

JUSTICE 2 COMMITTEE

Tuesday 20 March 2007

Session 2

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JUSTICE 2 COMMITTEE

8th Meeting 2007, Session 2

CONVENER

*Mr David Davidson (North East Scotland) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Jackie Baillie (Dumbarton) (Lab)

*Colin Fox (Lothians) (SSP)

*Maureen Macmillan (Highlands and Islands) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD)

COMMITTEE SUBSTITUTES

Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

Carolyn Leckie (Central Scotland) (SSP)

Mr Kenny MacAskill (Lothians) (SNP)

Margaret Mitchell (Central Scotland) (Con)

Mike Pringle (Edinburgh South) (LD)

*attended

CLERK TO THE COMMITTEE

Tracey Haw e

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Steven Tallach

LOCATION

Committee Room 1

Scottish Parliament

Justice 2 Committee

Tuesday 20 March 2007

[THE CONVENER *opened the meeting at 14:00*]

Subordinate Legislation

The Convener (Mr David Davidson): Welcome to the eighth meeting of the Justice 2 Committee in 2007—our last meeting in this session of Parliament. We have received apologies from Michael Matheson. I ask members to turn off mobile phones, pagers and anything else that goes “raspberry” in the night.

Item 1 is consideration of eight negative instruments.

Police Grant (Scotland) Order 2007 (SSI 2007/109)

Police Act 1997 (Criminal Records) (Scotland) Amendment Regulations 2007 (SSI 2007/112)

The Convener: Do members have any comments?

Members: No.

The Convener: In that case, are members content with the instruments?

Members: Content.

Supervised Attendance Order (Prescribed Courts) (Scotland) Order 2007 (SSI 2007/120)

The Convener: The order was drawn to the committee’s attention because an Executive note was not provided initially. The Subordinate Legislation Committee has since received that note and provided it to us. Do members have any comments?

Members: No.

The Convener: Are members content with the order?

Members: Content.

Divorce etc (Pensions) (Scotland) Amendment Regulations 2007 (SSI 2007/122)

Football Banning Orders (Regulated Football Matches) (Scotland) Order 2007 (SSI 2007/125)

Testing of Arrested Persons for Class A Drugs (Prescribed Area) (Scotland) Order 2007 (SSI 2007/131)

Police (Scotland) Amendment Regulations 2007 (SSI 2007/134)

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2007 (SSI 2007/190)

The Convener: Do members have any comments?

Members: No.

The Convener: Are members therefore content with the instruments?

Members: Content.

Legacy Paper

14:03

The Convener: Item 2 is consideration of the legacy paper. I invite comments on the paper and the other documents that have been circulated to members. Many of the documents relate to the legacy paper.

Since the committee's initial consideration of the legacy paper, it has been updated in three areas. The first update takes account of the evidence-taking session with the minister on the management of child sex offenders; the second is on the Reliance contract variation negotiations; and the third is on justice and home affairs in Europe. As a follow-up to the evidence-taking session with the minister, letters from both the Minister for Justice and the Minister for Communities have been received and circulated to members.

I invite members to consider the legacy paper and the documentation. The quickest way for us to deal with the paper is to go through it paragraph by paragraph. Before we begin, I ask the clerk whether she wishes to comment.

Tracey Hawe (Clerk): All the changes that have been made since the committee last considered the paper are in italics, so it is relatively easy to pick out what is new.

The Convener: Thank you. There appear to be no comments on paragraphs 1 and 2. Paragraphs 3 and 4 are on the Conveners Group legacy paper. I inform members that representatives of that group will meet the Parliamentary Bureau this afternoon to follow through some of the comments from its legacy paper.

Paragraph 5 lists the legislation that the committee scrutinised. There appear to be no comments on paragraphs 6 to 8. Are there any comments on paragraph 9?

Colin Fox (Lothians) (SSP): You will remember that when we considered the Legal Profession and Legal Aid (Scotland) Bill, we asked the Scottish Executive when it was prepared to commence sections 25 to 29 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990. The Executive assured us that it intended to commence those sections and we received a letter to say that that would happen in March. Although there are 10 days left in March, this is our last meeting, so it is appropriate for us to say in our legacy paper that we expect that assurance to be honoured, given that it is 17 years since the 1990 act was passed. As the committee agreed on that point and the minister gave us his assurance that those provisions would be commenced, it is

appropriate to highlight the matter in the paper. I have looked through the legacy paper and believe that paragraph 9 is the most appropriate place to make that point.

The Convener: Yes, it is the most appropriate place. Do other members have comments?

Bill Butler (Glasgow Anniesland) (Lab): What Colin Fox said is eminently reasonable. There is still a little of March to go and I expect the Executive's promise to be kept. However, Colin Fox is right to suggest that we place the committee's requirement for that promise to be kept in paragraph 9.

The Convener: Will we include a sentence that refers to the minister's pledge and says that, as of the date on which the legacy paper was agreed to, the committee had not received an order to commence the provisions but expected it to be made by the end of the month? Is that satisfactory?

Colin Fox: That is in keeping with the assurance that we were given.

The Convener: Are you content with the suggestion?

Colin Fox: It seems fine.

The Convener: Is the rest of the committee content?

Members indicated agreement.

The Convener: I will tidy the sentence with the clerks.

Bill Butler: Perhaps a little reminder to the Executive—a nudge in the right direction—would help too.

The Convener: Indeed. We will act on two fronts. We will include a note in the legacy paper and the clerks will talk to Executive officials.

Members appear to have no comments on paragraphs 10 to 14. Paragraphs 15 to 17 are on youth justice. The next section is on the management of child sex offenders. Do members have comments on paragraphs 18 to 22?

Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD): In the light of the letter from the Minister for Justice, it appears that discussions with the Association of Chief Police Officers in Scotland have concluded on entry to premises without a warrant. The minister has made it clear that the guidance manual restates the common-law powers that are available to the police. I am not sure whether that specific point should be included in paragraph 22.

I have nothing else except that the word "in" is missing between "be" and "danger" in the first sentence of paragraph 22.

Tracey Hawe: Perhaps it would be better to refer to the update to the standard operating procedures manual and the implementation of the revised version.

Jackie Baillie (Dumbarton) (Lab): Because that is not in place yet.

The Convener: No.

Jackie Baillie: The matter has not been formally concluded. By all means, revise the paragraph, but it is not over yet.

The Convener: We are indebted to Jackie Baillie for her sterling work in convening the sub-committee. Would she like to think of wording for a comment to add to the legacy paper?

Jackie Baillie: No. I am happy to leave that to the clerks.

The Convener: Is the committee content?

Members indicated agreement.

The Convener: Members appear to have no comments on paragraphs 23 and 24. Paragraphs 25 to 28 concern the prisoner escort contract. Paragraphs 29 to 32 deal with legislative consent memorandums. Paragraphs 33 to 36 are on the budget. Paragraphs 37 to 42 are on the scrutiny of justice and home affairs in Europe. Paragraphs 43 to 47 deal with other matters. Do members have comments on paragraph 48?

Bill Butler: The word “of” is missing in the first sentence—it should read “for most of the session”.

The Convener: Thank you—I am always grateful.

Bill Butler: I am always willing to help.

The Convener: The legacy paper also lists in chronological order the petitions that we considered. The documentation that has been presented to the committee today will be part of the meeting papers and will be in the public domain.

Do members agree to the legacy paper, as amended with the two comments?

Members indicated agreement.

The Convener: This is the committee's final meeting of the parliamentary session. On the committee's behalf, I thank all members of the clerking team, including those who were involved for only part of the past year. I have found them all to be a tremendous support. In the short time for which I have been a member of the committee, I have been amazed at how dependent we become on clerks' advice. Of course, we do not always have to accept that advice, but it has always been available, constructive and helpful. I appreciate the

fact that options were often offered, which is the best way forward.

I thank all my committee colleagues for their hard work and diligence. It is nice to see Michael Matheson here and I ask him to pass thanks to Stewart Maxwell, who was helpful. All the members who served on the committee in the past four years have carried their weight. I am a great believer in the committee system and I would like its role to be expanded. I am grateful to have shared the time with members on the committee and I thank them all for that.

Bill Butler: On behalf of my committee colleagues, I thank you, convener, for your stewardship of the committee in the past year and a bit—or perhaps it was slightly longer.

The Convener: It was not as long as that.

Bill Butler: Was it not? Well, the time passed delightfully. Your convenership has been fair, objective and speedy, especially today. Today's meeting has probably been the speediest and most efficient. I echo your comments about the help that the clerks have provided; they have been excellent. You have made a worthy successor to the committee's first convener, Annabel Goldie.

The Convener: That is kind of you and I thank you for your assistance as deputy convener. I forgot to mention the Scottish Parliament information centre, whose staff have given the committee and the clerks much support in the past year. With that, I conclude the meeting.

Meeting closed at 14:13.

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