

JUSTICE 1 COMMITTEE

Wednesday 17 January 2007

Session 2

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JUSTICE 1 COMMITTEE

† 3rd Meeting 2007, 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 5

† 1st and 2nd Meetings 2007, Session 2—held in private.

Scottish Parliament

Justice 1 Committee

Wednesday 17 January 2007

[THE CONVENER *opened the meeting at 09:47*]

Justice and Home Affairs in Europe

The Convener (Pauline McNeill): Good morning and welcome to the third meeting in 2007 of the Justice 1 Committee. It would be helpful if members would do the usual and switch off mobile phones. I have received apologies from Bruce McFee, who has unfortunately injured himself and will not be here for the rest of the day. No other apologies have been received.

Item 1 is justice and home affairs in Europe. The committee is invited to consider an update on recent developments in relation to the proposed European Union regulation relating to applicable law and jurisdiction in matrimonial matters and to respond to two consultations from the European and External Relations Committee.

Members will be aware that we have done quite a bit of work on this subject, because we believe that it is important to scrutinise European legislation as it affects domestic law. A number of recommendations are set out in the clerk's note, which is paper J1/S2/07/3/1. I invite members to comment on them or to suggest alternatives.

Stewart Stevenson (Banff and Buchan) (SNP): On the proposed regulation on applicable law and jurisdiction in matrimonial matters, I agree with the recommendation in the paper, which is to note the United Kingdom Government's decision. The update highlights the advantages of our getting involved at an early stage, before the European bandwagon starts moving in a direction with which we are uncomfortable. I hope that the Justice 1 Committee continues to engage early with such things and that other committees will note the value of so doing in their respective areas of interest. Otherwise, I am happy with the recommendations in the paper.

The Convener: I think that everyone is happy with the recommendations. The committee has, quite rightly, always taken the issue of applicable law and jurisdiction seriously. The fact that the UK Government has decided not to opt into the negotiations on Rome III is a good outcome, although members will know that it can opt in at any time, which is why it is important for us to continue to scrutinise developments. I feel strongly that we have a job to protect Scottish civil law on

an issue that we think our committee system in the Scottish Parliament has reformed satisfactorily. I certainly do not want any amendments to be made to the law without the agreement of the Parliament.

We might want to highlight to the European and External Relations Committee the view that we have held for some time, which is that we should intervene early in scrutinising and influencing the process and that our doing so in this case has produced a satisfactory outcome.

There are, of course, other European matters that fall within the remit of the justice committees, some of which the Justice 2 Committee has been dealing with.

Are members happy to adopt the recommendations in the clerk's note?

Members indicated agreement.

The Convener: That ends our short public session this morning. We will now move into private session to discuss our draft report on the Scottish Criminal Record Office inquiry.

09:50

Meeting continued in private until 12:46.

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