

JUSTICE AND HOME AFFAIRS COMMITTEE

Wednesday 8 November 2000
(*Morning*)

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JUSTICE AND HOME AFFAIRS COMMITTEE

32nd Meeting 2000, Session 1

CONVENER

*Alasdair Morgan (Galloway and Upper Nithsdale) (SNP)

DEPUTY CONVENER

*Gordon Jackson (Glasgow Govan) (Lab)

COMMITTEE MEMBERS

*Scott Barrie (Dunfermline West) (Lab)

*Phil Gallie (South of Scotland) (Con)

*Christine Grahame (South of Scotland) (SNP)

*Mrs Lyndsay McIntosh (Central Scotland) (Con)

*Kate MacLean (Dundee West) (Lab)

*Maureen Macmillan (Highlands and Islands) (Lab)

Pauline McNeill (Glasgow Kelvin) (Lab)

*Michael Matheson (Central Scotland) (SNP)

*Euan Robson (Roxburgh and Berwickshire) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Iain Gray (Deputy Minister for Justice)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Alison Taylor

ASSISTANT CLERK

Fiona Groves

LOCATION

The Chamber

Scottish Parliament

Justice and Home Affairs Committee

Wednesday 8 November 2000

(Morning)

[THE CONVENER *opened the meeting at 09:31*]

Subordinate Legislation

The Convener (Alasdair Morgan): The first item on today's agenda is subordinate legislation. We have two instruments before us: the Regulation of Investigatory Powers (Notification of Authorisations etc) (Scotland) Order 2000, which must be decided under the affirmative procedure; and the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) (Scotland) Order 2000, which is subject to the negative procedure.

The Deputy Minister for Justice, Iain Gray, is with us and has kindly agreed to take questions. If members have any points to raise on either of the instruments, they can ask the minister those questions first. After that, we shall move into formal debate on the affirmative instrument, because the Parliament must agree that instrument. At that stage, I shall ask Iain to move the motion in the name of Angus MacKay. Are members happy with that procedure?

Members indicated agreement.

The Convener: By way of introduction, I should say that the Subordinate Legislation Committee considered the affirmative instrument on 24 October and had no comments to make on it. This committee, as the lead committee, must report to the Parliament by 20 November on that instrument. The position is that the instrument can be made, and does not have to be approved by the Scottish Parliament before being made, but it ceases to have effect if it is not approved within 40 days of being made.

I shall start the ball rolling with a question for the minister. The affirmative instrument covers various reasons that can be specified, under section 4 of the Regulation of Investigatory Powers (Scotland) Act 2000, for renewal of an authorisation. It seems to me that if somebody is providing a notice to a commissioner and giving a reason as to why it is considered necessary to renew the authorisation, such a reason could be fairly thin and vague. What powers would the commissioner have to get those reasons expanded so that they made some kind of sense?

The Deputy Minister for Justice (Iain Gray):

The whole process will be reviewed by the commissioners. If they feel that the reasons demanded by the order do not provide them with the information they require, they will report that to Scottish ministers and there will be an opportunity to make changes. In the case of renewal, however, there has to be clear information about why the renewal is necessary. For any individual case, the commissioners could withhold the authorisation if they felt that the reasons were not sufficient.

The Convener: Moving on to the second instrument, I was slightly concerned about the designation of who was able to authorise directed surveillance in urgent cases. I notice that someone as low as the rank of inspector can do that, which seems a fairly junior rank in the police force. Can you explain the reasoning behind that?

Iain Gray: The key is practicality. Under the order, inspectors are allowed to authorise directed surveillance or the use of covert human resources only when it is not reasonably practical to get authorisation from a more senior officer. That is a well-established test with regard to the urgency of the case. Our concern is that urgent operations should not be thwarted because an officer of superintendent rank is not available.

The use of that power will, of course, be subject to review by the commissioners, and I would expect them to take a robust line. If they thought that the urgency requirement was being abused, I expect that they would indeed take action. The level of officers prescribed has arisen from wide consultation with the public authorities concerned, to ensure that it meets the requirement of balance between practicality in cases of urgency and proper authorisation.

The Convener: This question may reveal my ignorance, but is there still a rank of chief inspector between inspector and superintendent? I think that there was a proposal at one stage to abolish that rank.

Phil Gallie (South of Scotland) (Con): The Sheehy report suggested abolition. I do not think that there is a rank of chief inspector now.

Iain Gray: I confess that I do not know the answer to that.

The Convener: I was just a bit worried, because if the most senior officer available to authorise a renewal was an inspector, that would mean that an inspector was the most senior officer available full stop. People might have concerns about wider aspects of policing if nobody above the rank of inspector could be found.

Iain Gray: That is a slightly different point about the way in which police are deployed

operationally. However, the fact that the order has been derived from wide consultation takes account of the actual circumstances in which a decision might have to be taken. For example, an authorisation might have to be taken in the middle of the night, at the weekend or during a holiday period, when an inspector would always be available.

Christine Grahame (South of Scotland) (SNP): I have a couple of questions about the affirmative instrument. Will all the documentation on notices of cancellation and renewals of authorisation be available to a tribunal should a party proceed to a tribunal?

Iain Gray: It will be. Part of our reasoning was that the act and the order should be robust enough to resist challenge under the European convention on human rights.

Christine Grahame: How long will that documentation be retained? I do not recall whether there is a time limit for proceeding to a tribunal, but I do not think that there is.

Iain Gray: There is not a set time limit, but the commissioners would be required to recommend how long the documentation should be retained.

Christine Grahame: Do you have any views on that? Are we talking about 10 years, for example?

Iain Gray: The decision or recommendation that would come from the commissioners is one of the aspects of the Regulation of Investigatory Powers (Scotland) Act 2000 that is being consulted on at the moment. At present, I do not have a view on that, but consultation is under way.

Christine Grahame: Will you come back to us with that?

Iain Gray: It would be open to the committee to ask about that at a future date.

Christine Grahame: Thank you.

Phil Gallie: My point follows on from the question about inspectors. Would not it be the case that, in rural communities, there might be circumstances in which inspectors were the only people who were immediately contactable?

Iain Gray: That is absolutely the case and it is a good example of the balance between practicality and the desire to have proper authorisation without hindering what are often important surveillance operations.

The Convener: A further point on the negative instrument concerns timing. Members have been given the letter to the Presiding Officer about the fact that the instrument breached the 21-day rule, which says that an instrument should not come into effect fewer than 21 days after it is laid. This instrument came into effect three days after it was

laid because there was a deadline of 2 October when the European convention on human rights came into effect. That is a short time scale. The fact that the date of 2 October was known in advance leads us to ask why the legislation was not ready soon enough to allow any orders to meet the 21-day deadline prior to 2 October.

Iain Gray: Members of the committee will be more familiar with the time scale of this piece of legislation than I am. My understanding, however, is that, in an attempt to maximise the time that is available for parliamentary scrutiny, the bill was not passed by the Parliament until 7 September and could not come into force until notifications were received from the Advocate General, the Lord Advocate and the Attorney General that they did not intend to refer the bill to the judicial committee of the Privy Council, which took three weeks. It was only at that point that the act could come into effect and secondary legislation made. The order was therefore laid on 29 September.

As you have explained, convener, the imperative was that the order was effective by 2 October and, given those dates, there was no time to observe the 21-day rule. The Executive regrets that. In an attempt to alleviate the problems that that might have caused, the public authorities that are covered by the order have been kept abreast of developments and have seen the order in draft form. The draft was also available on the internet.

The Convener: I think that the Advocate General and the other law officers have 28 days to refer the matter to the judicial committee. Obviously, they can indicate to the Presiding Officer almost immediately, if they choose, that they do not intend to refer it. Is that the case?

Iain Gray: That is the case. However, as with all legal opinion, it takes as long as it takes. In this case, it took some three weeks.

The Convener: That may be something that can be considered later.

If there are no further questions, we will move formally to deal with motion S1M-1235, in the name of the minister.

Iain Gray: Given our discussion already, I am happy to move the motion.

I move,

That the Committee recommends that the Regulation of Investigatory Powers (Notification of Authorisations etc.) (Scotland) Order 2000 be approved.

Motion agreed to.

The Convener: Unless anyone wishes to make any points, I suggest that we simply take note of the second instrument.

I thank Iain Gray for his attendance.

Phil Gallie: I trust that your appearances before this committee will not always be as easy as that, Iain.

Iain Gray: Is that a promise, Mr Gallie?

Barlinnie Prison (Visit)

The Convener: The second item on our agenda concerns the visit to Barlinnie, which certain members undertook. Would any of the members involved who are present like to comment on the visit?

Maureen Macmillan (Highlands and Islands) (Lab): When we got there, we were split up. Each of us went with an inspector to different parts of the prison. The inspectors were targeting particular areas of the prison to see whether there had been any improvements since their last visit. Michael Crossan, the inspector I was with, was interested in the fabric of the prison and in the state of the laundry.

The laundry building was in a poor condition and was fairly dirty. It was difficult and dangerous to clean because of the machinery. The machinery was also giving trouble. Ironing presses were broken and three other machines were being returned because the officer in charge of the laundry felt that they posed a safety risk because of their emission of steam. That meant that the ironing was going to be out-sourced. They also had problems with out-sourcing the laundry work to Shotts. There was a continuing argument about the right clothes and sheets not coming back and the laundry work not being done to a satisfactory standard.

The laundry was under a lot of pressure. It had reached its target of changing kit every day and bedding once a week, but it had been put under pressure because of the young remands having come in. That put extra pressure on the system as they needed football kit, physical education kit and so on to be cleaned.

I also visited A hall in the morning. Concerns have been expressed in previous inspections about its induction process. It is advertised as a three-day induction exercise. However, the officer who was in charge of it said that prisoners arrived on a Monday afternoon; they watched, as he said "the video", got a talk and filled in forms on Tuesday; and on Wednesday they were moved on, so the induction actually covered only one day. Concern was expressed that prisoners do not take it in, possibly because they are still under the influence of drugs or alcohol. It was also very busy in A hall and a lot was going on. There were different categories of prisoners and lots of shouting. The room used for the induction was formerly a cell. It is very cramped. Soon, the induction will take place in better accommodation.

09:45

The Convener: Shouting by whom?

Maureen Macmillan: People were shouting orders. Prison officers were shouting to their colleagues who were up in the gallery. It is noisy, and echoes. People were coming and going. Some prisoners were coming in from court and others were going to exercise.

People who came in on remand did not know how to get a visit. It must be booked in advance. People who had been in prison before knew the ropes, but people who were coming in for the first time often had a problem getting their act together because they had to be proactive. They found that they were not able to get a visit from their family for two or three days.

The prisoners were disparaging about the induction. Some prison officers were unhappy doing the inductions because they felt that they had not been trained to do them, while other officers complained that others were not pulling their weight as they left inductions to a few officers, who also had to carry out their general duties. There is a lot of unhappiness among the staff about the matter; there may be a training issue.

The governor said that part of the problem is that the prison had received a lot of extra staff from other prisons. There had been surplus staff, so they had targeted certain aspects of work, but now the number of staff is dropping they are all having to do more. Some staff object to that.

In the afternoon, I saw where the young remands are accommodated. I had been at Longriggend so I wanted to see whether conditions for them had been improved. They had. They had been moved from Letham hall because they had trashed it one night. They had been moved to D hall, where the accommodation conditions were better because they had internal sanitation. I cannot believe that Letham hall was built five years ago with no internal sanitation—that is ridiculous.

D hall is divided into four, so it is different from the large, echoing, Victorian hall. That works very well. The complaint from the officers was that they cannot get the young remands out to do any exercise or take any recreation because they all have televisions in their rooms. However, later in the day I went to the education unit. It appeared that the young remands were going for education, which is of course voluntary. There were 64 young remands and about 35 classroom places were being taken up, although it could be that some people were going to more than one session.

The fabric of A hall is in fairly poor condition. We were shown an empty cell with stripped down beds. The pillows and mattresses were stained and filthy. The governor said that there is no shortage of money for replacing things like that;

each hall has its own budget. The officer who showed us the cells said that there is not much point in renewing the bedding. I felt that there is low morale in the prison—nobody can be bothered to do anything. That is partly because—

The Convener: When they said that there is not much point in renewing the bedding, was that just because it would get dirty again?

Maureen Macmillan: I think so. The attitude was, "What's the point? It won't stay clean for long." It was filthy—the governor went to see it for himself after I had spoken to him. D hall shows that those old halls can be transformed. The way it was divided meant that the prisoners were in smaller groups. They could relate to each other and there was less aggravation between them.

In Letham hall, Lyndsay McIntosh and I spoke to the people in charge of the sex offenders. They have what seems to be a good rehabilitation programme going, based on the one that has been successful in Peterhead, which houses the long-stay sex offenders. What came over was that there is a big decision to be made about the future of Barlinnie—will it be refurbished or rebuilt? There is low morale in the prison because of the uncertainty.

Christine Grahame: I cannot remember the names of the halls, so perhaps Maureen Macmillan will help me. On the plus side, things seem to have changed in the mental health nurse unit in the past few years. Previously, prison officers were trained to deal with mental health issues but now the unit has mental health nurses, which seems to have improved the quality of life for prisoners.

Food is important in the prison. There is a new chef, who has been there about three months. The matter was mentioned in the early report by Clive Fairweather. It is such a big place that when food arrived at the halls it was cold. There is now a better system for shifting it so that it remains hot. It is rather like being in hospital: prisoners get a menu the day before, and two or three different dishes are made. There is a new regime at the weekend, with hot pies and soup. The men liked that, because they could eat and watch matches on television. Food is important for morale in the prison. The chef put out a questionnaire to the prisoners to find out how they were getting on with the selections. They get curries now—they did not get them before. The changes seem small, but they are important.

On the bad side, there is not enough work for the men. As there is only enough work for half the day, they do it in shifts. Some work in the morning and others work in the afternoon, but they have nothing to do for the rest of the day. Something especially bad is the main remand hall. The move

between the main remand hall and the one where the young offenders are—which has been refurbished for £5 million—is like going from darkness to light. We went into a cell in the main remand hall. It is absolutely spartan. It is no Butlin's holiday camp there.

The walls are spartan and there are two plain beds so close together you could put your hand out and touch the man next to you. There is a small screen and then there is the potty. The prisoners are locked in from around 9.15 at night until 6.15 in the morning. Then there is the slopping out.

When we went, round about 11 in the morning, the place had been sluiced with disinfectant, but we could still smell the urine. The cells must be horrendous in the middle of the night—and we are talking about remand prisoners, not convicted prisoners. I understand that around 60 per cent of them end up not being convicted, and they are in the worst conditions. They have only four urinals. When I visited, I asked how many prisoners there were. Obviously, the number fluctuates, but at that time there were around 200 men.

We then visited the hall where the young offenders from Longriggend had been put. Letham hall had been trashed, but they went into a remand unit that had had £5 million spent on it. Some were sharing, but most had single cells. They had a television and a toilet in their cells—but if they did not keep their cells clean, they were sent back to the other remand hall with the Victorian conditions. That onus was on them, but the hall that they were in had a completely different atmosphere from the others—for example, they had pictures on the walls.

I would say to members of the committee that it is really important to go and see the remand conditions at Barlinnie. I would go as far as to say that those people are living in prisoner-of-war conditions—and, as I say, 60 per cent of them are found not guilty. It is really outrageous—and comparing the conditions they live in with the conditions in the hall on which £5 million has been spent is like comparing chalk and cheese.

Mrs Lyndsay McIntosh (Central Scotland)
(Con): I had seen Barlinnie before, and although the conditions in the remand hall and the short-term prisoner accommodation are poor, they are better than they were last time I went. However, the slopping out is still foul and the loos are disgraceful. There is not enough room and there are not enough showers. The showers are horrible: you would have to be absolutely desperate before you took a shower. Many prisoners feel that way. What with the slopping out, queueing for phones and queueing for showers, some of them will choose not to have a shower until it is absolutely necessary.

I appreciated the difference in the accommodation for the young remand prisoners—it is far better. As has been said, there can be difficulties getting prisoners out of their cells to go on programmes or to go to recreation. They can be quite picky about going out in cold weather: if it is cold, wet and rainy, Richard and Judy on television are far more appealing than going out. Most of the cells that I saw had modesty boards.

The person who I was accompanying—Theresa—was especially interested in the anti-bullying programmes. Round the jail, there is plenty of stuff about the “no danger, no violence” programmes, but there was not a lot of talk about them.

I was surprised that the heating was so effective. Last time I was there it was freezing and I would have been terrified at the prospect of spending any time there. I was impressed by the ingenuity of the prisoners, who would take toilet blocks, heat them with lighters and slap them up on the doors so that they could improve the eau de Barlinnie.

I was also interested in the new kits that the governor went to great lengths to show us as soon as we arrived. Prisoners get a kit that contains the loo, a jug and an air freshener that is supposed to change colour. They go in green and they come out blue—I saw a lot of blue ones.

In the afternoon, I had a look at the health centre. I did not get beyond speaking to the officer in charge. We spoke about the methadone programme. Some people refuse to go on the programme when they arrive: they think that they will be able to manage by getting heroin and all the rest of it. However, when they have been found out by the mandatory drug testing, they end up opting for the programme. The number of prisoners on the methadone programme varies between 30 and 40.

I was interested in the programmes that are run for the prisoners. Christine Grahame mentioned that there is work for only half of them for half of the time. The other options are visits, if prisoners can get their visitors to come at the right time, and the programmes on adult literacy and other skills that are organised by prison officers.

In the afternoon, I was particularly interested to see the visitor centre—it is the facility for prison visitors rather than a tourist attraction. I remember seeing the centre before refurbishment, and can say that the difference between the centre then and now is like night and day. The accommodation for people on open visits is not bad at all. The accommodation for those on closed visits is vastly improved. The area in which folk such as Gordon Jackson can visit their clients is luxurious—it is gorgeous.

10:00

Gordon Jackson (Glasgow Govan) (Lab): It is too good for the workers.

Mrs McIntosh: Gordon Jackson gave up at the wrong time, as the accommodation is wonderful.

We also looked at the staff facility, which is most attractive. The only difficulty is that the equipment there is not quite to the standard of the equipment that the prisoners have in their gymnasium, which we visited to make a comparison. Many of the staff use the prisoners' facilities for gym and recreation.

I have noticed quite a few differences and improvements since I saw the prison in my previous career. However, the slopping out is still abysmal.

The Convener: You were there with HM inspectorate. Although we cannot comment on the views of the inspectorate, can you tell us anything about how the inspection was conducted?

Mrs McIntosh: The advantage of visiting with the inspectorate was that I was with someone who had keys and so did not have to be taken around by a member of the Barlinnie staff. A professional who has been in the service knows where all the flaws are likely to be hidden—it is like accompanying a member of a schools inspection team.

Although we had occasions for a quick chat with prisoners, when the experienced prison officers who were with us had opportunities to speak to prisoners, they formed impressions that were quite different from ours. We were quite taken with the visitor centre, but the professionals were told by the pass holders that, although the centre was magnificent, the attitude of the staff was sometimes lacking. Prison staff use a Hoover-type thing to test whether people have been in contact with drugs. Sometimes the number of people whom they catch—and who those people are—is embarrassing. I do not suggest that those people are drug dealers, as sometimes they are aged parents—although that is not to say that aged parents might not be involved in the supply of illicit drugs into the prison. Many prisoners commented to the professionals about the attitude of prison officers. I was surprised by that.

Christine Grahame: Clive Fairweather has been doing his job now for six years and knows what he is looking for. The main purpose of the visit was to see the slopping out. I cannot emphasise that enough, convener—you would have to see it to understand. When one sees it, one dismisses all thought that the prisoners have an easy life and that slopping out is proper—it is disgraceful.

As an addendum to that, for exercise, the men have to walk up and down in the hall liked caged

animals—it is like a scene from "Porridge"—because there is nowhere to exercise. The committee must get the Executive to do something quick smart about slopping out.

Mrs McIntosh: The slopping out was dreadful.

Maureen Macmillan: I agree with everything that has been said about conditions, particularly for remand prisoners. I know from the feedback that we received from prisoners in the afternoon that remand prisoners resent those conditions. They especially resented the fact that female officers were present when they slopped out—they found that very embarrassing. I thought that the inspection was thorough and that the inspectors were very relaxed. They were in no way intimidating and the staff seemed willing to discuss their concerns with them.

Mrs McIntosh: It was noticeable that, even with failings in the system, the inspection team understood the difficulties that staff were up against. If there were staff shortages, the inspectors were aware of what would go by the wayside—recreation or some specific programme might be a casualty. The staff knew how to prioritise and to ensure that all the legal stuff was obeyed.

The Convener: Obviously, one of the main purposes of the visit was to enable members of the committee to familiarise themselves with the conditions. Is there anything else that members feel we should do immediately?

Mrs McIntosh: Having seen the prison, we would add our voice to the calls for something to be done about slopping out. It is a huge issue.

Maureen Macmillan: We should write to the Executive with our concerns about the state of the prison and ask for a quick decision. One of the halls—B hall, I think—is ready for refurbishment, so the programme of refurbishment is under way. We do not know how far it will go or whether the programme will end with that hall. We need more of an idea of what is planned for the future.

Christine Grahame: The estates review—the capital programme for the prisons—seems to be the problem. It was supposed to be delivered in June but we are near the end of the year and still do not know when it will be completed. There may be rumours that Barlinnie will close, but the poor conditions remain. The committee should write a letter in the strongest terms about the conditions in the remand hall that we visited.

The Convener: Would it be appropriate for the three members who went on the visit to draft a letter? The committee could then approve it as a committee letter.

Mrs McIntosh: I see that Alison Taylor, the senior assistant clerk, is nodding—so we can do

that.

The Convener: Can one member take the lead by convening, as it were, that group of three?

Christine Grahame: If you are content, convener, I will draft a letter and e-mail it to the others who went on the inspection. We will then ensure that the committee is content with the terminology used.

The Convener: Could you send us a copy of the draft as well, Christine?

Christine Grahame: I might just do that, Alasdair.

The Convener: I suspect that you should if you want the letter to see the light of day. I ask you to return with it at a subsequent meeting. Please let us know in advance which meeting that will be.

Christine Grahame: Should we produce the letter together and put out a draft in time for the next meeting?

The Convener: I suggest that you converse with your colleagues, get some ideas on paper and send them to the clerk. Once we have agreed a suitable draft, it can be sent out with the committee papers. Please let us know the deadline that you are working towards.

Christine Grahame: I will do it over the next few days, while the visit is fresh in my mind and while I am still angry enough.

Phil Gallie: I thank the members for that report. At the start, Maureen Macmillan mentioned the equipment in the laundry. She expressed concern about danger and working conditions. Is the Health and Safety Executive involved? Do prisons fall under the same conditions as external workplaces? Should we be concerned about that?

Maureen Macmillan: I do not know.

Gordon Jackson: I do not think that they do.

Scott Barrie (Dunfermline West) (Lab): I thought that the Scottish Prison Service estates had Crown immunity.

Phil Gallie: I would have thought that, irrespective of whether machinery and equipment is in a prison or a workplace, the rules should be the same. We can perhaps make that point.

The Convener: The committee can find out, or you could lodge a question about it, Phil.

Phil Gallie: I just think that we should find out; I thought that it was a valid point.

The Convener: We will find out what the definitive position is.

Petitions

The Convener: We have three petitions to consider.

We discussed petition PE89 at our last meeting, and considered evidence from Barnado's Scotland, the Scottish Police Federation and the Law Society of Scotland. Members will remember that we agreed to draft a letter to Jim Wallace, raising some of the petitioner's concerns in the light of that evidence. Members have received a copy of the draft letter. The letter mentions the main concerns that arose from the evidence and asks that the committee be informed of progress towards finalising the code of practice. We have asked Jim Wallace to consider reviewing the appeals mechanism, because we were concerned that there was no opportunity for the person concerned to be informed in advance. Finally, we questioned whether the appeals mechanism was sufficiently independent according to the European convention on human rights. Are members content with the letter?

Members indicated agreement.

The Convener: Petition PE116 calls on the Scottish Parliament to introduce appropriate provisions to ensure that aspects of Scots law—in particular the parole system—are ECHR compatible. We considered the petition on 6 September, when we agreed to write to the Scottish Human Rights Centre on the matter. We have received a reply to that letter, which has been circulated to members.

Gordon Jackson: The Executive bill on the matter is being introduced next week.

The Convener: It will be introduced on 13 November.

Gordon Jackson: In that case, the petition will be overtaken by events.

The Convener: Do we agree to note the petition? We can write to the petitioner informing him of the bill and suggesting that he take any further action in the light of that legislation. Is that agreed?

Members indicated agreement.

The Convener: The third petition is PE200, which is on the Scottish Legal Aid Board and in particular the collection and reimbursement of compensation moneys. The committee considered the petition on 13 June. We wrote to the Scottish Legal Aid Board and have received a reply.

Christine Grahame: I have an insider's comment to make on the legal aid flow chart in the reply. Step 6 says:

"Solicitor submits his bill to Board and confirms outcome of case".

Step 7 says:

"Solicitor's/counsel's fees and outlays paid from Fund".

However, the board does not just pay it on the nail. The solicitor's account goes through adjustment after negotiation—and it is always adjusted down. The letter makes it sound as though the account is just paid, but that is not the case.

The Convener: We have several options. The Scottish Legal Aid Board has indicated that it intends to review some of its arrangements, which it has admitted are not the speediest. We could write and ask to be kept informed of any progress on that. We are embarking on a legal aid inquiry, although much of the petition would not fall under the remit of that inquiry—the problems raised in the petition would arise long after successful access to legal aid.

Do members agree that we write to the board, asking for information on future progress, inform the petitioner of our actions and treat that as the conclusion of our action on the petition?

Members indicated agreement.

The Convener: That is the end of the public part of the meeting.

10:13

Meeting continued in private until 11:08.

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