

JUSTICE 1 COMMITTEE

Thursday 1 June 2006

Session 2

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JUSTICE 1 COMMITTEE 21st 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)
Bill Aitken (Glasgow) (Con)
Karen Gillon (Clydesdale) (Lab)
Mr Jim Wallace (Orkney) (LD)

*attended

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERKS

Euan Donald
Douglas Wands

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Justice 1 Committee

Thursday 1 June 2006

[THE CONVENER *opened the meeting at 13:19*]

Items in Private

The Convener (Pauline McNeill): I formally open the 21st meeting in 2006 of the Justice 1 Committee. No apologies have been received.

Under agenda item 1, I invite members to consider whether to take in private items 2 and 3. Item 2 is consideration of whether to accept recently submitted written evidence, and item 3 is further consideration of our approach to our Scottish Criminal Record Office inquiry. Do members agree to take those items in private?

Stewart Stevenson (Banff and Buchan) (SNP): No. I do not seek to oppose both propositions; I simply seek to invite the committee to think about having in public the discussion on compelling witnesses' attendance and on the refusal to give us the documents that we requested. To some extent, those two matters go very much to the heart of what is going on in relation to the report that we are compiling. If we were not to have at least some of the discussion on those two matters on the record, it would leave people not understanding why we are structuring some parts of the investigation as we are. I simply put that before colleagues to see whether others share my view. It is to that restricted extent that I seek to have the discussion on the record.

The Convener: You are talking about item 3.

Stewart Stevenson: Yes, but I do not necessarily mean discussing the whole of item 3 in public. I do not particularly mind having in private our consideration of the general approach, but if it is necessary procedurally—

The Convener: Let us have a brief discussion and make a decision on the procedure. Just to make members aware, we normally take legal advice in private rather than in public, so we must red circle that discussion for the private session.

Mr Bruce McFee (West of Scotland) (SNP): There are issues that the committee would want to discuss in private, frankly. Would it be possible to bring the meeting back into public for the discussion that will follow our consideration of legal advice on whether we should compel individuals to attend a committee meeting and what our view is on certain documents not being made available? We could discuss that legal advice and ask questions about it in private, as

normal, but the actual decision could be discussed in public. I envisage difficulties for the committee—there may be accusations that we are not going to come to a conclusion in our inquiry if we are not given certain evidence. I think that it would be advisable to have at least some of the discussion on item 3 on the record. However, I accept that discussing the legal advice and the questions that we may wish to pose to our legal advisers should not be on the record.

The Convener: The suggestion is that we take in private the first part of item 3—we will put the clock on that—and then discuss in public the continuation of item 3. That would allow members to put on the record what they want to say about the committee's decision.

Stewart Stevenson: I am grateful to you, convener. I think that that expresses exactly where I am coming from.

The Convener: I do not think that any members object to that proposal. However, as ever, the obstacle is time. I hope that, if possible, the meeting will finish at 2 because an emergency question in which some of us have an interest, will be asked in the chamber at 2.15. We need to work back from that, so we must go back into public session at around 10 to 2 to allow everyone to have their say briefly on how they wish their decision to be recorded for the public record. Is that agreed?

Members indicated agreement.

The Convener: Members are otherwise happy to agree to take in private item 2, which is simply the question of additional written evidence.

Members indicated agreement.

The Convener: We now move into private session until 10 to 2.

13:23

Meeting continued in private.

14:05

Meeting continued in public.

Scottish Criminal Record Office

The Convener: I now reconvene the meeting.

Stewart Stevenson: I seek to move two motions without notice.

The Convener: I consent to taking the motions without notice.

Motions moved,

That S2M-04485 be taken at this meeting of the Justice 1 Committee.

That S2M-04486 be taken at this meeting of the Justice 1 Committee.—[*Stewart Stevenson.*]

Motions agreed to.

The Convener: Are all members familiar with motions S2M-4485 and S2M-4486?

Stewart Stevenson: I will read them out. The first is:

That the Justice 1 Committee resolves that the Lord Advocate should deliver to the Committee the report as authored by James Mackay in the matter of the Scottish Criminal Record Office Fingerprint Bureau.

The second is:

That the Justice 1 Committee resolves that the Minister for Justice should deliver to the Committee two reports authored by John MacLeod and a further report authored by Michael Pass in the matter of Shirley McKie v Scottish Ministers.

The Convener: Do members agree to those motions?

Stewart Stevenson: I have not moved them yet.

The Convener: Let us be clear: I have already decided to accept them; I am now asking the committee whether, having heard the motions, it agrees to them.

Stewart Stevenson: May I just formally move them?

Motions moved,

That the Justice 1 Committee resolves that the Lord Advocate should deliver to the Committee the report as authored by James Mackay in the matter of the Scottish Criminal Record Office Fingerprint Bureau.

That the Justice 1 Committee resolves that the Minister for Justice should deliver to the Committee two reports authored by John MacLeod and a further report authored by Michael Pass in the matter of Shirley McKie v Scottish Ministers.—[*Stewart Stevenson.*]

Motions agreed to.

Meeting closed at 14:05.

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