

JUSTICE COMMITTEE

Tuesday 24 February 2009

Session 3

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2009.

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 24 February 2009

Col.

SUBORDINATE LEGISLATION.....	1611
Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional Provision) Order 2009 (SS1 2009/17)	1611
Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 (SS1 2009/20)	1612

JUSTICE COMMITTEE

6th Meeting 2009, Session 3

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Robert Brown (Glasgow) (LD)
*Angela Constance (Livingston) (SNP)
*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)
*Nigel Don (North East Scotland) (SNP)
*Paul Martin (Glasgow Springburn) (Lab)
*Stuart McMillan (West of Scotland) (SNP)

COMMITTEE SUBSTITUTES

Aileen Campbell (South of Scotland) (SNP)
John Lamont (Roxburgh and Berwickshire) (Con)
Mike Pringle (Edinburgh South) (LD)
Dr Richard Simpson (Mid Scotland and Fife) (Lab)

*attended

CLERK TO THE COMMITTEE

Douglas Wands

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Andrew Proudfoot

LOCATION

Committee Room 2

Scottish Parliament

Justice Committee

Tuesday 24 February 2009

[THE CONVENER opened the meeting at 10:19]

Subordinate Legislation

Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional Provision) Order 2009 (SSI 2009/17)

The Convener (Bill Aitken): I remind everybody to switch off mobile phones. No apologies have been received.

The first item on the agenda is subordinate legislation, and there are two negative instruments for consideration today. The first is the Legal Profession and Legal Aid (Scotland) Act 2007 (Transitional Provision) Order 2009 (SSI 2009/17). The Subordinate Legislation Committee raised no points on the order. Do committee members have any questions on it?

Robert Brown (Glasgow) (LD): I have an observation. Both the orders that we are considering today arise from what appear to be failures to deal with matters at the proper time—in the case of SSI 2009/17, when the principal legislation was being considered. It may be that such hiccups occur all the time, but I am a relative newcomer to the committee and, in the time that I have been on it, we have already considered one or two instruments with the same dimension to them.

Do we have any explanation from the Government as to why the transitional arrangements for the sharing of information were not dealt with when the Legal Profession and Legal Aid (Scotland) Act 2007 was considered? It seems an obvious, incidental matter. The interrelation between the previous arrangements for the investigation of complaints by the Law Society of Scotland and the new arrangements was a matter of some concern and debate during consideration of the act, so it seems a little odd that the matter was not picked up then.

The Convener: You are correct that the Government failed to anticipate the need for transitional provisions. That is the case with the Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 (SSI 2009/20) as well, in a similar manner to the situation that arose with the justice of the peace court in Glasgow. I hope that the Scottish Government will realise that there are concerns

about that and that it will not have to be pointed out on any future occasion.

Are members content to note the order?

Members indicated agreement.

Justice of the Peace Courts (Sheriffdom of Tayside, Central and Fife) Amendment Order 2009 (SSI 2009/20)

The Convener: The Subordinate Legislation Committee raised no points on the order. Are members content to note it?

Members indicated agreement.

The Convener: Before the committee moves into private, Stuart McMillan has something to say to us.

Stuart McMillan (West of Scotland) (SNP): I will resign from the committee this week, so I put on record my thanks to all committee members past and present for their assistance throughout the past 22 months. It has been an interesting committee and I have gained a great deal from being a member of it.

I say a special thank you to the clerking team. The clerks do a tremendous job and their assistance has been invaluable to me, particularly when I arrived on the committee as a new member of the Parliament.

The Convener: That is greatly appreciated. On behalf of the committee, I thank you for the significant contribution that you have made over the past 22 months. You have put a lot into the committee's work; you have always come well prepared and well researched. I wish you all the best on whichever committee you transfer to.

That concludes the public business for this morning.

10:22

Meeting continued in private until 11:58.

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 3 March 2009

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