

JUSTICE COMMITTEE

Tuesday 19 June 2007

Session 3

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JUSTICE COMMITTEE

1st Meeting 2007, Session 3

OLDEST COMMITTEE MEMBER

*Bill Aitken (Glasgow) (Con)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Nigel Don (North East Scotland) (SNP)
*Paul Martin (Glasgow Springburn) (Lab)
*Stuart McMillan (West of Scotland) (SNP)
*Margaret Smith (Edinburgh West) (LD)
*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Aileen Campbell (South of Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Callum Thomson

SENIOR ASSISTANT CLERKS

Anne Peat
Terry Shevlin

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 19 June 2007

[THE OLDEST COMMITTEE MEMBER *opened the meeting at 10:32*]

Interests

Bill Aitken (Oldest Committee Member): Good morning, ladies and gentlemen. I am in the personally humiliating and embarrassing position of having to confess that I am the oldest committee member. It is in that capacity that I convene the initial part of the meeting.

I welcome all members, particularly the new members of Parliament, to the first meeting of the Justice Committee in the third session of the Scottish Parliament. I make my usual admonition that mobile phones and pagers should be switched off.

Today's business is largely procedural, so we should be able to rattle through it. There are no apologies.

The first agenda item is the declaration of members' interests. The clerks have issued a paper to members and have also issued a copy of the declaration of interests form that members completed for the Standards and Public Appointments Committee. It is necessary for each of us to make a further declaration for the record.

I shall start. I have no declarable interests with regard to the work of the Justice Committee.

Bill Butler (Glasgow Anniesland) (Lab): I have no declarable interests in respect of the work of the Justice Committee.

Paul Martin (Glasgow Springburn) (Lab): I confirm that I do not have any declarable interests.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I have no declarable interests in respect of the work of this committee.

Margaret Smith (Edinburgh West) (LD): I have no declarable interests with regard to the work of this committee.

Nigel Don (North East Scotland) (SNP): I also have no declarable interests.

Stuart McMillan (West of Scotland) (SNP): I have no declarable interests.

John Wilson (Central Scotland) (SNP): I have no declarable interests.

Convener

10:34

Bill Aitken: The second agenda item relates to the choice of committee convener. The Parliament has agreed that that role should be filled by a member of the Scottish Conservative and Unionist Party.

Bill Butler: I nominate Bill Aitken.

Bill Aitken was chosen as convener.

Deputy Convener

10:34

The Convener (Bill Aitken): We come now to the choice of deputy convener. The Parliament has agreed that members of the Labour Party are eligible for nomination as deputy convener of the committee. I understand that the Labour Party's nominee is Bill Butler, and I have pleasure in nominating him to be the deputy convener.

Bill Butler was chosen as deputy convener.

Work Programme

10:35

The Convener: The fourth agenda item concerns our approach to developing a work programme. We might not be able to advance terribly far today, but perhaps we can have some initial discussions.

The gnarled veterans of the parliamentary process among us will appreciate that, at the start of every parliamentary session, committees normally discuss what precisely they should do. This time, things may well be a little more interesting than usual.

From the documentation that has been issued, members will have seen that the previous justice committees spent a considerable amount of time dealing with legislation. Indeed, in session 2, both justice committees spent more than 60 per cent of their time on legislation—I suggest that, in the final year of the session, the percentage was much greater than that. Those of us, such as Margaret Smith and I, who were whips or business managers in the previous session got a fair amount of grief from members about the time commitment that was necessary to facilitate the legislative process.

The parliamentary arithmetic is such that it seems unlikely that there will be a similar volume of legislation this session. However, we must recognise that legislation is always necessary; that, sometimes, emergency legislation is essential—indeed, the first bill that the new Scottish Parliament passed was a piece of emergency legislation; and that there will be more scope for members' bills. We will have to bear such issues in mind in the future.

I suggest that, initially, it is important that we have a meeting with the Cabinet Secretary for Justice, so that he can give us a heads-up in respect of the legislative programme that we can expect during the next 12 months. We have to accept that situations sometimes change, of course, but such a discussion would enable us to start pencilling in certain aspects of our work programme in the short term. Is that agreeable to members?

Members indicated agreement.

The Convener: Also in accordance with practice, I suggest that we have what is euphemistically described by our American colleagues as an away day, which will allow us to get together informally and brainstorm.

We have had a number of helpful suggestions. The Lord Advocate spoke to me informally last week and said that the Crown Office would be

delighted to give us a presentation. At a reception on Friday, I met the chief constable of Lothian and Borders Police, who said that he would be keen to give us a presentation. Such presentations would be the sort of thing that we could talk around on the away day.

Is it agreed that we have an away day?

Members indicated agreement.

The Convener: Do members agree to remit to me, the deputy convener and the clerks the responsibility of finding a satisfactory venue—which will be somewhere reasonably convenient—and arriving at a suitable date?

Members indicated agreement.

The Convener: I imagine that the clerks will get in touch with members to find out their holiday plans during July and August. I have in mind a date somewhere towards the end of August, not long before Parliament resumes.

I had an informal discussion with Kenny MacAskill, who indicated his willingness to attend our meeting next week. The clerks have made a slightly more formal approach and suggest that it is likely that he will be able to attend that meeting.

Consistent with what has happened in the past, I suggest that we go on a series of visits to places such as prisons, courts and bodies with which we are likely to have dealings in the years ahead. Such visits will be particularly important for members who have not previously served on one of the justice committees. Bill Butler and Paul Martin have done so, and are probably quite experienced in such matters. Margaret Smith also has the necessary experience, but there should be opportunities for visits for the new members in particular and for Cathie Craigie, who has not, as far as I am aware, had the opportunity to go on such visits. Is that agreed?

Members indicated agreement.

The Convener: I do not think that there is anything else to discuss this morning. Next week, we can listen to the Cabinet Secretary for Justice's presentation, and we will obviously ask him questions. That will progress our assessment of the necessary work programme timings.

Do members have any questions to ask or issues to raise?

Nigel Don: There is a clear view in the previous justice committees' legacy papers that we should revisit legislation. Could someone produce a guide to that legislation for us?

The Convener: That is a good suggestion. It is clear that one of our main duties is to study legislation retrospectively, which perhaps we have not done before. We will arrange that.

Bill Butler: Nigel Don made a good point. Colleagues who have scanned the legacy papers will have seen mention of the Antisocial Behaviour etc (Scotland) Act 2004, which seems to be one act in respect of which post-legislative scrutiny would be helpful, given its success. We can take on board the point and develop it more fully next week. Obviously, it will be necessary to hear what the cabinet secretary has to say about the Government's legislative proposals and where it would like there to be post-legislative scrutiny. That will be interesting. An excellent suggestion has been made.

The Convener: Indeed.

Margaret Smith: I recollect from my time on the Justice 1 Committee the importance of the work of the European Union, which we may want to get further into. The Justice 1 Committee made real efforts to keep an eye on that work. Obviously, the committee focused on what was possible and set that against everything else that needed to be done. Perhaps there is scope to deal with a little more information about the EU's work, and perhaps the committee will want to ensure that that work does not get lost now that one committee is doing the work that used to be done by two committees. I agree that it is unlikely that we will face the volume of legislation that has been faced in the past, but I would not like us to lose sight of the European dimension.

The Convener: That point is particularly well made, bearing in mind the Prüm agreement, which is likely to impinge seriously on the Scottish justice system. We will certainly take it on board.

We are not in a position to progress our work programme much further until we have heard from Mr MacAskill next week. Following that meeting, the clerks can prepare a paper with suggestions—I stress that they will be only suggestions—for our work programme. Perhaps members will have comments to make after we have spoken to Mr MacAskill. Do members agree with that approach?

Members *indicated agreement.*

The Convener: I thank members for their attendance.

Meeting closed at 10:44.

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