

JUSTICE 2 COMMITTEE

Tuesday 25 May 2004
(*Afternoon*)

Session 2

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JUSTICE 2 COMMITTEE 20th Meeting 2004, Session 2

CONVENER

*Miss Annabel Goldie (West of Scotland) (Con)

DEPUTY CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Mike Pringle (Edinburgh South) (LD)

*Nicola Sturgeon (Glasgow) (SNP)

COMMITTEE SUBSTITUTES

Ms Rosemary Byrne (South of Scotland) (SSP)

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Michael Matheson (Central Scotland) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Margaret Smith (Edinburgh West) (LD)

*attended

CLERK TO THE COMMITTEE

Gillian Baxendine

Lynn Tullis

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Richard Hough

LOCATION

The Hub

Scottish Parliament

Justice 2 Committee

Tuesday 25 May 2004

(Afternoon)

[THE CONVENER *opened the meeting at 14:04*]

Items in Private

The Convener (Miss Annabel Goldie): I welcome everybody to the Justice 2 Committee's 20th meeting in 2004. The first item on the agenda is to ask the committee whether it is agreeable that we take in private items 4 and 5, which are consideration of the draft report on the Constitutional Reform Bill and further consideration of our draft stage 1 report on the Tenements (Scotland) Bill. Is that agreed?

Members *indicated agreement.*

Justice and Home Affairs in Europe

14:05

The Convener: Item 2 concerns the justice and home affairs portfolio in Europe. The clerks have prepared a helpful paper on the matter, for which I express my thanks to them. Attached to that paper are documents that have emanated from the Council of the European Union.

I am happy to have a general discussion on the paper. As members can see, two items are identified: a green paper on sentencing and a green paper on bail. Both those developments have a potential—[*Interruption.*] I beg your pardon, the clerk is pointing out to me that there is also a framework decision on certain procedural rights in criminal proceedings. All three of those matters have a capacity to impinge on our law in Scotland.

At the bottom of each section of the paper is a suggestion for what the committee might or might not do. We will consider the framework decision on certain procedural rights in criminal proceedings first. Do members want to make any comments on it?

Karen Whitefield (Airdrie and Shotts) (Lab): Three substantial issues are mentioned in the paper, so we need to prioritise them. The framework decision on certain procedural rights in criminal proceedings is the issue in which I have least interest and I think that the clerk's recommendation that we maintain a watching brief on it and seek regular updates from the Scottish Executive is the right course of action. I would like us to pay a bit more attention to the green papers on sentencing and bail. As both papers will be extensive and will take up quite a bit of our time, I am not sure that we can examine all three issues.

Nicola Sturgeon (Glasgow) (SNP): The timescales dictate what we are able to do and I agree with all three recommendations in the paper. I would have liked to have been more involved in the green paper on sentencing, but the timescale is against us. However, it would be useful to take evidence from the minister on that green paper after the Executive has submitted its response, so that we can get an insight into the Executive's thinking. That might also help us when we consider the green paper on bail, in which we have an opportunity to get involved at an early stage. For practical reasons, I believe that that is the issue on which we should decide to spend time.

The Convener: That is helpful. As there are no other comments on the paper, I gather that the committee's view is to proceed as indicated. With

reference to the framework decision on certain procedural rights in criminal proceedings, that means that we will maintain a watching brief and ask the Executive for regular updates on what action has been taken. Because the green paper on sentencing has been published and because of the timing of the consultation, we will invite the minister to give evidence to the committee at a meeting soon after the summer recess to advise the committee of the Executive's response to the green paper and to enable the committee to discuss any issues that arise. The green paper on bail is not yet published; after publication, we will determine whether to take evidence on it or to hear from the minister. What we do on that green paper is largely dependent on the timing of its publication. Can I take it that the committee agrees to that course of action?

Members *indicated agreement.*

Youth Justice Inquiry

14:09

The Convener: Item 3 on the agenda concerns the committee's youth justice inquiry. It is necessary for us to consider the role of and specification for the post of the adviser for that inquiry. The clerks have again prepared a helpful paper, which is self-explanatory. Does the committee agree that we proceed on the basis of the specification as outlined in the paper?

Members *indicated agreement.*

14:10

Meeting continued in private until 15:05.

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