

# **JUSTICE COMMITTEE**

Tuesday 22 April 2008

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2008.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by RR  
Donnelley.

---

# CONTENTS

Tuesday 22 April 2008

Col.

|  |     |
|--|-----|
| <b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....  | 719 |
| <b>SUBORDINATE LEGISLATION</b> .....   | 720 |
| Police (Special Constables) (Scotland) Regulations 2008 (SSI 2008/117) .....                           | 720 |
| Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2008 (SSI 2008/118) ..... | 721 |
| Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (SSI 2008/128) ..... | 721 |
| <b>MAINSTREAMING EQUAL OPPORTUNITIES</b> .....   | 722 |

---

## JUSTICE COMMITTEE

### 10<sup>th</sup> Meeting 2008, Session 3

#### CONVENER

\*Bill Aitken (Glasgow) (Con)

#### DEPUTY CONVENER

\*Bill Butler (Glasgow Anniesland) (Lab)

#### COMMITTEE MEMBERS

\*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)

Marlyn Glen (North East Scotland) (Lab)

John Lamont (Roxburgh and Berwickshire) (Con)

Mike Pringle (Edinburgh South) (LD)

\*attended

#### CLERK TO THE COMMITTEE

Douglas Wands

#### SENIOR ASSISTANT CLERK

Anne Peat

#### ASSISTANT CLERK

Euan Donald

#### LOCATION

Committee Room 6



## Scottish Parliament

### Justice Committee

*Tuesday 22 April 2008*

[THE CONVENER *opened the meeting at 10:17*]

### Decision on Taking Business in Private

**The Convener (Bill Aitken):** Good morning, ladies and gentlemen. I remind everyone to switch off mobile phones. Margaret Smith has given apologies.

Under agenda item 1, the committee is asked to agree to take in private item 4, which is consideration of whether to accept further written evidence. Is that agreed?

**Members** *indicated agreement.*

## Subordinate Legislation

### Police (Special Constables) (Scotland) Regulations 2008 (SSI 2008/117)

10:17

**The Convener:** Item 2 is consideration of three negative instruments. The Subordinate Legislation Committee raised several drafting and technical points about the first instrument. Do members have comments or are we content with the regulations?

**Bill Butler (Glasgow Anniesland) (Lab):** I am content.

**Nigel Don (North East Scotland) (SNP):** Forgive me—I do not remember whether I have raised this issue before. Did we agree to write to ask the appropriate people why the acknowledged drafting error in the regulations cannot be changed?

**The Convener:** We have written to the Scottish Government, although we are uncertain about whether we requested an amendment. However, the Government has said that it will in future amend the provision.

**Nigel Don:** That means that the Government will have to come back with another instrument.

**The Convener:** The provision will simply be amended.

**Nigel Don:** I am sorry—that is what bothers me. I am looking at a piece of paper that seems to say, “We know it’s wrong, but we can’t change it.” Surely the parliamentary scrutiny process should enable us to say, “It says regulation 20, but it should say regulation 19—correct it.” I understand that the issue is totally procedural, but why cannot a change be made?

**Bill Butler:** I may be able to assist. Paragraph 20 of the Subordinate Legislation Committee’s report says that the Government has undertaken to correct the error and that the error

“is not thought to affect the operation of the instrument.”

If Nigel Don has the pleasure of serving on the Subordinate Legislation Committee in the future, he will find out that such an occurrence is not infrequent under a Government of any complexion. Provided that an error does not affect the instrument’s operation, that the Government acknowledges the error and that it is rectified as soon as is humanly possible, we should not become overexcited about it. If Nigel Don assumed the mantle of a member of that committee, he could argue that point in that committee, but I think that we should say that we are content with the regulations. I am content.

**The Convener:** That is my view, too. However, we will write again to point out the issue. I wish that, in any future existence, Nigel Don does not find himself on the Subordinate Legislation Committee.

**Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2008 (SSI 2008/118)**

**Sexual Offences Act 2003 (Prescribed Police Stations) (Scotland) Regulations 2008 (SSI 2008/128)**

**The Convener:** Are members content to note the instruments?

**Members** *indicated agreement.*

## **Mainstreaming Equal Opportunities**

10:21

**The Convener:** I invite the committee to consider correspondence from the convener of the Standards, Procedures and Public Appointments Committee on mainstreaming equal opportunities in the work of committees. He has written to all committee conveners to seek views on a change to standing orders that the Equal Opportunities Committee has proposed. The rule change would require other committees to report on their work to mainstream equality issues, and the Equal Opportunities Committee would collate those reports. Committees would be required to report at least once per session or in each annual report.

The practice of previous justice committees has been to report on equality issues in their annual reports. I suggest that we continue that practice and write to tell the Standards, Procedures and Public Appointments Committee about it. Is that agreed?

**Members** *indicated agreement.*

**The Convener:** In accordance with our earlier agreement, we move into private. I thank the public for their attendance.

10:22

*Meeting continued in private until 11:10.*

Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Tuesday 29 April 2008**

#### PRICES AND SUBSCRIPTION RATES

##### OFFICIAL REPORT daily editions

*Single copies: £5.00*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

##### WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at Document Supply.

Published in Edinburgh by RR Donnelley and available from:

#### **Blackwell's Bookshop**

**53 South Bridge  
Edinburgh EH1 1YS  
0131 622 8222**

**Blackwell's Bookshops:**  
243-244 High Holborn  
London WC1 7DZ  
Tel 020 7831 9501

All trade orders for Scottish Parliament documents should be placed through Blackwell's Edinburgh.

**Blackwell's Scottish Parliament Documentation**  
Helpline may be able to assist with additional information on publications of or about the Scottish Parliament, their availability and cost:

**Telephone orders and inquiries**  
**0131 622 8283 or**  
**0131 622 8258**

**Fax orders**  
**0131 557 8149**

**E-mail orders**  
**business.edinburgh@blackwell.co.uk**

**Subscriptions & Standing Orders**  
**business.edinburgh@blackwell.co.uk**

#### **Scottish Parliament**

**RNID Typetalk calls welcome on**  
**18001 0131 348 5000**  
**Textphone 0845 270 0152**

sp.info@scottish.parliament.uk

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers