have something unpleasant at the bottom of them. I believe in openness and transparency. I am sure that the minister is not in the business of trying to make our life difficult and that she will want to make it easier. This is one way in which she can make life easier for us, her and the rest of her team.

The Convener: We will write to the Minister for Justice to request all documents that are relevant to our inquiry.

Mike Pringle: Will we mention in the letter the specific documents to which Stewart Stevenson referred?

Stewart Stevenson: I am content that the list should appear in the *Official Report*. However, let us include it in the letter, by all means, if that will be helpful. We should include a catch-all provision, because there may be documents of which we have no knowledge. I am relaxed about the matter, but if Mike Pringle thinks that it would be helpful to specify the documents, I will support his suggestion.

The Convener: We will send a letter this week and see what reply we get. If there is a further specific document that we believe we should receive, we can request that.

I move to the question of witnesses. Before we enter into a discussion, I note that a few issues have been raised.

Mr McFee: I do not mean to interrupt you, convener, but we have not yet agreed the draft call for evidence.

The Convener: You are right. It would be easier to deal with that first.

Mr McFee: It would stop us jumping about.

The Convener: Annex A outlines a possible formulation for the letter inviting written evidence. The agreed remit of the inquiry speaks for itself. If anyone thinks that they have something to say on the remit, that is a matter for them. The rest of the letter emphasises the points in which the committee has a particular interest. Three points are mentioned. Bruce McFee has suggested another specific point. It would be helpful if he would elaborate on what he wishes to invite by that addition.

Mr McFee: I would be happy to do so. I will begin by reading out the wording that I suggest, which may help.

Mike Pringle: Do so slowly, so that I can take it down.

Mr McFee: The terms of the inquiry are clear and cover what I am going to say. They also cover the three specific bullet points that appear in the request for evidence, so it is fair that the issue that I want to raise should appear as a bullet point. I suggest that we ask, "Do you have information relevant to the misidentification or otherwise of fingerprints in what has become known as the Shirley McKie case?" The reason for including that question is straightforward. We are carrying out this inquiry because of the McKie case. The lack of confidence in the SCRO has crystallised around that case. If at some point I am asked and, hopefully, want to express confidence in our system, I must know what went wrong. It is as simple as that.

The Convener: You want to seek evidence from anyone who has information about the misidentification of the fingerprints.

Mr McFee: Yes—information relevant to the misidentification or otherwise of the fingerprints.

The Convener: Where do you think that that will lead? I am worried that the whole inquiry would end up focusing on whether we could sort why some fingerprints were misidentified. I need to know what you are trying to invite by adding the new bullet point.

Mr McFee: I will tell you exactly what I am trying to invite. We are being asked to call witnesses, whose evidence will probably be that everything is now running 100 per cent within the SCRO and the fingerprint service. I hope that that is the case. However, in order for me—and others I suspect—to satisfy themselves that that is the case I will have to see evidence that the SCRO has identified the mistakes of the past and has taken action to remedy those mistakes. I do not know what went on. Nobody in the committee knows exactly what happened. Is it a systemic problem, for instance?

The Convener: Are you suggesting that the information that you are calling for would allow us to try to resolve what happened?

Mr McFee: The resolution of what happened is a much bigger issue, but that information would help us to understand what happened. I am not trying to be simplistic, but say that one of my car tyres has a puncture. The first thing that I do is try to find out which tyre has the puncture. I do not simply change all the tyres. Basically, that is what we have to do. We have to get an indication of—a feel for—what went wrong. We are being invited to believe that this is two cases and we are told that there were two misidentifications in one case and that everything else is fine. I need an indication of whether the case was a one-off occasioned by particular circumstances. I just do not know.

Margaret Mitchell: I am happy to support the inclusion of Bruce McFee' suggested wording. We will not know what went wrong until we try to establish the facts surrounding the misidentification of the fingerprints; until then we cannot really move forward. On that basis, I am happy to add a fourth bullet point. It is crucial and will have an impact on the witnesses that we intend to call—certainly on those that I have suggested.

Mrs Mulligan: In my initial comments I suggested that, in agreeing what we are looking for from the inquiry, our starting point should be the problems at the SCRO that brought about and are highlighted by what has come to be the McKie situation. My feeling—and there have been hints of this in what other members have said—is that the McKie situation is not the only problem. We

need to be careful and to ensure that we do not concentrate on one aspect of the problems at the SCRO to the detriment of others. That is why I have concerns about highlighting any suggestion that that was the only problem. If we ask for the information that Bruce McFee suggests we do, we will probably not hear anything that we have not heard already. However, we should add that question to the call for evidence and see what it produces.

I am concerned that Bruce McFee might be suggesting that question as a way of moving onto the ground that we disagreed about last week, which was that of trying to replicate a public inquiry in the committee. I put that on the record because I would have concerns about that. [*Interruption.*] I am pleased that Bruce McFee and Stewart Stevenson indicate that that is not what they are seeking. I am happy for the suggested fourth bullet point to be included in the call for evidence.

Mr McFee: I am happy to put it on the record again that replicating a public inquiry is not my intention.

Mike Pringle: It is clear that Ken Macintosh and Mike Rumbles would have something to say about the issue. What Bruce McFee has suggested relates directly to them and to their letters. Having agreed a remit it is incumbent on us to make the inquiry as broad as possible. It is vital that we focus on the people who have been directly involved in what has happened and who have something specific to say about it. A huge number of people might want to have their say in our inquiry, but there is no way that we will be able to hear from them all. We must focus on those who have been directly involved and who have specific information to give us, such as the fingerprint experts. I repeat that I would like us to get some legal advice before we finalise the list.

The Convener: The issue is how we move forward. I hear what members are saying. The remit refers specifically to

"the implications of the McKie case",

which people can interpret however they like. I would be concerned about our using the language that Bruce McFee has suggested, because to me it sounds like something from the programme "CSI: Crime Scene Investigation".

Mr McFee: That is not a programme that I watch.

The Convener: I could not support the use of language asking if anyone has any information, but I could support a replication of the phrase,

"the implications of the McKie case",

which is already in the remit.

The nub of the issue is that we must be clear about what we seek to do. I am entirely content that the purpose of our inquiry should be to establish what lessons, if any, can be learned from the McKie case; for me, that is what the inquiry should be all about. I am not interested in our trying to resolve a dispute that has continued for the past year by calling as witnesses the parties concerned. One group of witnesses would say, "We stand by the identification that we made," while the other would contradict that. Even if we had our own investigative team, we could not get to the bottom of matters. The committee knows that that is my view.

In the interests of making progress, I concede that our call for evidence should make some reference to the inquiry remit's mention of

"the implications of the McKie case",

but I would be strongly opposed to the idea of making the call so broad that it invited anyone who had any information on the misidentification of fingerprints to give evidence, because if we did that, we would be starting a miniature inquiry that would centre on our resolving who was right and who was wrong. I do not know whether that is a helpful suggestion, but I am attempting to meet Bruce McFee halfway.

Mr McFee: To be honest, your suggestion is broader than mine. My suggested bullet point was an attempt to narrow that aspect of the remit, but your proposal would re-open the door. It is important that I used the word "relevant". I am not asking for all and sundry, from *Sunday Mail* journalists to writers from *The People's Friend*, to submit their views because that would be a nonsense, but if we are to understand the McKie case, it would be useful to hear from those people who know about the basic problems. We are being asked to approve a report that suggests that the way in which fingerprints are analysed is changed, so we need to know why such change is necessary. I suspect that there is a direct link with some of the issues that will arise in our inquiry.

If I read my suggested wording again, perhaps the convener will realise that it is quite a narrow proposal, rather than an open one. I propose that we include, as a fourth bullet point, the question, "Do you have information relevant to the misidentification or otherwise of fingerprints in what has become known as the Shirley McKie case?" The important word is "relevant"—I am not talking about information from third parties or from bystanders somewhere. My proposed wording is narrower than the convener's.

The Convener: If you are saying that you want to narrow our call for evidence, you are speaking my language. I am just trying to get us to stick to the remit that we have agreed. As that remit already contains the phrase,

"the implications of the McKie case",

to reuse it would not broaden our inquiry.

Does any other member want to help us to make progress?

11:00

Stewart Stevenson: I have a brief point. As we have a list of bullet points, it would be useful to include in it something along the lines that Bruce McFee has suggested, although I am sure that whether we do so will not affect from whom we hear. By putting in such wording, we would be directing interested parties to the committee's particular concerns. If, for example, Gary Dempster were to respond to the committee, we would be signalling clearly to him the sort of areas that we wished him to focus on, rather than asking him to give us a 25-page closely packed document about everything in the western world that related to fingerprints, which we would be incapable of digesting meaningfully.

The new bullet point could serve a useful purpose. If there is a disagreement about the wording that we want to use, we should hear alternative proposals and take a view on them. However, I suspect that we are in broad agreement and are, perhaps, arguing only about the odd dot and comma and a couple of words. I think that the form of words that Bruce McFee has suggested would be perfectly adequate.

The Convener: I am really unhappy with that wording. The question begins by asking anyone with any information—

Mr Bruce McFee: That is relevant.

The Convener: I know that you have included the word "relevant", but the person has to decide that. I agree with Stewart Stevenson that, regardless of what we say, anyone who thinks that they have anything to say will come forward.

Marlyn Glen: I think that, because of the remit, our meaning is implicit. I do not think that the form of words will make any difference at all in terms of who is going to reply. I think that anyone who is going to reply will have decided to do so already, and we have not even put out the call yet. The matter is not particularly significant.

Stewart Stevenson: I think that it would be useful to make it explicit rather than implicit. We are in an area in which there are too many Chinese whispers. That is my point. It is quite a simple one.

Mike Pringle: I am not against including Bruce McFee's suggested bullet point, but I think that it replicates the remit. The words in the remit, "the implications of the McKie case", are broader than "relevant information". I am easy.

The Convener: If that is the feeling, so be it. Bruce, do you want to pass your words to the clerks?

Mr McFee: I have done so.

The Convener: That brings us to the subject of witnesses. Before we discuss who we want to call, we should address the specific legal issues that Mike Pringle has raised.

Marlyn Glen: Can I mention the fact-finding visit to the SCRO?

The Convener: We will deal with the visit when we come to the timetable.

Members will be aware that, under the Scotland Act 1998, the committee has the power to call any witness, with some exceptions—namely, the Lord Advocate and judges. Legal advice for the committee can be dealt with in-house as we are entitled to ask for legal advice on any matter that we think is relevant to our inquiry. That does not apply to witnesses that we call. Any legal advice that they wish to take would be a matter for them. Do members have any comments on that?

Margaret Mitchell: I take it that there is no division between the Lord Advocate's role as the chief prosecutor and his role as the adviser to the Executive.

The Convener: The Lord Advocate and the Solicitor General are specifically excluded. Callum Thomson will explain.

Stewart Stevenson: Could Callum focus on the distinction between our ability to call them to appear and our ability to request that they appear? In other words, is there an absolute bar to their appearing?

Callum Thomson (Clerk): We will get a legal note on this, but my understanding is that the committee can call the Lord Advocate or the Solicitor General to appear before the committee but that, in any proceedings of the Parliament, they may decline to answer any questions or produce documents relating to the operation of the system of criminal prosecution in any particular case if they consider that so doing might prejudice criminal proceedings in that case or would otherwise be contrary to the public interest. We will get that confirmed in writing.

Mike Pringle: Is everyone happy to have a legal adviser during this process?

The Convener: Are you asking us to appoint a legal adviser?

Mike Pringle: I am suggesting that that is something that we might think about.

The Convener: As I said, we already have access to legal advice as and when we want it. Would that suffice?

Mike Pringle: I would be interested to hear what other members say before I decide.

Margaret Mitchell: It might be premature to appoint an adviser until we see what materialises from the written evidence. We might revisit the question when we have the written evidence before us.

Stewart Stevenson: I broadly agree with Margaret Mitchell. It would be useful if we were to seek permission to have an adviser, but indicate that we have not yet decided whether to exercise that right. That is just a timing issue. Is that a fair point?

The Convener: Yes.

Mrs Mulligan: I agree with Stewart Stevenson. The practicalities of appointing an adviser are such that it could take some weeks. We should perhaps set that in motion, but we should also bear it in mind that the committee can seek legal advice from the legal staff in the Parliament at any time during any committee meeting. We should make use of that at this stage, which should address some of the issues that Mike Pringle raised. We might want to reconsider that at a future date.

Mr McFee: I have some sympathy with what Mike Pringle said. It might be useful to seek permission to appoint a legal adviser, in case we need one at a later date. One of things that might concern Mike Pringle is the possibility that defamatory statements will be made.

Mrs Mulligan: By members of the committee?

Mr McFee: That point is covered in the draft call for evidence, which states:

"The Parliament will not publish defamatory statements or material. If we think your submission contains defamatory material, we will typically return it to you with an invitation to resubmit it without the defamatory material. If the evidence is returned to us and it still contains defamatory material, it cannot be considered by the committee and we will have to destroy it."

A protection is therefore provided. I do not know whether that was the only concern that Mike Pringle had.

The Convener: Would it help if we arranged a private legal briefing so that members could have some of the more obvious questions answered? It is open to the committee to take legal advice as we proceed. As Margaret Mitchell said, if we felt that we needed the stronger presence of a legal adviser we could set things in motion now to appoint one. As Mary Mulligan pointed out, that is a longer process. We will have to take a twin-track approach so that members feel that they have the necessary support. Is that agreed?

Members *indicated agreement*.

The Convener: We move on to suggested witnesses.

Mrs Mulligan: The paper from the convener is helpful. Given that we have identified the date in April and are considering two further dates in May, I suggest that for the April meeting we go with the witnesses suggested in paragraph 17 of the convener's paper. In the subsequent meeting, whenever that might be, we should hear from the list of suggested witnesses in paragraph 19, which is drawn from Mike Pringle's original inquiry remit proposal. At the April meeting we should also consider who else we wish to call on the basis of the written evidence that we have received and the legal advice that I hope that we will have taken.

Mr McFee: We should discuss the first panel because that is the pressing matter. We have a bit more time to decide on the other panels. I agree with Mary Mulligan that we will not agree all the witnesses today. We do not know whether some people we wish to call will provide written evidence and we have to bear that in mind before we draw up a final list.

I am not sure of the value of some of the witnesses that are suggested in paragraph 19. I am not sure what the Scottish Legal Aid Board would add, although I am prepared to be persuaded. I would not be happy with formalising a list of witnesses for the second meeting yet, and certainly not based on the suggestions in paragraph 19.

I have a list of names to throw into the pot, as it were. Some of them were mentioned by Margaret Mitchell. The suggested witnesses in paragraph 17 include

"Other SCRO staff with specialist fingerprint knowledge".

It would be useful to know who that refers to before I read out my list, but I will suggest some possible witnesses in other areas. Margaret Mitchell mentioned Shirley McKie and Iain McKie, but I think that we should consider some of their legal team as well. I can give the clerk a list of their names or I can read them out if members wish.

I suggest that we call former deputy chief constable James Mackay and former detective chief superintendent Scott Robertson. They carried out the 2000 investigation, so clearly we will want to speak to them. I also think that it is relevant to look back and take evidence from the former head of the SCRO, Harry Bell. Margaret Mitchell mentioned William Taylor, who was responsible for some of the inspections of the SCRO. We should hear from John McLeod and from Geoff Shepherd, the former head of the forensic training centre in Durham, who acted as a consultant during the police inquiry in 2000. We

should hear from Joanne Tierney, the Scottish fingerprint training officer, who offered a critique of some of the items relevant to the SCRO. We should also hear from the SCRO officers at the time—I think that Ken Macintosh suggested that.

The paper suggests that we call "international fingerprint experts" to give evidence on 26 April. Does that include—excuse my pronunciation—Arie Zeelenberg, Pat Wertheim, David Grieve and Allan Bayle? There is also potential to call Jim Wallace. Did you suggest that, Margaret?

Margaret Mitchell: Yes.

Mr McFee: I beg your pardon. I did not mean to duplicate the suggestion.

Those are some names that I can immediately think of—some of them are fairly heavy names. It would be useful to hear evidence from them. Obviously, I hope that they will submit written evidence as well.

The Convener: Thank you, Bruce. So that I am clear, are the witnesses on your list people you are interested in calling or are you suggesting that we should call them all?

Mr McFee: I tried to narrow it down. I have a list of about 60 possible witnesses, but I cut it down because I know that there are constraints. I think that those people have something relevant to say and they have detailed knowledge of the fingerprint service in Scotland. That is what we are looking for. I am not looking for bystanders who have commented in newspaper articles. I am interested in people who have detailed knowledge.

Stewart Stevenson: I broadly support what Bruce McFee says. Paragraph 19 suggests that we call Andrew Brown. Fine fellow though he is, I am not sure what he would add to what the Association of Chief Police Officers in Scotland would say. As chief constable of Grampian, Andrew Brown is a member of ACPOS. I suspect that it would be sufficient to call either the Law Society of Scotland or the criminal bar association. I am not sure about the Scottish Legal Aid Board, which is relatively peripheral to the matter.

11:15

Margaret Mitchell: The list that I originally submitted included a number of people who are also on Bruce McFee's list, such as the four fingerprint experts, Shirley McKie, Jim Wallace, who was Minister for Justice, and James Mackay. I am not sure what the Scottish Legal Aid Board could add to our inquiry. The current Minister for Justice, Cathy Jamieson, was also on my list. If, as Bruce McFee suggests, we call the lawyers who advised the McKie family because of their ability to shed light on the matter, fairness dictates that should we also call Unison and expert lawyers for the SCRO.

Mike Pringle: The list that I brought to last week's meeting represented only a first stab at the matter and it would probably be a good idea for members to cross people off the list if they want to do so. The list of people that other members have provided is huge. I was keen that we try to conclude our inquiry before the summer recess, but if we call all those people to give evidence we will certainly not conclude our inquiry by then.

Bruce McFee suggests that we call five fingerprint experts. All those people have opinions and I hope that we can hear from one of them, but it would take a day, if not longer, to hear from all five experts, who might say broadly the same thing. I am trying to narrow down the list slightly so that we can complete the inquiry by the summer recess.

I want to reserve judgment on whether to call some of the people Bruce McFee suggests until after we have taken legal advice. I am not against the inclusion of anyone, but I am keen to narrow down the list, if possible. It is a good idea to call Jim Wallace. I am sure that he would have no objection to being called, but it would take a full meeting to hear evidence from the Minister for Justice and from Jim Wallace and a second meeting to hear from the fingerprint experts and others.

We should take legal advice about certain people before we draw up a definitive list, so we should meet our legal adviser as soon as possible. Perhaps after taking advice we will be able to decide on a list immediately after the Easter recess. I hope that by then we will have enough information, which I am sure the clerks will pass on to us if we are not here during the recess, so that we have a little more time to read it than we would do in a normal hectic week when Parliament meets. The clerks might already have received information.

Mrs Mulligan: I say in my defence that at last week's meeting I questioned the list that is reproduced in paragraph 19, but nobody supported me, so this week I tried—as ever—to be accommodating by accepting the list. However, if members have decided that questions remain about that list, I am happy to go along with that. It is helpful that members identified the entire list of people who could be called to give evidence to our inquiry, but I wonder by which year's summer recess they think we can draw up our report.

I am persuaded that we should decide on panels of witnesses for our first inquiry meeting in April. We should return to consideration of whom to call after we have received written evidence and discussed who might be available. We should discuss whether we need to hear from all five experts and we should ascertain what information the minister can give us about David Mulhern's

support team. I hope that the minister will give us that information soon and that she will tell us which international experts David Mulhern will consult. That may direct us as to which named experts we may want to propose. We should return to the discussion at our April meeting and make a decision then. Like Mike Pringle, I have not ruled out anyone. We must make a start and build on that as and when we can.

Mr McFee: I agree—there is no dissent on that. Last week we took out the list, for the reason that has been given. We all accepted that Mike Pringle had provided it as an indicative list of people who could be called. I agree that we should not determine witnesses even for the second panel until we have received written evidence. That is only sensible, because we may change our minds. The witnesses whom I listed fall into some fairly natural groups; practice suggests that they will be grouped into panels and will not appear by themselves.

I raised the issue of experts because paragraph 17 invites us to agree to include "Other SCRO staff" on panel 1—the first evidence-taking session. It is important that we know who those staff are. I will be candid. I am concerned about our asking people to give evidence only as employees of organisations because, ultimately, their evidence will be restricted. As someone who likes a wager now and again, I am prepared to bet that there would be gey few instances in which such people would give evidence that their employer did not want to hear. That is my only concern. Balance needs to be built in, because at the moment panel 1 is SCRO day. I am not saying that a balance can be struck on the same panel—I am fairly sure that that is not possible. However, it must be struck elsewhere.

The Convener: I agree with your choice of words. It is important to get a balance when we select witnesses. I would use the words "balance" and "focus". I have already seen some of the paperwork that is circulating, and it contains some quite heavy-duty information. The committee needs to be quite focused on structuring the witnesses in a way that will allow us to follow very detailed and expert information. We must agree what we plan to do on 26 April. The next stage might be to draw up a long list of everyone who has been mentioned so far. All the written evidence will be available on 27 April. Members may see some of it for 26 April, but the deadline is the following day. They will have an idea of who has submitted written evidence.

Mr McFee: We may be stuck with this, because time is limited, but the paper states that panel 2 will consist of

"International fingerprint experts (those validating the Action Plan prepared by DCC Mulhern)".

Who are those experts, and who employs them? If we take evidence only from people who are validating a document, we should not be surprised if they tell us that everything is hunky-dory. I accept that the list was drawn up in haste, but my fundamental concern is that we might hear only from people who will support the document but not from those who are prepared to disagree with it or to say that issues have not been covered.

The Convener: I accept that point, which applies to many witnesses. It is fair to surmise that witnesses will feel restricted. Mike Pringle mentioned issues relating to legal advice. We need to ensure that we strike a balance and seek expert evidence from people who hold different views.

I draw members' attention to paragraph 8 of our approach paper. It states that the names of the experts who will validate the action plan have yet to be announced. I accept Bruce McFee's point that the committee must be clear about who the experts are, who their employers are and where they come from. That will be made crystal clear to us as soon as the information is available. It is up to members to decide the lines of questioning that they want to adopt if they have concerns that the experts who validate the action plan are not sufficiently independent. We would all share that concern. We will not have that information until the action plan is released.

Callum Thomson: We expect the action plan to be sent to the minister by the end of March. When it will be released to the committee and published more widely is a matter for the minister. The approach paper asks whether the committee wants to request that the minister release the action plan as soon as possible.

Mr McFee: I am aware that a number of international experts have been asked to validate the plan. Will we be informed if any international fingerprint experts refuse to validate the plan and will we call them to give evidence?

The Convener: I suggest that when David Mulhern is in front of the committee we must establish how the experts were selected. The action plan is quite wide ranging. Issues about the implications of recent cases will have to be addressed by that panel. I have no doubt that that is the starting point. To that extent, I agree with other members that we must establish how the Executive arrived at the action plan. Such questions need to be put to that panel, which makes our leaving some blank spaces in the timetable all the more pertinent. We can fill them depending on what we hear at that evidence session and on what is in the written evidence. We can decide who the most appropriate witnesses are once we have heard from that panel.

Members will know who the experts are before 26 April. Bruce McFee might have some of his questions answered, but he will not get them all answered. He can address the issues on the record, which is part of the purpose of bringing the witnesses to the committee.

Mr McFee: I understand that and I know that I am asking you to resolve an issue that may not arise, which is always difficult.

Given that the minister will confirm the names of the experts who validated the action plan, it would be worth our while to get on the record confirmation of the names—if there are any—of those who refused to validate it. We must know whether there is dissent among the experts. There may not be, but the experts may have been chosen because they will validate the action plan. I want to know the other side of the story. I am not saying that the committee could immediately call them to give evidence, but we may wish at some stage to bring someone to the committee who challenges the action plan.

The Convener: The only point that I am not clear about today is whether the appointments were made independently by David Mulhern. I do not know whether the minister can shed any light on that. I have already put a call in to David Mulhern and have asked that as soon as possible we receive preliminary information about the action plan and the experts that he intends to bring with him. If Bruce McFee has concerns that a selection process may have taken place, he should ask about that on the record.

Mr McFee: Okay. I accept that point.

Mike Pringle: I agree.

I proposed five different organisations and individuals. I presume that we will call the Minister for Justice. Are we suggesting that we do not call any of the other four? I would be happy with that.

Marlyn Glen: We should hear from the Law Society of Scotland.

Stewart Stevenson: Or from the Criminal Bar Association.

Mrs Mulligan: That would be helpful, because we need to get a broader view on re-establishment of confidence in the service.

Mike Pringle: We should hear from one or the other.

Mrs Mulligan: One of those would probably do.

11:30

Stewart Stevenson: Perhaps someone who was a member of both the Criminal Bar Association and the Law Society of Scotland would do well.

Mike Pringle: If we are to spend the whole day on panel 1, we will need to start earlier than 10 o'clock. However, we can discuss that when we come to consider the timetable. We should also establish which

"SCRO staff with specialist fingerprint knowledge"

we should invite.

Another point is that someone whom we might want to call might not submit any written evidence. Perhaps we should leave the matter open. For example, I am very keen to hear from James Mackay and his deputy, but I am not sure that we will get any written evidence from them.

The Convener: Our previous practice certainly does not suggest that anyone who submits written evidence has to give oral evidence; on the contrary, the written evidence that we receive simply gives us an opportunity to find out who is saying what, and has never guided our decisions on who we call to give evidence. I am very particular about that matter, because we have previously argued over who should be called before us. It is always a difficult call; however, it is always a matter for the committee and it has never depended on the written evidence.

Mike Pringle: That is fine. In that case, I broadly agree with everything that has been said. We need to focus on who should give evidence on 26 April. Clearly, the evidence session with David Mulhern—especially if he brings other people with him—John McLean and Ewan Innes will take a long time. Will that group take up the entire morning? Do we broaden it out to include

"SCRO staff with specialist fingerprint knowledge"?

Kenneth Macintosh has suggested that we invite Peter Swann, and Mike Rumbles—I am sorry that members do not have his letter—has suggested Gary Dempster. I simply do not know how broad the category of

"staff with specialist fingerprint knowledge"

will turn out to be.

The Convener: The first day of evidence taking will concentrate on the action plan. For example, who has validated it? Where has it come from? How wide is it? What lessons has the SCRO learned? What changes has it made and what changes does it plan to make? Basically, we will concentrate on the fingerprint service, past and present. Any fingerprint experts who give evidence on the action plan will let us know where the service has come from and where it intends to go. Other witnesses from the fingerprint service will allow us to understand how we have reached this position by giving a variety of views on the identification of fingerprints, on differences in procedure and on what happens in particular

cases. We should try to contain such evidence taking and maintain focus in the inquiry.

If members agree that the meeting on 26 April should concentrate on such matters, we should ensure that our witnesses fit in with that decision. That meeting is simply the starting point; however, I agree with Mike Pringle that it will be weighty.

Do members agree with how the panels have been constructed? Do they feel that anyone is missing? Obviously, the key witness in panel 1 is David Mulhern, but members might also want to hear from the head of the SCRO. We have separated out the international fingerprint experts into panel 2, because they will discuss how they validated the action plan. At the moment, panel 3 comprises representatives of the Association of Chief Police Officers in Scotland. Do members have other suggestions?

Stewart Stevenson: I am relatively content with the proposal for 26 April. On 19 April, we will have some idea of what written evidence we have received; in fact, I suspect that the great majority of it will have arrived. Therefore, we will be in a position on 19 April to make informed judgments—albeit that they will not be informed by what we will hear from the panel on 26 April—as to what we want to achieve in subsequent evidence sessions.

Today has been useful in laying out the groundwork about organisations and named individuals from whom we wish to hear on 19 April. I suspect that we cannot today bottom out what happens on the second and subsequent evidence-taking days. We have had a useful discussion, but perhaps that is all. Given our usual forensic skills, the layout for the meeting on 26 April will be sufficient for us to understand the background against which the inquiry will develop over subsequent days.

The Convener: Okay. Do we agree on the panels for 26 April?

Members *indicated agreement*.

The Convener: We have a meeting on 7 June, but we need to discuss whether there should be a meeting between those dates.

We have taken a note of all the suggested witnesses. There are quite a few, so I will not read them all out. We have a long list of possible witnesses that will be circulated so that members can check whether their suggestions are on it.

Once we agree the timetable for oral evidence sessions and see the written evidence—we are not likely to see the bulk of it until 27 April—we can discuss further where members want agreed witnesses from that list to fit into the slots. Is that agreed?

Members *indicated agreement*.

The Convener: Let us move on to our timetable: how long will the inquiry take and when will we meet? As members know, there are some givens in our timetable—for example, consideration of the Criminal Proceedings etc (Reform) (Scotland) Bill starts after the recess.

I have contacted the office of the Minister for Parliamentary Business, as agreed, and said that we would like some flexibility in our extremely tight timetable which, when we consider the size of that bill, we would have needed anyway.

I am still awaiting word on how we are expected to handle stage 2 of the Scottish Commissioner for Human Rights Bill, but that might become clear in the next few days.

We probably need to talk about which slots we can agree on outside our normal Wednesday morning slot and all the difficulties that that will bring. I ask for suggestions from members.

Stewart Stevenson: At this stage, we are not able to size the inquiry and we will not be able to do so until we see the written evidence and understand in greater detail the background to it, which will probably happen in the first oral evidence session on 26 April.

I agree with Mike Pringle's and Marlyn Glen's observations that the prospect of our completing the inquiry before the summer recess is unlikely because it will be a substantial piece of work. Therefore, we are forced to confront the possibility of scheduling extra meetings. As one of the more remotely located members, for my personal convenience, Tuesday is the day on which I am here anyway and do not have other substantial, regular commitments. I encourage other members to consider additional meetings on Tuesdays, although at this stage we cannot say how many or specifically when. I am minded to support what Mike Pringle said about starting meetings earlier. I am normally in the Parliament at seven in the morning and would be perfectly happy to start at 7.30. I realise that that is likely to be a minority view, but I make the offer.

The Convener: I would not want Stewart Stevenson to get away with suggesting that he is the only member who starts work at 7.30. I point out that some of us do constituency work before we come to committee meetings, but I am sure that he does that, too.

Mike Pringle: If we started at 7.30 and finished at 1 pm, I do not think that any of us would have any concentration left for the final two hours of the meeting. However, I agree that, because of diary and other commitments, we need to schedule more meetings. We should try to find days for at least two meetings, although we might need more than that. Like Stewart Stevenson, I would prefer the inquiry to be finished by the summer recess

because there is no doubt that the Executive will put us under increasing pressure to get legislation through before next May, which means that our timetables will not get any easier between September and next May.

Just looking at my diary, which I have before me, I can see that it will be a complete nightmare to try to fit in a meeting on a Monday between now and 5 June. I would be much happier with a Tuesday. I appreciate that some members attend other committees on a Tuesday, but I do not. I have organised some things for Tuesdays. For example, I am involved in a planning inquiry and am likely to be called to it on Tuesday 23 May, so I would probably not want us to have a meeting then—although it has not yet been confirmed that I will be called to the inquiry on that date, which is a bit of a difficulty. However, we should try to schedule some meetings for Tuesdays. Perhaps we could have two meetings in May prior to the meeting on 7 June.

I return to the question of getting legal advice. I do not know whether it would be possible to schedule half an hour with a parliamentary legal adviser, whoever that might be, during the meeting on 19 April. I would suggest that we have the legal advice in private.

I think that Tuesday is the best day to have the suggested meetings. Clearly, we cannot meet on a Wednesday afternoon or on a Thursday, which is regrettable, unless we change standing orders in some way. I do not know whether the inquiry merits our asking whether we can do that. However, it looks like Tuesday is the best day. Clearly, members would not want to meet on a Friday. Looking at my diary, I am fairly well committed on Fridays, so Tuesday is the day that I am looking at—apart from the odd one—and anytime on a Tuesday would be fine.

Margaret Mitchell: The timetable should be flexible because the inquiry is important and it should not be rushed. For me, it is currently about the highest priority for the Justice 1 Committee. Two dates have been identified on existing committee dates on 26 and 27 June. I am happy to consider two other dates in May and it seems sensible to have the meetings on a Tuesday—that would certainly suit me best.

To respond to the members who suggested that we are being pushed to get legislation through, I make no bones about the fact that I think that the credibility of the criminal justice system hangs to a large extent on the outcome of our inquiry. It has been well documented that it is not a judicial inquiry, but it has real significance. The Criminal Proceedings etc (Reform) (Scotland) Bill is an important bill about summary justice that I would not want to be rushed. I want it to have its proper place and not to be pushed through. However, in my view, there is not the same necessity for the Scottish Commissioner for Human Rights Bill. I think that that is the committee's view, too, otherwise we would not have rejected the bill's general principles. I would like that comment to be taken back to the Parliamentary Bureau and to be factored in to a possible timetable, should we require any extra days.

Marlyn Glen: Can I just narrow down the Tuesday a little bit? Mondays are definitely out because I have the Glasgow Airport Rail Link Bill Committee on Mondays right through May. On each Tuesday morning throughout May, I also have an Equal Opportunities Committee meeting. I am left only with Tuesday afternoon. That is fine, although it means that I will have an extremely heavy meeting schedule. For the May meetings, Tuesday afternoon is acceptable.

11:45

Mr McFee: I echo the point that Margaret Mitchell made. It is important that I put on record something that all of us know: the committee is not the slave or the creature of the Executive. We are here to do a job. The independence of committees is much talked about; indeed, if they are to work properly, committees must make time for this type of investigation.

I also agree with Margaret Mitchell about the importance of the issue. For me, this is probably the most important item that has come before us. Saying that does not diminish the importance of any of the other work that we do. This investigation is crucial to the fingerprint service and to our criminal justice system, which is in danger of being brought into disrepute.

I concur with much of what other members have said about the suitability of Tuesday afternoons, which are also a convenient time for me. I have another committee involvement on a Tuesday, as a member of the Procedures Committee. If we decide to meet on Tuesday mornings, I will be here; I will alert my Procedures Committee substitute to that. I have no doubt that she will be delighted to be drafted in to such an interesting event as the fortnightly meeting of the Procedures Committee. I will make my diary flexible to suit our timetable.

Mrs Mulligan: I agree with other members that Tuesday afternoons seem to be the best time, although—obviously—they are not ideal. I share members' concerns about what this inquiry is setting out to achieve. As many members have said, it is important that we deal with issues such as the lack of confidence in the system—hopefully, our work will re-establish that confidence.

However, we should not downgrade the work that we are doing at the moment. The Criminal

Proceedings etc (Reform) (Scotland) Bill deals with issues including bail, which members have raised a huge number of times. Members should not think that we are doing this lightly. I was interested to hear Margaret Mitchell say that she is still not happy about the committee promoting human rights. No doubt we will return to that issue.

Margaret Mitchell: That is unfair and unworthy of Mary Mulligan.

Mrs Mulligan: Most members are signing up to Tuesday afternoons; it is good that we have identified a time. As other members have said, the work may go on beyond the summer recess. I hope that that is not the case for a number of reasons, not only because the people out there who are waiting for our inquiry report will be concerned if our deliberations go on for too long.

As ever, we will need to be flexible; we do not know how long it will take to seek witnesses and draft the report, for example. As the convener said at the outset, although it is not the most visible aspect of an inquiry, drafting a report often takes up a considerable amount of an inquiry timetable. People tend to forget that. I agree with other members: Tuesday afternoon is the most accessible time for everyone.

The Convener: You did not mention that we have committed you to being our reporter on some family law issues, Mary.

Mrs Mulligan: I have not forgotten.

The Convener: I though that I should just mention that.

Although our views on the remit may differ, I think that all members believe to some degree in the importance of the inquiry. As a result, members will devote time to it. However, there is no point in pretending that some of our work programme will not suffer.

Ideally, Tuesday mornings would be better for me. However, I appreciate that that would lead to clashes for members who sit on other committees that meet on Tuesday mornings. I have some restrictions on my involvement on Tuesday afternoons. In the interests of pushing forward on the inquiry, I agree to meet on Tuesday afternoons, but I propose that we opt for two or three additions at the most to our diaries, outwith our normal time slot.

Members should not forget that when we embark on our consideration of a bill, we are very committed to that work. Often, we arrange to meet in private outwith our normal time slot. We have done a reasonable job in the past, particularly if we have not been happy with a piece of legislation. We have met officials behind closed doors to get to grips with the finer detail of a bill—I am thinking of bills that deal with procedures, for example.

I say that on the record because much of the work that we do is not done in the committee room, so we are taking on an onerous work programme. Many of us also have an interest in Mary Mulligan's work because, despite the huge piece of work that we did on the Family Law (Scotland) Bill and the effort that we put into it, there are still issues that need to be scrutinised and it is only right that we continue to do that.

I think that we are agreed that, if we have to find slots outwith our normal Wednesday time, they will be on Tuesday afternoons. I am restricted in how long we will be able to meet for on a Tuesday, but it would give us an extra slot. I hope that members are not suggesting that we meet every Tuesday afternoon, because I cannot do that, but I can certainly offer some dates.

I support members who take the view that we should aim to complete the inquiry as early as possible. We should aim to do that by the summer recess but give ourselves a bit of flexibility—particularly because we do not yet know the timetable for the remaining consideration of the Scottish Commissioner for Human Rights Bill—although I would not want us to go further than into September. It has always been my view that whatever work we do on the matter should only be interim, as there is a case for a committee—whether ours or another committee—to have a watching brief on the subject. I will say that from the beginning when we draft the report, because although our inquiry will be thorough, I do not believe for a minute that it will resolve everything.

Are we agreed to find extra slots on a Tuesday?

Members *indicated agreement*.

The Convener: We might be best to circulate suggested dates. I propose that we circulate two suggested dates for Tuesday afternoon meetings in late May and, perhaps, the middle of June.

When members think about when they want to try to complete the inquiry by, they must remember that we will have to build in at least two committee sessions for drafting the report in addition to the evidence taking. Do members want to aim to complete it by the summer recess with some flexibility to take completion into September?

Mr McFee: Notwithstanding the fact that we do not yet have the written evidence, I am more and more persuaded by the suggestion that Mike Pringle and others made that it is probably not practical to complete the inquiry by the summer.

Mike Pringle: It is unfortunate.

Mr McFee: Yes. I think that it is probably impractical.

The Convener: It might be helpful if we aim for something. If we leave it open ended, that will give us a handling problem because, as I have

mentioned before—although members probably do not remember—the committee is due to do the proposed judicial appointments bill that is timetabled for February or March. Members might not consider that to be a priority, but I have an issue with the fact that the position has not been on a statutory footing for three years and I am concerned that there has never been a statement to the Parliament. I would not want to see the issue drop off the end of the session—you know what I am talking about when I say March 2007.

Mr McFee: I assume that we will complete the inquiry before then.

The Convener: The more the timetable shifts, the later we get into March 2007—April 2007, probably.

Mike Pringle: March, because none of us will be here in April.

The Convener: To leave the inquiry open ended will give us a handling problem. Once we finish with the Criminal Proceedings etc (Reform) (Scotland) Bill, the extracts of the Family Law (Scotland) Bill and the Scottish Commissioner for Human Rights Bill—whatever happens to that—we will still have to squeeze in the proposed judicial appointments bill in the beginning of 2007. Therefore, it might be helpful to have a deadline that we are at least aiming at, albeit that it would be open to the committee to move it. What do members want that deadline to be?

Stewart Stevenson: It would be useful for the committee to agree that our aspiration is to complete the inquiry before the summer recess but our deadline, in the event that we cannot fulfil that aspiration, is to complete it by the end of September.

The Convener: That is sensible. We will circulate some suggested dates for Tuesday afternoon meetings. I ask members to indicate to the clerks whether they are suitable.

We have covered most of the big topics for our inquiry. Do members wish to cover anything else today?

Mr McFee: Have we covered paragraphs 11 and 12 on page 2 of the approach paper, on the fact-finding visit to the SCRO?

The Convener: Yes. Marlyn Glen asked earlier about a visit to the SCRO. It seems sensible to respond to the invitation to go and have a look.

Mike Pringle: Again, I am just thinking on the hoof. A Wednesday afternoon or a Thursday might not necessarily be excluded for going on a visit.

Stewart Stevenson: Correct.

Mike Pringle: Given the pressure on Mondays, the extra pressure that will now be placed on Tuesdays, the pressure on Wednesday mornings and the fact that no one will be keen to go on a Friday, although I suppose that we could do so, our visit could be scheduled for a Wednesday afternoon or a Thursday. That would just mean that we would not be able to speak in a debate at those times. A Wednesday would probably be more problematic in that we would have to be back in the chamber by 5 o'clock.

The Convener: We should not rule that out, but I would have concerns about agreeing to that now.

Mike Pringle: I was just making a suggestion.

The Convener: I am not willing to give up my input to chamber business when it comes to matters that I feel are important. I would want to have flexibility on that. I think that others will feel the same.

Mike Pringle: I accept that.

The Convener: There might be justice debates coming up. Remember that we still have to debate stage 1 of the Scottish Commissioner for Human Rights Bill. Could we agree not to rule out Mike Pringle's suggestion? If we are struggling for time, it might come to that.

Mike Pringle: We would all be keen to go on the visit.

The Convener: Are we agreed in principle that we would like to take up the SCRO's offer of a visit?

Members *indicated agreement.*

The Convener: We just have to agree a date. We will circulate some suggestions and members can respond.

Mike Pringle: Preferably, we will all go on the same day.

The Convener: We have already agreed to write to the Minister for Justice, saying that we want all relevant documents for the inquiry. With the committee's agreement, I will mention the importance of our getting to see the forthcoming action plan as soon as possible in advance of our meeting on 26 April. It would seem sensible to include that point in our letter to the minister.

That brings us to the end of the meeting. The next meeting will be on Wednesday 19 April.

Mike Pringle: There is one item left, so we are going into private.

The Convener: We will also be receiving an informal briefing from the Scottish Parliament information centre and our adviser on the Criminal Proceedings etc (Reform) (Scotland) Bill. That brings us to the end of the public session.

11:58

Meeting continued in private until 12:40.

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, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

Thursday 6 April 2006

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00
Meetings of the Parliament annual subscriptions: £350.00

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75
Annual subscriptions: £150.00

Standing orders will be accepted at Document Supply.

Published in Edinburgh by Astron and available from:

Blackwell's Bookshop
53 South Bridge
Edinburgh EH1 1YS
0131 622 8222

Blackwell's Bookshops:
243-244 High Holborn
London WC1 7DZ
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh

Blackwell's Scottish Parliament Documentation Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

Telephone orders and inquiries
0131 622 8283 or
0131 622 8258

Fax orders
0131 557 8149

E-mail orders
business.edinburgh@blackwell.co.uk

Subscriptions & Standing Orders
business.edinburgh@blackwell.co.uk

RNID Typetalk calls welcome on
18001 0131 348 5412
Textphone 0845 270 0152

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

Accredited Agents
(see Yellow Pages)

and through good booksellers

Printed in Scotland by Astron