

JUSTICE 2 COMMITTEE

Tuesday 29 May 2001
(*Morning*)

Session 1

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JUSTICE 2 COMMITTEE 16th Meeting 2001, Session 1

CONVENER

*Pauline McNeill (Glasgow Kelvin) (Lab)

DEPUTY CONVENER

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Christine Grahame (South of Scotland) (SNP)

Ms Margo MacDonald (Lothians) (SNP)

*Mrs Mary Mulligan (Linlithgow) (Lab)

Tavish Scott (Shetland) (LD)

*attended

CLERK TO THE COMMITTEE

Gillian Baxendine

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Fiona Groves

LOCATION

Committee Room 1

Scottish Parliament

Justice 2 Committee

Tuesday 29 May 2001

(Morning)

[THE CONVENER *opened the meeting at 10:50*]

The Convener (Pauline McNeill): I open the 16th meeting in 2001 of the Justice 2 Committee. We have a short agenda this morning: we will start with petition PE333 and then take the second agenda item, which is our report on the International Criminal Court (Scotland) Bill, in private.

I ask members, if they have not already done so, to turn off their mobile phones or pagers.

To date we have had no apologies—

Christine Grahame (South of Scotland) (SNP): Margo MacDonald.

The Convener: I am sorry. Margo MacDonald planned to be here but cannot be with us due to this morning's events.

I have one item on which to report to members. In December 2000, the conveners group approved a proposal from the Equal Opportunities Committee for a research project on mainstreaming equal opportunities in the Scottish Parliament. The project has now been commissioned. A workshop will be held to examine the relevance of certain practical techniques for ensuring mainstreaming in the Parliament's committees. The workshop will take place in Edinburgh on Wednesday 20 June from 5.30 pm to 7.30 pm. Each committee of the Parliament is asked to nominate one member to attend. Do we have a volunteer?

Christine Grahame: I do not have my diary. Can we deal with that next week?

The Convener: Yes, there is time to deal with it next week.

Mrs Lyndsay McIntosh (Central Scotland) (Con): That date is a nightmare for members of cross-party groups. I have to be in three places at once on 20 June.

Christine Grahame: What time is it on the Wednesday?

The Convener: The workshop will be held on Wednesday 20 June at 5.30 pm. I appreciate Lyndsay McIntosh's point that Wednesdays are chock-a-block with cross-party groups. I am convening a cross-party group meeting on that night and so I am not available to attend the

workshop. As it is important that we make an input to the subject of equal opportunities, I ask members to think about the date. If members could do that before our next meeting, we will see whether we have a volunteer.

Members indicated agreement.

Petition

The Convener: We move on to consideration of petition PE333, which was lodged by Mr Charles Douglas on behalf of the Humanist Society of Scotland. I refer members to paper J2/01/16/1, produced by the clerks, which gives background notes to the petition. The purpose of today's discussion is to decide whether we wish to take further action, note the petition or, if members feel that it might be helpful to know more about the subject of the petition, ask questions.

Christine Grahame: I have read all the papers on petition PE333. Given that the petition raises interesting points about human rights principles under the European convention on human rights, I plump for writing to the Minister for Justice. We should ask him whether Scotland is compliant with regard to the provisions of the existing Marriage (Scotland) Act 1977. It might also be worth asking the Scottish Law Commission, which is usually the source of ideas for reforming the law in Scotland, whether it feels that this is an area that requires to be visited. We are to consider family law in due course, although I do not know the committee's timetable for discussing that and whether we will consider the Marriage (Scotland) Act 1977.

The Convener: I want to clarify that the note from the clerks states:

"there are no proposals in the Family Law Bill" —

Christine Grahame: Yes, but that is the Family Law (Scotland) Act 1985. Our consideration of family law might include consideration of the Marriage (Scotland) Act 1977, as that is the act that regulates marriage ceremonies in Scotland. That act would have to be amended, not the Family Law (Scotland) Act 1985.

It is fair to the petitioner to explore the issues that petition PE333 raises, in particular how marriage ceremonies are conducted in changing times and who is authorised to conduct them.

Scott Barrie (Dunfermline West) (Lab): I go along with what Christine Grahame said and I support her suggestions. As an aside, the note from the clerks draws attention to the possibility of Euan Robson introducing a member's bill, which I signed, as such a bill has merit. Given Euan Robson's elevation, where does that proposal now stand? I should perhaps have raised the matter with the convener in advance of the meeting. I assume that Euan Robson cannot take the bill forward, but another member might wish to do so.

I will get back to petition PE333. We live in a pluralistic Scotland. The petition is worth considering as it raises interesting issues. When the marriage laws were first envisaged, we lived in

a totally different society. I agree that a good start would be to write to the Minister for Justice.

The Convener: We will ask for clarification on the point that Scott Barrie raised about Euan Robson's member's bill. We can then put the position on the record. Scott Barrie's assumption is correct: a Scottish Executive junior minister would not be allowed to introduce a private member's bill, as that provision is open only to back benchers. I note that the bill would deal with the expansion of the locations that can be used for marriage ceremonies.

I agree with Christine Grahame that it is fair to the petitioner to fish around for more information without making any further comment at this stage. My concern is that we might set a precedent and that all sorts of organisations might jump on the back of the petition. They could say that they form a particular group that should be recognised under Scots law to conduct marriages. I will hold fire on forming a view at the moment. I support what has been said about fishing for more information.

Mrs Mary Mulligan (Linlithgow) (Lab): Having read the notes that accompany petition PE333, I am not particularly concerned that the issue has not been addressed, but Christine Grahame has asked that we seek further information and I am happy that we do so. I agree with the convener; my mind will remain open on the issue. Some of the issues have been addressed in the Registrar General for Scotland's response, but more information will contribute to our decision.

The Convener: I will summarise the discussion so far. The committee agrees that we will write to the minister for his view on whether the subject of petition PE333 is ECHR-compliant and on whether the rights of the Humanist Society of Scotland are breached under the ECHR. We will also seek clarification of the status of Euan Robson's member's bill.

Christine Grahame: Do we require a register of groups that, according to certain criteria, are recognised and entitled to conduct marriage ceremonies? I suggest that we ask the Scottish Law Commission whether it has any views on the subject. That way we can open up the issue and see what we get back.

The Convener: I put Christine Grahame's suggestion to members. Are we agreed that we will write to the Scottish Law Commission?

Members indicated agreement.

10:59

Meeting continued in private until 11:29.

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