

JUSTICE AND HOME AFFAIRS COMMITTEE

Wednesday 6 October 1999
(Morning)

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JUSTICE AND HOME AFFAIRS COMMITTEE 6TH MEETING

CONVENER :

*Roseanna Cunningham (Perth) (SNP)

COMMITTEE MEMBERS:

*Scott Barrie (Dunfermline West) (Lab)
*Phil Gallie (South of Scotland) (Con)
*Christine Grahame (South of Scotland) (SNP)
Gordon Jackson (Glasgow Govan) (Lab)
*Mrs Lyndsay McIntosh (Central Scotland) (Con)
*Kate MacLean (Dundee West) (Lab)
*Maureen Macmillan (Highlands and Islands) (Lab)
*Pauline McNeill (Glasgow Kelvin) (Lab)
*Tricia Marwick (Mid Scotland and Fife) (SNP)
*Euan Robson (Roxburgh and Berwickshire) (LD)

*attended

THE FOLLOWING MEMBER ALSO ATTENDED :

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP)

COMMITTEE CLERK:

Andrew Mylne

SENIOR ASSISTANT CLERK:

Richard Walsh

ASSISTANT CLERK:

Fiona Groves

Scottish Parliament

Justice and Home Affairs Committee

Wednesday 6 October 1999

(Morning)

[THE CONVENER *opened the meeting at 10.01*]

The Convener (Roseanna Cunningham): Fergus Ewing MSP wishes to attend the part of our discussion about the petition from the Carbeth hutters because he had a previous and long-running involvement with their legal argument, along with MPs from a number of parties.

I have an apology from Gordon Jackson as he is unable to be with us this morning.

There are six items on the agenda this morning. Five are matters that have been referred to the committee from elsewhere in the Parliament, although the item on Scottish prisons will be a discussion of the visits that members of the committee made last week to Low Moss and Longriggend. Item 6, "Future Business (in private)", will be a discussion of how the committee copes with possible future business. We have a great deal of business to deal with that is being referred from elsewhere in the Parliament, including the Executive bills we have been alerted to.

The agenda item on future business will include a brief discussion on the following issues, because we need to make decisions on the committee's timetable. We will discuss the future of our debate on prisons, which is to say that having reached a certain stage in our work we will look at where we go from here. We will look at the complaints procedure of the Law Society of Scotland, which we have been asked to do. We have had a letter from Nora Radcliffe MSP asking us to look at the law on vandalism. We have had a letter from Gordon Jackson, who, as I said, unfortunately is unable to be here, asking us to consider looking at civil justice delays. That is in response to a letter that all MSPs will have had from Jacqueline Wardrop, who is concerned about that particularly in the Court of Session. We have had a letter from the Zero Tolerance Trust asking us to widen the scope of our discussions on domestic violence and we will also have to consider how we proceed with the domestic violence matters we have been looking at already. All of those issues are possible items of future business that we must make a decision about how to proceed with.

That decision will have to be made in the context of other business that we know is coming. I had a

meeting with the Parliamentary Bureau yesterday. I was asked, along with the convener of the Social Inclusion, Housing and Voluntary Sector Committee, to discuss possible timetabling for the member's bill on the abolition of warrant sales. We have been designated lead committee on that. I believe that the motion to do so will be before Parliament this afternoon.

The Abolition of Feudal Tenure etc (Scotland) Bill is being introduced today. It is clear that we will be designated the lead committee on it. We are already aware that we will consider the adults with incapacity bill. I understand that the introduction of that bill is imminent. My discussion with the bureau was about how we handle the timetabling. The committee is required to produce stage 1 reports on each of those three pieces of legislation. The stage 1 reports will be on the principles of the bills and will be laid before Parliament as a whole, before the stage 1 debate takes place.

We are required to look at each of those bills, to take evidence where we consider it appropriate, and produce the reports. After discussion with the clerk, I have indicated to the bureau that, in my view, we can do that by Christmas. The bureau has asked, and I have agreed, that on at least one of the two Executive bills we will give it sufficient time so that there can be a stage 1 debate before Christmas, so one of the bills will have to be turned around a little faster.

I regard that timetable as reasonable, given that with the two Executive bills there has been fairly extensive consultation and this committee has had extensive informal briefings. However, we will wish to get some of the evidence that we heard informally on to the record in each of those cases. All our discussions about future business, how we plan those meetings and how we fit in the two items of business that we have initiated as a committee—the prisons and domestic violence debates—will have to be in the timetable. Potential future business will need to be looked at in the context of that work load.

All of that will be part of the discussion that we have in private. I am well aware that there is a certain interest in anything that any committee does that is seen to be in private. I remind committee members that the procedure that we are following today is one that we have followed at previous meetings. It is also a procedure that has been endorsed by the Presiding Officer as appropriate for committees.

At the conveners liaison group, both last week and yesterday afternoon, it was made clear that this is an appropriate way to proceed when dealing with what are, in effect, housekeeping matters. The Justice and Home Affairs Committee had already begun to do its business in that way. That has now been endorsed and, indeed,

recommended.

Petition

The Convener: We now move to item 1 on the agenda, petition PE14 from the Carbeth Hutters Association on land reform legislation. I hope that members have read the petition and the helpful note that has been issued by the clerk outlining some of the options. It is fair to say that there is likely to be general sympathy around this table for the Carbeth hutters as to the position in which they now find themselves. I know that all of us will want to do whatever we can to assist their case.

As I have outlined, the time that is available to this committee imposes some constraints. Very briefly, I would like members to consider the options that are open to us. Effectively, there are two. First, we could initiate a committee bill on this matter. Secondly, we could hear the views of a representative of the hutters association, the landlord—if he is prepared to give evidence—and the Scottish Executive. We could then refer the matter to the Executive and ask ministers to consider including it either in the land reform bill which is to come before Parliament or, if possible, in the Abolition of Feudal Tenure etc (Scotland) Bill. I am not entirely sure which would be appropriate.

Before we move to a substantive discussion, Fergus may want to say one or two words, as he has some background in this issue.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): Thank you for inviting me to speak. I should declare that my legal practice is handling litigation on this matter, although my sister is doing all the hard work. After a temporary interruption, normal service is being resumed.

I am also a prospective trustee of the Carbeth trust, the aim of which is to purchase the Carbeth estate as a co-operative for the interests of the Carbeth hutters. The vice-convener of the Scottish Landowners Federation, Robert Balfour, and Len McGuire, the husband of Anne McGuire, are also trustees, so the trust has quite a broad-based composition. I thoroughly endorse Roseanna's remark that there is cross-party and non-party support for providing the Carbeth hutters with more security.

I hope that this committee will be able to take the issue forward in the way that it considers appropriate. However, I recognise that there are issues of time and resources. It is for the committee to decide on those.

The legal issue at stake here—providing security of tenure—entails coming up with a definition of a hut, to differentiate it from holiday homes, caravans and mobile homes. That is quite an easy

task for draftsmen to accomplish. At issue also is whether there should be additional measures to provide control against excessive—or what might be seen as excessive—rises in service charge. That was the straw that broke the camel's back and led to the dispute, given that the charges were exacted for nothing more than the use of a water tap.

Without taking up too much of the committee's valuable time, I feel that the best conclusion would be for the Executive to take the issue forward. No shortage of representations have been made to the Executive. Indeed, I first wrote to the First Minister in his former capacity in 1996. He replied, stating that it would be for the Scottish Parliament to take the issue forward. I hope that the First Minister will take up the suggestion that he made when he was Secretary of State for Scotland in 1996 and that the Carbeth hutters can be protected by the Executive taking action. It would be useful for the Carbeth hutters—and, indeed, the landlord—to have a hearing with a member of the Executive, which would set the Parliament in good esteem.

10:15

The Convener: In fairness, we ought to amend your remark, as it is unlikely that the First Minister made his remarks in 1996 as secretary of state. You must mean shadow secretary of state, if it was in 1996.

Phil Gallie (South of Scotland) (Con): I want to register a point. I have nothing against Fergus, but I find it rather strange that the committee is taking information—even though it is valuable and I recognise the knowledge and experience that lies behind it—from Fergus, who is coming at this matter, to some extent, from a professional position. He is professionally involved. There is something wrong with that. I recognise that he is an MSP, but is not there a conflict of interest—perhaps it is only in my mind—when MSPs have other forms of work? It seems wrong that Fergus is presenting this case. If his sister had been here to do it—if we could have interviewed her—I would have no difficulty with this situation at all, but under these circumstances, the issue appears to cut across the principles of the Scottish Parliament.

The Convener: I hear what you are saying, Phil, but Fergus is a member of the Scottish Parliament. He was formerly an active participant, but he has declared an interest. Having heard it, we are all well aware that Fergus's views on this are not—if you like—unbiased or anything other than the views of somebody who decided some time ago to support the Carbeth hutters. Fergus is no longer actively involved in the legal case. He is here as a member of the Parliament, giving his

views, which clearly have not changed despite the fact that, having been a lawyer, he was involved in the case. He is now no longer a practising solicitor and is not involved. He asked to come to the meeting and there was, in my view, no real reason to refuse to hear him. As long as he has declared the interest, which he has, everything is perfectly in order.

Phil Gallie: Is Fergus still the boss of the company that is dealing with the matter? Is he still in control of the company or does he simply have an association with it, and therefore nothing whatever to do with the case?

The Convener: Perhaps Fergus can outline what his relationship now is with Ewing & Co.

Fergus Ewing: I began my remarks by declaring an interest.

Phil Gallie: I accept that.

Fergus Ewing: The interest that I have is the interest that I declared in the register of members' interests, which has not changed. I am a partner of Ewing & Co, in the same way that members of Phil's party, such as Annabel Goldie and David McLetchie, are partners in their firms. All of us have views and a history of taking a stance on issues, which we bring to the Parliament and which, I feel, informs the work that we do. Provided that we declare an interest, as I have done this morning, it is quite proper that we should continue to pursue such matters.

I have no involvement with any of the litigation that is going on because, as I also declared, that is not being dealt with by me. I hope that the committee feels that I have made a proper declaration of my interests. I must admit that I am slightly surprised that the matter is being raised in this way, but it appears that that is politics.

The Convener: I know that Phil wants in again, but there are other people who want to contribute to this discussion. I remind members that Fergus Ewing is not here to give evidence, but to make a political statement on behalf of the Carbeth hutters, which he has made quite clear.

Christine Grahame (South of Scotland) (SNP): I take objection to what Phil has just said, not because Fergus is in the same political party as me, but because he made an open declaration at the start. His recommendation, which we have before us, that we should take evidence, not only from the Carbeth hutters, but from the Scottish Landowners Federation and the Executive, is very worthwhile. We want to be seen to be objective and to have a full explanation before us, which is what Fergus said. I hope that we will have a short inquiry into the merits of the case with those parties.

Kate MacLean (Dundee West) (Lab): I do not

think that people should take exception to Phil raising that point. I do not think that he raised it to be objectionable. If he was going to raise it as a concern in relation to today's committee meeting, he should have raised it after Fergus Ewing made his declaration of interest and before he actually spoke.

There would be a problem—that is up to the Parliament's legal people—only if Fergus was seeking to influence the committee and had a pecuniary interest in the outcome of the case, which his firm is handling. If that were so, I would be very concerned. That had not occurred to me—although it did to Phil—and perhaps we should have tried to ascertain that before Fergus made his statement.

Phil Gallie: Roseanna—

The Convener: Just a moment, Phil, there are other members who wish to speak.

Tricia Marwick (Mid Scotland and Fife) (SNP):

I want to declare my own interest in the matter. I first became aware of the Carbeth hutters when I worked for Shelter. I have a continuing interest in housing and issues of security of tenure. Like Fergus, I became involved with the Carbeth hutters some time ago, through a professional association. It is a continuing association and I have continuing sympathy for their plight.

It seems to me that the case of the Carbeth hutters is one of those causes célèbres that has been around Scottish politics for a long time. They have had expressions of support from all political parties. The hutters have an expectation that the Scottish Parliament will do something to help them through their difficulties and to help other groups in a similar position.

It is up to the Executive to deal with the matter. It must find some mechanism—whether through the Abolition of Feudal Tenure etc (Scotland) Bill, or in another land reform bill—to do so. I do not think that it is unreasonable of the Carbeth hutters to look to the Parliament for some protection. We should hold a short inquiry and ask them to come along and give evidence. We can then make a recommendation to the Executive as a matter of urgency. Those people need the kind of protection that we have always said the Scottish Parliament would provide.

Pauline McNeill (Glasgow Kelvin) (Lab): I, too, have been involved with the Carbeth hutters and I support their cause. I am currently arranging to go and visit the huts, so that I can get a better understanding of the situation. I suggest that we take evidence, as other members have said, from both the Carbeth hutters and the Scottish Landowners Federation. What I am not clear about is the kind of legislation that the hutters want, or how that could fit into the Abolition of

Feudal Tenure etc (Scotland) Bill—it is not a simple matter of feudal law. At some stage—I am not sure how it will be possible, considering our heavy work load—we should take evidence from the different parties.

The Convener: I mentioned the Abolition of Feudal Tenure etc (Scotland) Bill as part of a small exercise in kite flying, because that bill is being introduced to Parliament today. The Carbeth hutters were thinking more in terms of the land reform bill, which is unlikely to be introduced until January or February. I was thinking more in terms of time scales. I thought that if there was some way the Abolition of Feudal Tenure etc (Scotland) Bill could be amended to address the problem, that would deal with the issue of time. If we choose to write to the minister or the Executive, we can inquire as to the best way of proceeding with the matter to maximum effect. Time is of the essence. We need to do things quickly, but we must also do them effectively.

Phil wants to make a further point and then we will make a decision about how to proceed.

Phil Gallie: I have no difficulty at all with taking things forward in the way that has been described by others, but I have difficulty with Fergus's position. I recognise that he made an honourable declaration. My comments are not aimed at Fergus in particular; there is a point of principle. Fergus works for, or is involved with, a firm that will perhaps make some profit out of this case. On that basis, there is a conflict of interests between his role as an MSP and his role as an active solicitor.

Not only Fergus, but other members of the Scottish Parliament, could have dual roles. If they are involved in other work, they should declare their interest and refrain from participating in the related issues. It is my understanding that that would not be the case on a council and I apologise to Fergus for having raised the matter. This is the first time that it has been apparent to me that there could be a conflict. All I wanted to point out, convener, is that this is a point of principle.

Pauline McNeill: I have just one brief comment. I think that Phil is quite entitled to state his point of principle, and it is a valid one. In the light of recent news, we are all a bit wary about such things. However, I propose that on this occasion, because the declaration has been made up front and because Fergus has had a long-standing involvement with the case, we should take it in the spirit in which it was intended—that he is interested in the issue as a politician. Nevertheless, Phil's point is valid and the minutes should reflect that.

Phil Gallie: I accept that.

Euan Robson (Roxburgh and Berwickshire)

(LD): I want to get back to the issue at hand—how we can assist the hutters. Having read the papers, I think that the remedy is not too difficult. It might be a question of extending rent control. Is there an existing statute that could be amended to extend the control of ground rent? A simple amendment to an existing statute might be an effective method of proceeding and would at least give us another option to consider.

The Convener: If we take the option of writing to the Executive, one of the things that we can explicitly ask is that it should consider other pieces of legislation that might be amended sooner, rather than wait for the land reform bill. Thank you, Euan. Time is of the essence and it would be useful if what you suggest is possible.

The onus ought to be on the Executive. I suggest that the committee proceed by taking up the second option set out in the note from the clerk—the one that has been proposed by Pauline McNeill. Given the time scale and difficulties with the business of the committee, I suggest that we go ahead at this stage and organise some of the evidence taking before we get a reply from the Executive. We should proceed on the basis that we will want to take evidence from a number of interested parties, notwithstanding what the Executive replies. Unless anyone has an objection, I will proceed on that basis.

We should hear evidence from a representative of the hutters and from the landlord himself or one of his agents.

Christine Grahame: How about the Scottish Landowners Federation?

The Convener: If you read the information carefully, Christine, you will notice that the Scottish Landowners Federation supports the Carbeth hutters, so I doubt the landlord would find much succour from that quarter.

We should also hear evidence from somebody from the Scottish Executive, whose response to our letter could form part of the evidence. The note indicates that we should write to the Scottish Executive after we have heard the evidence. However, in view of Euan Robson's helpful intervention, I think that a letter to the Executive from the committee about this meeting might be useful in ascertaining exactly how we might deal with the matter in practice. The Scottish Executive is in the best position to advise us on pieces of legislation that have the potential to be amended.

If everybody is agreed, that is the basis on which we will proceed and we will try and arrange for witnesses to come to the first meeting after the recess or as soon thereafter as possible. We will probably timetable half an hour for each set of witnesses so that the evidence taking will take about an hour and a half, which would be about

half of our meeting.

Fergus wants to excuse himself now.

Fergus Ewing: I thank the committee for listening to me. I have been made to feel slightly welcome.

Phil Gallie: I would like to add—since Fergus looked at me just then—that, as far as I am concerned, he is welcome to stay and join in any part of our discussion. The particular issue that I raised was a point of principle and my comments were not directed at Fergus personally.

Fergus Ewing: We are all friends now.

Draft Model Agreement on Co-operation with Third States

10:30

The Convener: Next on the agenda is a document that has come from the European Committee. It is European document 302, which is a draft model agreement on co-operation with third states and is in connection with the European Police Office. The clerks have helpfully supplied a note.

I have had a look through the document on the committee's behalf. I thought that the committee would want to consider any issue concerned with control over the police, but it is clear that this is supposed to be a model agreement only, which might or might not be used by various states if they want to set up agreements between their police forces and Europol. It is in no way binding and is simply something that the committee should note. It is not a substantive issue.

Is everybody happy that we note this and move on?

Members: Yes.

Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 1999 (SSI 1999/48)

The Convener: The next item on the agenda is the Criminal Legal Aid (Fixed Payments) (Scotland) Amendment Regulations 1999 (SSI 1999/48). If members have read their papers assiduously, they will realise that there is an issue in connection with this Scottish statutory instrument which has been highlighted by the Subordinate Legislation Committee. Members will have seen a submission from the Law Society of Scotland to that committee.

The SSI raises a serious question for the

committee. The main point of concern is the definition of when a trial starts. The definition that has been included in this SSI is that a trial starts from the swearing of the first witness. However, there is a possibility of trials taking place where witnesses are not sworn. That does not happen frequently, but it happens. Some trials can last for a day or two before witnesses are sworn. As the Subordinate Legislation Committee rightly pointed out to the Executive, there could be an argument that this SSI was not drawn competently. We need to consider that.

Maureen Macmillan (Highlands and Islands (Lab): I have to declare an interest, not so much on what you have just been speaking about, but on the provisions about Wick sheriff court. My husband represents in the Law Society of Scotland a lot of solicitors who practise in that court.

The Convener: Does anybody else want to declare an interest related to criminal legal aid?

The Subordinate Legislation Committee wrote a carefully drafted note to the Executive and there has been an Executive response. I am bound to say that I do not think that the response is entirely satisfactory because it brushes the issue off by saying that the regulations do not affect many people. I am concerned about that: if they do not affect very many people, why can they not be fixed? That would deal with what seems a small but unintended negative consequence for solicitors, who may conduct a trial that lasts for considerably longer than half an hour but in which the first witness is not sworn. I know that this is not a huge point, but for small legal firms it could have an unfortunate and considerable financial consequence.

There are one or two issues about how we proceed with this matter. Under standing orders, we can lodge a motion seeking to have the instrument annulled. If we take no action, on a certain date—in this case, 4 November—the instrument will pass into law. We would need to attempt actively to have it annulled. If we choose to go down that road, we must have a debate at a meeting of the committee about this specific matter, which

“shall last no more than 90 minutes”—

although it could last less than 90 minutes.

Depending on the outcome of that debate, at the end of which we would take a vote, we may report to the Parliament, setting out our recommendations and taking into account any recommendations made by any other committee—in this case, it would include the Subordinate Legislation Committee. All that must be done no later than 40 days after the instrument is laid, which ties us to the next meeting of the Justice

and Home Affairs Committee on 26 October. Depending on the outcome of that meeting, the Parliamentary Bureau would need to consider the committee's response.

I am not entirely clear about the procedure. Standing orders state:

"If the lead committee makes a recommendation as mentioned in paragraph 1"—

that is, that we recommend that it be annulled—

"the Parliamentary Bureau shall, no later than 40 days after the instrument is laid, by motion propose that nothing further is to be done under the instrument. Only the member moving the motion and the member of the Scottish Executive or junior Scottish Minister in charge of the instrument may speak in any debate on such a motion. Each such person may speak for no more than 3 minutes."

So the motion to annul could conceivably come before the full Parliament for an extremely brief exchange in the chamber. However, it appears to me that, if we decide that this instrument should be annulled, the bureau must accept that.

That is a big step for this committee to take. There are two ways in which to consider this issue. One is that it is a minor matter that, in the long run, may not be hugely important. We could simply note the comments of the Subordinate Legislation Committee, note the Scottish Executive's response and choose to do nothing about it. The other side of the argument is that, as the lead committee, we should not knowingly allow an instrument to go through that we perceive to be defective and flawed, regardless of the Executive's response.

While that has consequences for the committee's business, I, as convener, would be extremely uncomfortable, having had the matter drawn to our attention, simply to turn a blind eye to it. I would appreciate members' views on this matter. Gordon Jackson has specifically requested that I associate him with my concerns about this motion. Should the committee choose to take more drastic action, he will support that decision.

Scott Barrie (Dunfermline West) (Lab): I am not closely associated with the legal system, but you are right, Roseanna; the matter has been drawn to our attention and it would be remiss of us knowingly merely to note it and say that it will not affect many people. In light of the papers that were laid before us, I do not think that we have any option, albeit we have other competing business, but to debate it as has been suggested.

Christine Grahame: I support that view. We are already amending a flawed regulation from 1999; it would be a bad step to make an amendment that is also flawed. It is a great error to have a distinction between when a trial starts in common law and when a trial starts for purposes of criminal legal aid. I am not a criminal practitioner and have

no interest in the criminal legal aid system, but I know from observing it that a person can come and tender a plea before the court and the diet for the trial does not start until hours and hours afterwards. That is through no fault of the practitioner, witnesses or anybody else; it happens because the criminal justice system is so overcrowded. This would be a great injustice to parties who are present and there would be injustices to small firms. Our only remedy is to go through the route that you have explained. Tough: we must do that because this is bad legislation.

Tricia Marwick: I associate myself with other members' comments. Having had this matter drawn to our attention, there is no alternative but to proceed as you suggest.

Phil Gallie: I go along with Christine's comments. The last thing this committee and the Parliament should do is accept flawed legislation. You have identified a flaw that must be rectified, and the action that you propose is right.

Mrs Lyndsay McIntosh (Central Scotland) (Con): I associate myself with others' comments. Am I the only person here who has sat on the bench?

The Convener: Yes.

Mrs McIntosh: At the lower end of the court system, in the district court, there is a considerable amount of legal aid work. I have seen the volume of work. I know how busy it can be. There can be hours between arrival and being called.

The Convener: Waiting time is not the issue here.

Mrs McIntosh: I appreciate that, but the amount of time that can pass between when trials start and when the oath is taken is quite different.

The Convener: That is different from waiting for a trial to start.

Mrs McIntosh: On top of that is time spent waiting after the trial starts, so the waiting can be considerable. Having had this pointed out to us, I do not think that we ought to perpetuate it.

Euan Robson: As an observer, I have sat through five days and two adjournments before the first witness was called. Although not a practitioner, I have seen what would have been the consequence of this flaw. This must go back as it is bad legislation and it would be remiss of us not to take the steps that have been proposed.

The Convener: Can I take it that the view of the committee is that we make the relevant motion? It must be in an individual MSP's name [*Interruption.*] It is being suggested to me that we should simply decide at this stage to have a debate on this and we will sort the motion out. Are we certain that that is the correct procedure? I do

not want to get us in a procedural wrangle on a matter of this nature. I am looking at rule 10.4 of standing orders, for people who are interested in these matters, because that is the rule that covers motions for annulment, which is what we are considering.

Part 1 states:

"In the case of any instrument which is subject to annulment"—

which is this case—

"in pursuance of a resolution of the Parliament, any member (whether or not a member of the lead committee) may, not later than 40 days after the instrument is laid, by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument."

We can timetable the motion for debate at the next committee meeting. The motion will be read out at the start of the debate—that will kick the debate off. We will have to advise the Executive that we are pursuing this route as the Executive will need to have the opportunity to come to the meeting. Indeed, the Executive may wish to make representations. Is everybody happy with that?

Members indicated agreement.

10:45

Abolition of Poindings and Warrant Sales Bill

The Convener: We will move on to item 4, which is the Abolition of Poindings and Warrant Sales Bill. This is the first member's bill. The committee will consider options for dealing with the bill at stage 1. I draw the committee's attention to the very helpful research note on poindings and warrant sales that was published by the Scottish Parliament information centre on 13 September. We should thank Fiona Killen for her work on that. If anyone has not seen it, they should get hold of a copy. Christine, you look puzzled; if you go to SPICe you will find a copy.

Christine Grahame: I know where SPICe is. Do not be wicked.

The Convener: The research note was not sent out with the bill. It is entirely up to members' initiative to get a copy.

We need to consider how to handle stage 1 of the bill. As I said, there was a discussion about this at the bureau meeting yesterday afternoon. The motion that will be before Parliament designating us the lead committee will not contain any timetable; this committee is not being told by when it is required to produce the stage 1 report. However, I said at the bureau that we could prepare the report by Christmas. A stage 1 debate

could then be scheduled for January.

Because this is a member's bill, there has not been extensive pre-legislative consultation—although there has been some—so I think we will want to hear evidence. Members may recall that the Minister for Justice commented on warrant sales in his evidence to us at our first meeting, on 31 August.

We should hear from the Executive—not necessarily from the Minister for Justice, but from somebody who is authorised to speak for the Executive on this. I also think that we should consider inviting other interested people. A number of people have intimated interest, including Customs and Excise, which will give evidence on why warrant sales ought not to be abolished. Other groups, such as poverty action groups, will want to present some form of briefing, whether in person or in writing.

It would not be appropriate for us to proceed on the bill without taking evidence. We should also invite Tommy Sheridan MSP to speak to us, as it is his bill.

Phil Gallie: There are a couple of organisations that I would like to suggest: the Federation of Small Businesses, retailers organisations, and the Convention of Scottish Local Authorities.

Euan Robson: I would like to add Money Advice Scotland, which has a lot of experience in this area.

Pauline McNeill: I agree that we should take evidence. This is unlike other bills, on which there are extensive briefings and consultation.

I am concerned that you said that we could do it by Christmas—I wonder why you think that.

The Convener: Are you going white, Pauline? We will do our best. I appreciate that the work load of this committee is enormous. We have done extremely well so far, and I commend all members of the committee on the work that is being done. We did not come up with the Christmas date out of thin air.

Pauline McNeill: Are we meeting on Christmas day as well?

The Convener: It came out of discussion with the clerk. There is no timetabling for this bill. If we find that it is becoming extremely difficult to complete our scrutiny by Christmas, we are not held to a timetable, although I would not want to treat a members' bill less seriously than an Executive bill. However, no timetabling motion will be lodged for this particular bill and if we have to push on a little bit into January, we can do so.

I do not want to put the fear of God into you all, including the clerks, but I would also not rule out meeting a little more frequently. It is possible to do

so. If it took, for example, only one extra meeting to complete the process, I would suggest that we should find time to schedule it. Obviously, I would not do that without consulting all members. However, I would like us to try to progress as quickly as possible.

Kate MacLean: It strikes me that although this is the lead committee for the bill, the Social Inclusion, Housing and Voluntary Sector Committee might take a great deal of interest in it as well. If we have briefings, would it be possible to invite members of that committee?

The Convener: There are several options. It would be possible to suggest that the Social Inclusion, Housing and Voluntary Sector Committee might like to hear some of the evidence and report to us rather than—if we produce a long list of potential witnesses—try to deal with every witness ourselves. It might be possible for us to consult that committee and share the work load. That would be a way of cutting back on this committee's potential work load.

If the committee were happy enough to handle the consultation in that way, I would discuss with the convener of the Social Inclusion, Housing and Voluntary Sector Committee how we might timetable that, and then report back to the committee. It would be possible, and may be considered appropriate, for example, for the Social Inclusion, Housing and Voluntary Sector Committee to hear the evidence of Money Advice Scotland and one or two other such organisations that the committee believes should have an input, but which it would not necessarily occur to us, as the Justice and Home Affairs Committee, to invite, as we tend to default to the statutory or professional organisations.

With this committee's agreement, I shall consult the convener of the Social Inclusion, Housing and Voluntary Sector Committee to inquire whether we can share the work load on this bill. I shall take into account the concerns that Pauline has raised. Nevertheless, I believe that the committee wants to show itself capable of dealing with the work load that has been presented to us.

Did anybody else want to comment?

Christine Grahame: I concur that we should not make distinctions between Executive bills and members' bills, and that we should deal with them on their merits. My problem is with the timetabling. We have lots of eggs in baskets now, and I suggest that we should discuss the timetabling. I do not think that the matter should be deferred or that we should sit on the fence. In arranging the agenda at the end, we may need to schedule additional meetings to keep the pace up on the other two issues that were raised—domestic

violence and prisons

The Convener: That is right. The timetabling of all that will go on the agenda, under future business. We have serious issues to deal with, and I am aware that the Justice and Home Affairs Committee might end up being the lead committee for every second member's bill.

Christine Grahame: I want to ensure that we keep up our momentum and freshness.

The Convener: Absolutely. It is possible for us to have joint meetings with the Social Inclusion, Housing and Voluntary Sector Committee. We can decide whether that would be appropriate.

We must keep in mind the fact that this committee is quorate with three members. I know that everyone will do their best to attend, but if we try to schedule extra meetings—whether of this committee alone or of a joint meeting with the Social Inclusion, Housing and Voluntary Sector Committee—members who have serious problems finding the time need not be concerned that their absence will destroy, so to speak, the work of the committee. As long as we are quorate, we can proceed. As convener, I would be concerned only if the members who made up the quorum appeared to give an unbalanced view of the committee as a whole. I would not want to proceed on that basis. However, with that caveat, we can consider a number of options for handling our work load when we come to item 6 on the agenda, which is future business.

Are members happy enough with that? Do we agree that we will want to take evidence on this bill?

Members indicated agreement.

Prisons

The Convener: We move on to item 5 on the agenda, Scottish prisons. Two groups of members went separately to HM prison Low Moss and HM remand institution Lonriggend last Tuesday. I want to discuss what transpired during those visits, aiming to finish at around 11.30. Those of us who were not at one or other institution, or who were at neither, will be interested to hear the views of those who were. We will talk about Low Moss first, and then Lonriggend.

Pauline McNeill: Christine and I went to Low Moss. It was the most useful thing I have done in the committee since joining it. It was the convener's suggestion that we should look into prisons, and I now hold firmly to the view that we should continue to do so. I am not clear where we go from here, but I am clear that we should find space for that work.

We visited Low Moss because it is one of the

prisons that are listed as having a high incidence of violence—Safeguarding Communities Reducing Offending had recommended that it should be closed, although I understand that Susan Matheson has now withdrawn that remark.

It was good to get an understanding of why a low-security prison has such a high level of violence—if you go there, it is obvious. Christine and I both found it quite shocking: the dormitories house 27 males who are mostly young, who very often sleep in bunk beds, have tiny lockers, have no personal stuff about the place, and feel no sense of identity. You could see why those conditions could lead to episodes of violence. We went into the dorms and chatted with some of the prisoners, and of course we got a list of complaints. We forgot ourselves for a minute and said that we would see what we could do. [*Laughter.*] I reverted to my trade union type.

11:00

The most interesting—I think for both of us—was being invited to Alba House, where prisoners can volunteer to come off drugs. The two of us, along with Fiona Groves and Andrew Mylne, sat with eight or nine prisoners and just chatted to them. That was the most enlightening experience for me; the men were very open about the difficulty they had faced in volunteering to go on the programme. They said that at Alba House they were able to share their feelings and emotions, and to talk to one another in a way they would never be able to in the normal prison environment. They explained that coming off drugs or alcohol on the 12-step programme was about training their minds about themselves, being positive about society and so on. It is sad that they stay there until they complete their sentences, then they leave. We might want to address the provision of support after they leave prison, which is inadequate. Not all of them were fixed up with somewhere to go; in essence, that would be a social work provision.

Those are the sorts of things I took away from the visit. A job needs to be done there. We discovered that the drug-taking environment is probably the most difficult problem in prisons.

Christine Grahame: I concur with everything Pauline said—except that when we asked the prisoners about their complaints and they started to address me, I said that Pauline was in the team with the money. They stopped speaking to me after that. [*Laughter.*]

The dorms had the type of metal beds that I remember from youth hostels way back at the turn of the century when I was young. The 27 men there are locked up from 9 o'clock at night. The dorms are absolutely bare, with no personal

belongings because things get stolen by the others. The prisoners are in and out of the place, some for days and some for a few months; there is no core of prisoners in there for five or six months with whom any real remedial work could be done. That makes for great difficulties.

With its wee narrow corridors, the place is like an old army camp. When we started out it was a nice sunny day, which gave it a braver appearance than it might have on other days, although we ended up being drenched.

Like Pauline, I found that Alba House was not a cosy option. It operates on a self-referral basis. There are no papers or television. The prisoners talked openly with one other about their drug problems. They were not using tough-guy images and, as Pauline said, they could never have spoken in such a way in any other prison. However, those prisoners were only eight guys out of the hundreds who are out there.

There are problems for the prison governor because it is a low-security jail. The fence was put up before drugs were an issue. The result is that drugs can be thrown over. The governor said that he and his staff had spent three days just picking up packages that had been thrown over.

I was very impressed with the new governor, who seemed to be well aware of the problems and firm but humane. I was also impressed with the teacher in the classroom, who was a very robust lady who had been in Shotts, of all places, and thought that the prison officers and the young men at Low Moss were in much better condition than they were at Shotts. That was a change from the findings in the report, but it was published in March so things may have moved on since then. That was why it was important to see things for ourselves, against the background of the report.

The visit brought home to me the fact that drugs are the issue. Until we start dealing with the drug community outside and drug problems for youngsters, it will just be a continuous cycle. We cannot deal with these young men's problems in the time that they are there. Eight of them may be dealing with it themselves, but one had already returned to prison. He had gone back out to the community where he was back in the same situation and was targeted again for drugs. He ended up back at Low Moss.

The problem is not just the destruction of these men's own lives; they had families and children they were not seeing anymore. Whole families had been broken up.

The governor is looking to have four men to a cell. We also saw the solitary confinement cell, which was really awful. The governor wants to change it, too. It had white concrete walls and a maroon floor, with a raised concrete bedding area

on which they put a mattress. It is known as the non-ligature area—an expression I had not heard before. There were three men in there at the time of our visit, but we did not want to see them; I am not being soft, but prison visits can be intrusive. Those young men were being punished, but the situation was brutalising. I could not see how it would turn things around.

Pauline McNeill: I would like to tell you a funny story.

Christine Grahame: Oh please, no.

The Convener: What story is that?

Pauline McNeill: Christine and I were chatting to the guys in Alba House. I do not know the names of the guys involved, but one of them was coming off drugs for a second time. Christine was chatting to them about how many children they had and the impact that drugs had had on their families. This particular guy said that he had two nine-year-old girls and a two-year-old. Christine asked him whether the nine-year-olds were twins. He replied that he had had the girls by two different lassies.

Christine Grahame: I should add that I introduced the teacher to the prison governor, whom the teacher had never met. She had worked there for three months and the governor was a wee bit embarrassed. She said that she had seen his photograph and I told him that I thought that he should meet this wonderful woman.

I must say that I reassessed my views, having been to the house. I reassessed what I thought of the drugs problem and why such things happen. I also reassessed my opinion of the personnel who work in those places after meeting the teacher and some of the prison officers.

I can assure the committee that we were not not shown stuff. We were referred to the scrappy by the teacher. That is the worst possible job—it involves teasing bits of metal out of cabling and so on. For some of the young men in there, it is a show of bravado to do that job—they say that they have fallen so low that they can get no lower. It is seen as a badge of honour to be working in the scrappy, as opposed to doing worthwhile work.

There is a psychological turnaround that must be achieved for some of those men. To do that—as we know—we must examine what happened when they were much younger.

The visit was very useful.

The Convener: Four of us went to Longriggend prison; when we arrived we split into two groups—Scott Barrie and I went off in one direction and Maureen Macmillan and Euan Robson went off in another. I will ask Scott to talk about what he and I participated in, and Maureen can tell us what she

and Euan experienced and saw.

We saw the whole prison between the four of us, so that method worked out quite well.

Scott, will you describe the bit of Longriggend that we saw?

Scott Barrie: Through my previous employment, I have been to Longriggend on a number of occasions, and what struck me on revisiting it—and I think that all of us who visited would agree—was the poor state of the physical environment. It is, perhaps, no surprise that its closure has been announced, as it is in a quite dreadful condition.

Apart from seeing round the place and chatting to some of the young people who are on remand, Roseanna and I sat in on the case conference of someone who was being considered as a suicide risk.

The room in which we had to meet was grossly inadequate for the purpose. It was very small and there were a lot of people in it. There were bread vans delivering bread at the back of the office, which made so much noise that we could not hear what was going on. On the other side of the door was a busy corridor. We could hear what was being said there, so anyone there must have been able to hear what was being said in the meeting.

It was impossible to have a relatively confidential meeting. The staff appreciate that fully and they are trying their hardest to deal with it, but the environment at Longriggend makes that difficult.

The same issues came up that Pauline and Christine mentioned. Time and again, it came across that drug-related offences are the reason why many of those young people are on remand. The young man whose conference we attended was reputed to have had a £100-a-day heroin habit when he was on the outside. His addiction had not continued, but its implications had followed him into Longriggend. His family was breaking up, and his mother refused to visit him because he had stolen from her—that was contributing to the situation in which he found himself. That was, I think, his fourth time in Longriggend. He did not want to be there, but breaking his habit on the outside was impossible.

I felt incredibly sorry for several people, and for one in particular. If I put my social work hat on, I would argue that he should never have been in a young offenders institution. The young man in question clearly had learning difficulties and found himself in an environment that was grossly unsuitable for dealing with him.

You may agree, Roseanna: just in chatting to the young inmates, I would say that a number of them were just poor souls. They were not hardened criminals; they were not people who

would necessarily have been thought to pose a huge risk, although some of them were in for serious offences, including murder—or awaiting trial for attempted murder.

I could rabbit on at great length.

The Convener: I want to endorse what Scott said. I have visited prisons previously—and visited them in my previous professional existence. When one visits a prison and speaks to many of the inmates, it comes across that prison is not the place for them: wherever they ought to be cared for and whatever the custodial necessity for their situation, a prison is not helping matters. In the case of the individual whom Scott Barrie mentioned, it was clearly inappropriate. In that situation, when the young man was remanded, there was presumably nowhere else to send such a person. He had special needs, and was not somebody who could be assisted—if anybody can be—at Longriggend in present conditions.

The physical fabric of the building is appalling. The entire set-up is harsh in the sense that it is concrete and plastic and unpleasant. The cells are tiny and wholly unpleasant—not conducive to encouraging anybody to care for their own surroundings. Plaster is peeling off walls; mould is growing over windows. Those are appalling conditions for anybody to have to live in.

Scott Barrie: The HMI report commented adversely on the condition of the cells, and on the windows in particular. You had to see it: reading about it in the report was not a preparation for how awful and unhygienic they were.

The Convener: The windows were black with mould, to the point where their existence was almost pointless. They might as well have been boarded over in some cases, because they let in so little light. The mould was not just in little bits round the window edge: it was right across them.

Such physical circumstances are not conducive to anybody addressing the prison issues that they should be addressing. I maintain some of the concerns that took us to Longriggend in the first place.

I echo the comments made about the governor at Low Moss. We were all extremely impressed with the governor at Longriggend, Rona Kite. She has not been there for long, but she was extremely good. She seemed to welcome any attention given to the situation at Longriggend. When we went in with the fixed notion that Longriggend was to close in April, she was surprised, because she had not been given a time scale for closure. From our discussion it was clear that whatever had been reported as the closure date was not so. Far from Longriggend closing in April, the time scale is likely to slip. Rona Kite was already talking about May or June. My guess is that it will slip even

further. The concern is that while it remains open and while it is known that it will close, nothing will be done about the physical conditions.

Something else was highlighted by the individual whose case conference we sat in on: the effect of the isolation of the institution. That individual had many family problems. His mother had not been visiting because of the breakdown in the family relationship, caused by the thefts that had been brought on by his drug habit. Another reason was the distance that she had to travel. He was hopeful of getting a visit from her the day that we were there.

11:15

Those involved in the case conference were worried about the effect on the individual if his mum did not show up. He was relying on the fact that she was coming to visit him. Also, her visit was dependent on the fact that she had just been paid, so it was an optimum time for her to get out to a place such as Longriggend, which is extremely difficult to get to and requires a big commitment in time and money from people who do not have very much.

The remoteness of Longriggend contributed to the difficulties experienced by families travelling there, and the fact that people did not have frequent visits in turn contributed to their state of mind, causing enormous problems for handling a situation with an individual who was clearly quite damaged.

We were advised by the governor that 97 per cent of people admitted to Longriggend tested positive for one drug or another on arrival. That is not to say that 97 per cent are there because of drugs offences. That is not the case—often they are there for theft or whatever. It is also not true to say that 97 per cent are addicted to drugs. The young man made it quite clear that he found it easy enough to come off drugs when he was in the institution. The real problem occurred when he was released into the community. The people who sold him the drugs were on the doorstep, and he was back in circumstances in which it was extremely difficult for him to stay off drugs. There is not much in the way of support out in the community for somebody in his situation. It highlighted the need for residential rehabilitation.

Scott Barrie: I thought that prison authorities had begun to address that issue by linking up with local voluntary groups and that that was to be encouraged. It struck me afterwards, however, that that was all very well while people were still in Longriggend, but given that they would be leaving and spreading out across central Scotland, linking with a local group was of no value. Unless they were going to settle in Cumbernauld or Airdrie,

that would be useless to them. The sheer complexity of trying to organise such a programme from within a closed institution makes it difficult, and it cannot be tackled in a prison environment because it is the societal environment that must be changed.

The Convener: The appalling physical conditions of that institution are borne not just by the prisoners; they are appalling conditions in which to expect someone to work. I cannot imagine that being a prison officer in Longriggend is a particularly pleasant existence—they are as much affected by the conditions as the prisoners. The prison officers we met appeared to be committed to what they were doing, although Scott and I were in a certain part of the prison—we were visiting those who were thought to be at risk. A measure of concern and support was expressed by the officers.

Euan Robson: On the very point of accommodation and the staff, the staff also felt that not enough recognition was given to what they were trying to do with totally inadequate facilities. Some of them felt that they were almost being blamed for conditions at Longriggend, whereas in fact—as Maureen and I saw—they were making a major effort to overcome some of the terrible structural problems with the buildings and the maintenance problems. They were doing a great deal with limited opportunity and resources. I pay tribute to them for the effort that they put into overcoming some of the problems with the physical environment.

The Convener: Recreation areas had been carved out of corridors. A television stuck in a corridor with a few seats can now be called a recreation area. The prison officers are not to blame for that. What is to blame is years of neglect.

Maureen Macmillan: The prison officers were doing their best to raise morale among the prisoners. They pointed out one or two schemes to us. There is artwork by the prisoners around the football pitch. Adult prisoners had their recreation room decorated with portraits of Elvis Presley and others—he was the only one I recognised, because I am so old. They had done a good job, and I felt that the prison officers were very positive. One of them pointed out that he had been instrumental in getting duvets for the beds, rather than the old Army-type blankets that they had had. He was trying to make it more homely for the boys.

What appalled me was how young the boys were; they looked like the kids I was teaching six months ago. Euan and I noticed that especially when we went to the school, which was called a learning centre rather than a school, because some of the lads had had terrible experiences at

school and it was the last thing with which they wanted to be associated. Attendance at the learning centre is voluntary, and between 20 and 30 boys had volunteered to attend lessons.

The two teachers were terrific, and the attitude in the classroom was very positive. Because the average length of stay is about 30 days, the boys do modules that fit into that short period. The courses are linked to the local college, and modules in computing, maths, English and one or two other subjects are available. The idea is that the boys can carry on those courses on their release, but in reality they tend to slip back into their old ways, as is the case with drug problems. Often, the only way that the boys will carry on is when they come back on remand at some future date. I spoke to a boy who was doing a computing module and was positive about using it when he got out because of family business connections, but he was probably the lucky one who had something to look forward to.

We also saw where the deportees were; it was the saddest place that I have ever visited. Some of the people had been there for months, and many of them spoke little or no English, although they were polite and pleasant. They seemed to have nothing much to do except play pool or watch television, and they did not know when they were going to be dealt with. Most of them were from the Indian sub-continent and a great deal of effort had gone into providing them with the food that they wanted and ensuring that their religious observances could easily be kept if they wanted to be religious. We were shown the shelves in their rooms on which they could keep the Koran, which has to be kept high up. I had not known about that requirement, but the prison officers had taken the time and trouble to find out how to treat people who had particular religious beliefs.

I had never been to a prison before and I was appalled at the physical conditions. I understand what Roseanna said about the windows; I wanted to get a scrubbing brush and some bleach and get started on doing something about it. However, I was very impressed by the staff. I thought that they were trying their best. If we cannot do something better for young offenders, God help us.

The Convener: I think that we would all echo that sentiment. We have serious concerns about people who are in that position, and if we are going to turn them round, it must be done while they are still young. That is the point at which, if something can be achieved, it will have a long-lasting effect.

Scott and I sat in on a case conference with a young person who said that he had begun to feel a little better about himself, but that feeling manifested itself in him lying at night daydreaming

about the house that he was going to have. He was beginning mentally to decorate the house for himself. That was regarded as a positive sign and initially, Scott and I saw it as such. However, we said to each other afterwards that, when he is released, he will not get a house. He is building his hopes up and, in turning his depression round, he is basing his faith on something that is highly unlikely to happen. When the reality of his life outside sets in, there is a danger that he might go straight back on to the drugs.

It is an extremely complex issue, and I do not think for one minute that we can do anything other than add our voices to the concern about how young offenders are dealt with in Scotland today. The way in which they are looked after does not give us much to be proud of.

Scott Barrie: The governor also highlighted the number of under-16s who are accommodated in that supposedly adult or young persons institution from time to time, although that was not the case when we visited. That gives me great cause for concern, and we should consider it when we discuss how to progress this area of work. This is not just about people aged over 16; it is about under-16s and the accommodation that is available for young people in trouble.

Euan Robson: I understood from the prison staff that the young men are all categorised as category B prisoners when they enter the prison. One of the staff suggestions was that there should be a category B and a category C. The point was illustrated when someone who had been using drugs was in the same dining hall as a drug seller. The drug user was a non-violent poor soul, to use Scott's phrase, whereas the other individual said to prison officers that he could not wait to get out as he earned £400 a week from his activities.

I agree with the prison officers that it is not sensible that those prisoners should be in the same environment, as there was a marked difference between the two types of prisoner. That illustrates the problem of categorising all prisoners as B, although using both B and C as categories would raise accommodation issues.

I agree with Maureen that the saddest thing of the whole visit was to see the deportees—people who have committed no offence and who are locked up in entirely unsuitable accommodation. The prison officers were doing the best for them and making immense efforts, but Longriggend is entirely the wrong environment for those people, and it is a disgrace that they are held there and treated in that manner.

The Convener: Yet Longriggend was considered to be far better than their previous accommodation at Greenock, which gives even greater cause for concern.

Euan Robson: It does.

Christine Grahame: Returning to the chief inspector of prisons' report, I believe that there is no doubt that we need a national strategy for the young offender. The present approach is piecemeal, although people are trying to do something. Bearing in mind the victims of the prisoners' crimes—victims of burglaries and so on—I believe that it is in the interests of victims and potential victims that remedial work be done with these young men, rather than simply taking them in for six months and releasing them again. That is a complete waste of time for everyone, as well as a waste of lives. There must be investment in the prison structure.

As a postscript, I note that, because there are about 27 beds in a dorm, the governor tried to create a recreational area for the prisoners. It was okay—it was great compared with what was there before. However, only tiny moves were being made and they do not address the problems of why those young men are in prison, and why, when they are released, they will go back to prison again. I hope that we will address that in our report. In the long term, the community will save money by expending it in certain areas.

The Convener: It is worth pointing out that the individual with whom Scott and I had most contact was on remand for the fourth time, as Scott said. We should remember that Longriggend is a remand prison, rather than one that deals with prisoners who have been sentenced. Although the individual had been in Longriggend on remand four times, he had never had a custodial sentence as a result of a trial. He was coming into Longriggend on remand, being tried and ending up with a disposal other than custody. I have no idea whether he has been found guilty before or whether he has been acquitted—there might have been fines or other disposals. When it comes to making a decision about who should be remanded in custody, I am not sure whether, in those circumstances, custody is particularly helpful or appropriate. He continues to be remanded and it is almost as if he is being punished before he is tried.

11:30

I want to close this part of our discussion and remit the issue of our consideration of the report of Her Majesty's inspector of prisons to future business of the committee. I want to consider how we should proceed with that area of general concern, which was useful for us to examine—I think that we are all agreed on that.

Before we move on to item 6, which will be held in private, there will be a detailed note on the visits by members to Longriggend and Low Moss. The

clerks who accompanied each group are close to finalising the note. It was unfortunate that it was not available for today's meeting, but members will receive the note, which will be interesting.

I commend the clerks for all the work that has been done for today's meeting. It did not strike me until I received the papers that our decision to have a discussion meeting—as opposed to one that takes evidence—ironically puts most burden on the clerks. The meetings at which we hear evidence are not anything like as burdensome as meetings such as today's. The notes that have been supplied for each of the agenda items have been extremely helpful. I thank the clerks for their work for today's meeting as, without their background advice, there is no doubt that we would still be sitting here at this time tomorrow, trying to sort through some of the issues.

I close the formal part of the meeting of the Justice and Home Affairs Committee.

Phil Gallie: Before the end of the meeting, I want to put on record my apologies for failing to attend the visit to Low Moss. The night before the visit, I found out that Sarah Boyack was coming to Ayrshire to look at the A77. I made that decision on the spot, but I recognise the inconvenience that it caused everyone.

The Convener: Thank you. Do you want to associate yourself with Phil's comments, Lyndsay?

Mrs McIntosh: I was in the same place.

11:32

The meeting continued in private.

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