



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PUBLIC PETITIONS COMMITTEE

Tuesday 9 November 2010

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PUBLIC PETITIONS COMMITTEE

17th Meeting 2010, Session 3

CONVENER

*Rhona Brankin (Midlothian) (Lab)

DEPUTY CONVENER

*John Farquhar Munro (Ross, Skye and Inverness West) (LD)

COMMITTEE MEMBERS

*Bill Butler (Glasgow Anniesland) (Lab)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Robin Harper (Lothians) (Green)

*Anne McLaughlin (Glasgow) (SNP)

*Nanette Milne (North East Scotland) (Con)

John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

*Jamie Hepburn (Central Scotland) (SNP)

Jamie McGrigor (Highlands and Islands) (Con)

Dr Richard Simpson (Mid Scotland and Fife) (Lab)

Nicol Stephen (Aberdeen South) (LD)

*attended

THE FOLLOWING ALSO ATTENDED:

Christine Grahame (South of Scotland) (SNP)

THE FOLLOWING GAVE EVIDENCE:

Professor Robert Black QC (Justice for Megrahi)

Councillor Veronica Davidson

Robert Forrester (Justice for Megrahi)

Daphne Jackson (Ettrick and Yarrow Community Council)

Canon Patrick Keegans (Justice for Megrahi)

Iain McKie (Justice for Megrahi)

Dr Jim Swire (Justice for Megrahi)

CLERK TO THE COMMITTEE

Fergus Cochrane

LOCATION

Committee Room 1

Scottish Parliament

Public Petitions Committee

Tuesday 9 November 2010

[The Convener *opened the meeting at 14:06*]

Interests

The Convener (Rhona Brankin): Good afternoon everybody, and welcome to the 17th meeting in 2010 of the Public Petitions Committee. There are apologies from John Wilson, who is with the Local Government and Communities Committee in Brussels. I welcome to the committee Jamie Hepburn, who is the Scottish National Party's substitute for him. In accordance with section 3 of the MSP code of conduct, I ask Jamie Hepburn to declare any interests that might be relevant to the committee's remit.

Jamie Hepburn (Central Scotland) (SNP): I have nothing specific to declare, although I invite people to look at my register of interests, which is publicly available.

The Convener: Thank you very much.

I ask everybody to ensure that their mobile phones and other electronic devices are switched off, please.

New Petitions

Justice for Megrahi (PE1370)

14:07

The Convener: Agenda item 1 is consideration of new petitions. We have five new petitions for consideration, and we will take oral evidence on the first two.

The first new petition is PE1370, by Dr Jim Swire, Professor Robert Black QC, Mr Robert Forrester, Canon Patrick Keegans and Mr Iain McKie, on behalf of Justice for Megrahi. The petition calls on the Scottish Parliament to urge the Scottish Government to open an independent inquiry into the 2001 Kamp van Zeist conviction of Abdelbaset Ali Mohamed al-Megrahi for the bombing of Pan Am flight 103 in December 1988.

I welcome the petitioners to the meeting and invite one of them to make an opening statement of no more than three minutes on behalf of the group. After that, members will have the opportunity to ask all the witnesses questions.

Dr Jim Swire (Justice for Megrahi): I assume that all members of the committee have the wording of the petition in front of them. It is important that we stick closely to that, because the Scottish Government has already raised two objections against what is contained in the petition. First, it maintains that an inquiry that resulted from the petition would find that much of the material is beyond the jurisdiction of Scots law and the Scottish Government's remit. However, I think that the committee can be convinced fairly readily that, in fact, that is not the case.

If we centre our attention on the Zeist conviction of al-Megrahi, we see that it depended, of course, on the investigation by Scottish police forces and on the fatal accident inquiry, which, in turn, was affected by the early stages of the Scottish police criminal investigation. Those investigating the matter would also need to examine the conduct of the Crown Office in preparing the prosecution at Zeist. On the trial court itself, they would need to look at the acquittal of one of the two accused Libyans, Mr Fhimah, and the conviction of al-Megrahi; the rejection of al-Megrahi's first appeal and the way in which it came to be rejected; the Scottish Criminal Cases Review Commission's referral of Mr al-Megrahi's case to the court of appeal; the dropping of the second appeal; and finally the compassionate release of Mr al-Megrahi through the decision of Kenny MacAskill. Each and every one of those matters is within the jurisdiction of Scots law and the remit of the Scottish Government.

I turn to the second objection that the Scottish Government has already raised against holding an inquiry. The Cabinet Secretary for Justice made it clear that, under the powers devolved to Holyrood, no worthwhile scrutiny could be ordered here because there would be no powers to compel witnesses. Members of the committee, I put it to you again that that is not correct. Under the Inquiries Act 2005, the Scottish Government has the power to set up an inquiry that can compel witnesses and the production of documents and other evidence. I put it to you that the establishment and maintenance of an impartial justice system is fundamental to the health of any civilised community, and the Justice for Megrahi campaign's position is that the failure to institute an inquiry would perpetuate an indelible stain on the reputation and standing of the Scottish justice system at home and abroad. It is the Scottish Government's responsibility to expunge that stain.

After three years of close study, the SCCRC publicly stated that the trial might have been a miscarriage of justice. That massively increased the doubts in the minds of many Scots people both within and without the legal community, and it alone must cast doubt on the Scottish Government's current position. In recent public statements, our First Minister and our justice secretary have claimed that they have no doubts about the validity of the verdict against Mr al-Megrahi. How can that be when the SCCRC spent three years on close examination and came to the conclusion that the verdict might well have been a miscarriage of justice?

The JFM committee—that is us—now believes that there is a clear mandate for the Scottish Government to establish a Scotland-based judicial inquiry. It is not our position as a group that the verdict against Mr al-Megrahi was wrong. Our view is simply that there are now so many legitimate and accessible doubts about that verdict that it must be examined, and that it should be Scotland that examines it. The 270 victims of the Lockerbie atrocity, their families and friends, and above all the Scottish people have a right to demand justice and a right to see justice done. It is vital that ordinary people who have nothing directly to do with the judicial system have confidence in it. I put it to the committee that the consequences of the verdict have undermined their confidence. Thank you.

The Convener: Thank you. I open it up to members who wish to ask questions.

Bill Butler (Glasgow Anniesland) (Lab): Thank you, convener. Good afternoon gentlemen, and welcome to the Public Petitions Committee.

If I may play devil's advocate, given that, as Dr Swire stated, Mr MacAskill on behalf of the Scottish Government has stated on the record that

the Government does not question the initial verdict or conviction of Mr al-Megrahi in January 2001, nor the appeal against conviction being refused on 23 January 2002, what likelihood do you think there is that the Government will change its position and accede to the request that is made in the petition? It was a very definite statement from Mr MacAskill. Would one or all of the panel like to respond to that question?

14:15

Dr Swire: Thank you for that question, Mr Butler. The problem here is that the substance underlying the current Scottish Government's position does not seem to be secure. Speaking for myself, I expected at the beginning of the trial to see two of my daughter's murderers brought to justice. From what I heard in that court, however, I gradually became convinced that those two men had had nothing to do with it and that it seemed much more likely that it might have been done in an alternative way. As I understand it, Professor Black concluded from the procedures of that court and also from what he heard in it that the verdict should never have been passed under Scottish law.

You will notice that we are avoiding any discussion of materials that have come to the surface since the original verdict was reached, simply because, as both the amateur and the professional agree, what was heard in court was so compromised. There is no getting away from the fact that Professor Black is emeritus professor of Scots law. I do not know whether he wants to speak for himself, but he believes that, on the basis of Scots law, the verdict should not have been reached.

Bill Butler: Professor Black, do you wish to say something about Dr Swire's comment on the procedures in and around the trial and your concerns about them?

Professor Robert Black QC (Justice for Megrahi): Yes. Part of the problem was that there was no jury at the Scottish court in Zeist. Had there been, it would have been given the standard instructions that any Scottish judge gives to any Scottish jury on, for example, reasonable doubt, the assessment of evidence, the linkages that can be made between various chapters of evidence and the requirement for corroboration. There was no such jury at Zeist, and the presiding judges did not give those instructions to themselves. For that reason, I have reached this firm belief—a belief, I should add, that is shared by many other reputable lawyers, including Mr Len Murray, who is perhaps the most experienced criminal court solicitor in Scotland over the past 25 years. Mr Murray, whose statement I think has been circulated to members, cannot understand how the

verdict was reached on the evidence that was led. It is as serious and as plain as that.

Bill Butler: You said that, normally, a judge would point out to a jury the assessment of and linkages between evidence. Do you believe that the presiding judges did not assess the evidence properly or, indeed, make the correct linkages? If so, can you give us one or two specific indications with regard to your opinion on those points?

Professor Black: Certainly. As the judges and the prosecution at the trial accepted, Mr Megrahi could not have been convicted had the judges at Zeist not held that they were satisfied that he was the person who, on the island of Malta, had bought certain clothing that surrounded the bomb in the suitcase that subsequently led to the destruction of Pan Am 103. That was an absolutely crucial stage in the guilty finding.

As for the evidence whether Mr Megrahi purchased those clothes, the most that the shopkeeper, who gave evidence at Zeist, would say—indeed, the most that he had ever said in any statement to the police or at the identification parade held before the Zeist trial—was that Abdelbaset Megrahi resembled a lot the person who bought the clothes. However, in his first statement to the police, he also said that the person who bought the clothes in his shop was more than 6ft tall and more than 50 years old. At the relevant time, November or December 1988, Abdelbaset Megrahi was 38 years old and was, as I think he is now, 5ft 8in tall. Nevertheless, the Scottish judges at Zeist held that what Mr Gauci gave in his evidence was a positive identification of Abdelbaset Megrahi.

The second question was when the clothes were purchased. There were two possible days: 7 December 1988 or 23 November 1988. The reason why it was narrowed down to those two days was that international football matches were broadcast on Maltese television. The first leg of the relevant match was on 23 November; the second leg was on 7 December. Mr Gauci, the shopkeeper, was clear that it was one or other of the days on which the matches were televised, but he could not remember which one.

The question then arose whether it was possible to narrow down the dates further, because Mr Megrahi was on Malta on the second of those dates, 7 December, but he was not on Malta on 23 November. What evidence was led to try to narrow down the date? Meteorological evidence was led. When the clothes were bought in the shop in Malta, whoever bought them went out to get a taxi because he had bought quite a lot. It was raining to such an extent that he went back into the shop and bought an umbrella to protect himself from the rain while he went in search of a taxi. The meteorological evidence that was led at Zeist was

to the effect that it rained considerably and heavily on 23 November, but on 7 December there was no rain in Sliema—the site of the shop—or if there had been any rain it was only a few drops that would not have been sufficient to wet the pavement. That was the undisputed meteorological evidence that was led at Zeist. Nevertheless, having heard that evidence, the judges found in fact that the date of purchase was 7 December.

That type of approach to the evidence that was led at the trial leads me to believe that no reasonable tribunal could have reached the conclusions that it did on that evidence. That is one of the six grounds on which the Scottish Criminal Cases Review Commission held that there might have been a miscarriage of justice in Mr Megrahi's case.

Jamie Hepburn: I have a further declaration of interest. Although I do not know whether I need to declare this, I feel that I should—in my previous job working with Alex Neil, I had contact with Mr Iain McKie when he was campaigning on behalf of his daughter. I feel that it is important to put that on the record.

Gentlemen, thank you for coming to give evidence. In promoting your petition, I see that you have called for a full and open public inquiry and that you have lobbied a variety of bodies, individuals and foreign Governments. I have a couple of questions. First, is that call in relation to a Scottish Government inquiry or to another full and open public inquiry?

Dr Swire: The call in our petition relates to the inquiry that we ask be set up by the Scottish Government. I pointed out in my opening statement all the aspects that are within the purview of Scots law and the Scottish Government.

The word “independent” in our petition is extraordinarily important because, as you are aware, the criminal investigation was run by the Scottish police forces and the trial involved entirely Scottish lawyers. If one thinks momentarily about the McKie case, which has already been mentioned, one sees that there are at least two groups in our country who might be interested in protecting their reputations and how they performed in the run-up to the trial, during it and with the consequences of it. For that reason, it is not for us to say how the Public Petitions Committee should try to persuade the Scottish Government to take up the matter, and nor is it within our remit to say how the inquiry should be constituted.

I say simply—speaking for a moment as a relative who has been looking for the truth for nearly 22 years—that it is vital that any inquiry is

seen to be led impartially. It might be felt that such impartiality could be secured only by having a president or whatever from outwith Scotland. I do not know; I am not qualified to talk about that. All that I am saying is that an inquiry would be of little value if it were deemed to be in any way tied to or limited by the interests of any of the groups that were involved in setting up and carrying through the trial.

There is a big issue that the politicians of this country need to look at. With an obviously impartial president, an inquiry might be the way forward to redeeming what unfortunately happened in our system. This is embarrassing for me to say, but I spent three years trying to persuade Colonel Gaddafi to allow his men to appear in front of the Scottish justice system because I believed that Scottish criminal justice was among the fairest in the world. However, the trial is seen outside Scotland as far more damaging even than many people in Scotland see it. I have had occasion to travel almost all over the world in connection with the issue and, believe you me, the reputation of Scottish justice has been shot to pieces by its performance in the trial.

We need to find out and say for ourselves, boldly and surely, "Was the verdict justified or was it not?" That is why we have come to the committee—in the hope that a vehicle can be created in Scotland to replace the withdrawal of Mr Megrahi's second appeal. If that can be done, it is the only way that we will be able to heal the dreadful wound that has been made in the reputation of our justice system—which, I remind the committee, was one of the few jewels to survive the act of union.

Jamie Hepburn: Okay, so you wrote to the other bodies in respect of your request for the Scottish Government to have an inquiry. That fact begets two questions. First, what was the rationale for doing so? Secondly, we know what the Scottish Government's response was, but what was their response?

Robert Forrester (Justice for Megrahi): I am sorry to interrupt, but may I ask a question? You said that we wrote to the other bodies. Are you referring to the General Assembly of the United Nations and so on?

Jamie Hepburn: I have a list here, and you can confirm whether it is accurate: the president of the General Assembly of the United Nations—

Robert Forrester: Yes, I have that list in front of me as well.

Jamie Hepburn: It is the bodies on that list.

Robert Forrester: We launched a campaign to have the verdict investigated following our initial incarnation, when we were interested in putting

forward a case for Mr al-Megrahi's compassionate release. Once he was released, we launched a campaign to see whether we could persuade the General Assembly of the United Nations to conduct an inquiry under its own auspices. There is no connection between the approaches to the bodies on the list and any attempt to persuade the Scottish Government to open an inquiry.

Jamie Hepburn: Sorry, can I interrupt? I am a little confused. I thought that the answer a minute ago was that you wrote to them in respect of this request for an inquiry.

Robert Forrester: No.

Jamie Hepburn: So there has been some confusion.

Robert Forrester: There has been a little.

14:30

Jamie Hepburn: Okay, that is clear now. I will move on to ask another question.

You have been clear that, from your perspective, it is legitimate for the Scottish Government to have an inquiry on the grounds that you have set out. However, do you have any sympathy with the view that getting to the truth of the matter would require an inquiry that was more international in scope?

Dr Swire: We should start at the beginning. The first Scottish court to consider the matter was the one that conducted the fatal accident inquiry. That inquiry spent a great deal of its time examining aviation security at London's Heathrow airport. The efforts of the FAI might well be modified extensively should this verdict fail in the long run. That is one example of how Scotland has a locus to examine many aspects of the situation without having to refer to anyone outside our own country.

The route of saying *mea culpa*—of putting up our hands and saying, "We got it wrong; we are to blame"—is the way that we must go if we are to recover our reputation.

Professor Black: We are asking the Scottish Government to hold an inquiry into the conviction by a Scottish court of Mr Megrahi. It may very well be that, if such an inquiry were held and doubt were cast on the verdict against Mr Megrahi, the door would be opened to other bodies or Governments to hold a much more wide-ranging inquiry into what actually happened at Lockerbie and who was responsible for it. However, that is not what we are asking for in this petition.

The fact that there is a verdict against Mr Megrahi, which at the moment still stands, is being used as an excuse and a pretext by Governments that have the power to hold a wide-ranging inquiry into what happened at Lockerbie. Governments

such as the United Kingdom Government use the fact that there is an extant, standing conviction against a person in a Scottish court as a reason for not holding a wide-ranging inquiry into Lockerbie. One of the purposes of this petition is to clear that logjam. We want to retrieve the reputation of the Scottish criminal justice system. However, that will have the beneficial side-effect that it will deprive Governments that have the power to hold an inquiry into what happened at Lockerbie of that excuse for not doing so.

Iain McKie (Justice for Megrahi): May I say a quick word?

The Convener: I ask you to be brief, as time is marching on.

Iain McKie: I want to make a couple of points, because they are important.

I do not have the in-depth knowledge of the Lockerbie case that the gentlemen beside me have but, like hundreds of thousands of Scots, my family has been affected by the Lockerbie incident. My son was forced to leave the police service and my daughter went through 14 years of hell. Those are facts. I have suffered at the hands of the Scottish justice system, but I have also benefited from it.

To Mr Butler and Mr Hepburn I say that this is certainly a matter that should be sorted out in Scotland. It is an indelible stain on Scotland's justice system, not anyone else's. If America or any other country wants to blame us, that is beside the point. The point is that we need to pick up this issue, say independently that it is our responsibility and stand up to be counted in the world. I believe that many of our citizens in Scotland expect that to happen.

Robert Forrester: May I speak?

The Convener: I am sorry, but we must move on.

Nigel Don (North East Scotland) (SNP): I have been interested to hear what people have to say. I do not know much about this subject, and I feel that I am now much better informed.

I would like to put a constitutional question to Professor Black, given his legal expertise. Can I really expect any Scottish Government to say that it disagrees with its own courts? Is there not a constitutional difficulty, and are we not on sinking sand when we allow a Government to say, "That is what the courts have decided but we do not happen to agree with it"?

Professor Black: That is not what we are asking the Scottish Government to do, sir. We are asking the Scottish Government to set up an inquiry.

The Scottish Government cannot deny that there is domestic and international concern about this particular verdict of a Scottish court. We are not asking the Scottish Government to say that it thinks that the verdict was wrong or to do something about it. We are asking the Government to set up an inquiry that will investigate that concern. By so doing, it would in no way come into conflict with the Scottish courts.

One of the principal functions of government is to maintain the integrity of the justice system, and that is what we are asking this Government to do, through holding an inquiry into concerns that have been expressed in Scotland and internationally about a particular decision of a Scottish court.

Nigel Don: I understand your point, but this is not just an academic point. If that inquiry were to happen, there would be precedent for the Scottish Government to institute an inquiry into any court case that it did not like or found to be inconvenient. Does the legal system really want there to be that precedent? I understand your point, and I am not denying what you are here for, but I am worried about the legal consequences.

Professor Black: May I say, sir, that the Scottish Government does this all the time. That is one of the reasons why the Scottish Law Commission was set up. The Government is forever referring matters of concern that arise from court decisions, and from elsewhere, to the Scottish Law Commission, and no one has ever suggested that there is some constitutional impropriety with that.

Nigel Don: Thank you.

Bill Butler: Forgive me, professor, but you referred to the Scottish Law Commission. Of course, the Scottish Law Commission was set up to revisit whole pieces of legislation, such as a piece of legislation on wrongful death that I am concerned with at the moment, which is right and proper. However, it was not set up to question verdicts, which I think is the point that my colleague Nigel Don is making. What is your view on that?

Professor Black: Successive Scottish Governments have referred legal issues that have arisen out of verdicts to the Scottish Law Commission on numerous occasions. That is what—

Bill Butler: Forgive me, but it has done that for bodies of verdicts, if you like, that show that the extant law is not in tune with modern times, but it has not referred legal issues arising from one particular verdict, has it? That is the point that Mr Don is making.

Professor Black: It certainly has referred matters to the Scottish Law Commission that have

been brought to public concern through a particular court decision.

Bill Butler: Can you specify one?

Professor Black: I am afraid that I cannot think of one offhand.

The Convener: Perhaps we could get clarification on that.

Bill Butler: Yes, it would be handy to have that information, professor.

The Convener: Do any other members of the committee want to speak before I invite Christine Grahame to speak?

Robin Harper (Lothians) (Green): Bill Butler's question has not quite elicited the answer that I was looking for, but it has covered my question.

Anne McLaughlin (Glasgow) (SNP): Like my colleague Nigel Don, I did not really know much about the issue before today. I have been invited to film screenings and various talks about it and never been able to make it, so I feel that I am much better informed now that I have read through the material and listened to the witnesses.

I am wondering about two things. I would like someone to play devil's advocate and tell me why some members of the legal profession might argue against the need for an inquiry. Dr Swire explained very well the two initial problems that the Scottish Government has come back with. If you believe that the verdict is—as Dr Swire said—a stain on Scotland's legal system, and that holding an inquiry would enhance its reputation, can you speculate on what reasons the Scottish Government might have for not wanting to do so? I am trying to get some balance in the argument for my own information.

Iain McKie: I have a quick point, although it is not a legal point—

Anne McLaughlin: I should declare an interest and say that I have met Iain McKie in a previous life.

Iain McKie: But we are not playing on that past association at all.

In the 14 years in which my daughter fought for justice in Scotland—and was helped greatly by the Parliament—we came across the Crown Office and the justice department. Those two organisations, which are heavily implicated in Lockerbie and everything that happened afterwards, will stop anything happening on Lockerbie. They are the problem in this situation. They are hoping that the Public Petitions Committee will go further afield than that—I know that that would happen, and that you would not just stop there.

We need to look at all those things, but in my view the Crown Office and the justice department want to stop any such inquiries. They tried to stop the inquiry into my daughter's case and were unsuccessful in that. Again, that went back to you; it was Parliament that took that inquiry forward.

The Crown Office and the justice department are the real issue, because they were heavily implicated in Lockerbie. The situation has just gone on and on for years. Lockerbie set a certain tone for justice in Scotland, and it is not the right tone. It is time for openness and accountability in the Crown Office and the justice department with regard to the disclosure of information to defences. An inquiry would help us to get the justice system that we deserve, and would reduce the power of civil servants in those organisations so that politicians make the decisions instead.

Robert Forrester: Can I briefly add something to that?

The Convener: Yes, if it is brief, because I am keen to bring in Christine Grahame.

Robert Forrester: Absolutely. We made an initial approach to the Scottish Government and we were turned down. We have now come back with a petition that has been signed by more than 1,600 individuals, of which Scots electors are far and away the largest group. That cohort in Scotland, and the 33 other nationalities that are represented, are saying that the matter must be addressed.

As a matter of honour and, as Dr Swire mentioned, to lift the stain from our justice system—we were very proud of it before this affair, which has clearly done damage, although we hope that it is not irreparable—we owe it to the people in Scotland and in the international community to do something about the situation. We have come back with the petition in the hope of persuading the Parliament and the Government to institute an independent inquiry under their auspices.

In our dealings with the Government, it has as yet comprehensively failed to cite any current UK legislation to justify its position in rejecting our appeal for an inquiry. In contrast, the JFM committee has at all times given chapter and verse references to case-hardened UK legislation.

The appeal for an inquiry may stumble and fall at some hurdle during its progress through the various stages in Holyrood. Should that happen, we would be most appreciative if those who are responsible for reaching the decision that it go no further do us the favour of providing us with references that identify precisely for us which current UK legislation is being cited to justify denying any further progress for the petition for an inquiry. Of course, we doubtless have much to

learn about how the law may be interpreted, and I am sure that this is an ideal opportunity for the Parliament to demonstrate to us precisely where we are lacking.

14:45

The Convener: I welcome Christine Grahame to the committee and invite her to make a statement.

Christine Grahame (South of Scotland) (SNP): Thank you, convener, for letting me in. I will ask a couple of short questions, if I may. I declare an interest as part of the campaign.

Many people would say that Abdelbaset al-Megrahi had his chance because he had an appeal that could have run after his death and that it is nonsense to dig for an inquiry when he dropped that appeal. The petitioners may want to comment on the dropping of the appeal.

I have a question for Canon Keegans, because he has not said anything yet. The people of Lockerbie must be heartsick that, every time the case comes up, Lockerbie comes up, and that it will now never shed the ghost of that terrible atrocity. What comments does Canon Keegans have from his contacts in Lockerbie?

Canon Patrick Keegans (Justice for Megrahi): Not only the people of Lockerbie but the people of Scotland and people throughout the world have never found a full answer to what happened there. That will always be a source of great distress.

There is severe doubt about the conviction, not only in Lockerbie or Scotland but in many other countries, so much so that the top person in the Catholic Church in Scotland and an eminent person in the country, Cardinal Keith O'Brien, has come out strongly in support of the campaign. He did so not on the spur of the moment, but after much deliberation. One of the key points that he made was that the call for an inquiry is not only about justice for the victims and their families but about the redemption—if I may use that word—of the Scottish justice system. That is a very strong point.

We have been denied justice from the beginning. I have always stated that I am very doubtful about the conviction of Abdelbaset al-Megrahi and I always will state that while doubt remains. The victims have been denied justice because he was convicted of conspiring with others to bring down Pan Am 103. Where are the other conspirators? Where are those who, with him—if he is guilty—brought down Pan Am 103?

I do not know the background to how the appeal was dropped. I am sad that it happened, because the appeal contained so much that would have

been of value not only to him and, probably or possibly, the overturning of his conviction but to the families and victims. We need clarification. In fact, we need the truth concerning the Lockerbie case. So far, we have been denied that. In fact, we could say that the Crown Office and the judiciary have put obstacles in our way concerning the case. There seems to be some sort of desire to put the lid on it and keep it there.

We ask for a simple thing: that the Government of Scotland consider the real concerns of that continuing wound that exists in the families and in all who have suffered because of the Lockerbie disaster. All who are involved with it—those who died, their families and all who are part and parcel of the community, which seeks a justice system that looks after it—need the truth and justice to allow themselves to be at peace. Otherwise, we are still back on 21 December 1988 in the darkness.

Christine Grahame: Does Professor Black or anyone else want to comment on the dropping of the appeal? That is crucial to why the petitioners are looking for an inquiry now.

Dr Swire: I am the only person here who has met Mr Megrahi at all recently. I met him about a month or six weeks ago. It seemed to me that he felt ashamed at having dropped his appeal. I do not have the information to tell you why he dropped his appeal. He was visited by several entities during his last weeks in his prison cell.

I think that he was feeling ashamed because he knew that I, as a representative of the relatives, believed that his second appeal to the High Court here would cause a re-evaluation of the verdict against him, and he and I both felt that that re-evaluation would almost certainly lead to the overturning of the verdict, so he felt ashamed that he had withdrawn his appeal. I had to tell him that I, too, felt ashamed. Why should I feel ashamed? Because I worked for years to get this man in front of Scottish justice and I now believe that Scottish justice's verdict on the man is not safe and must be re-examined. Until it is, the name of Scottish justice will lie in the gutter and the recovery from that position will take place only if we, in our country, look again at the case. That is the basis of the petition.

It has been pointed out by Robert Black that the conviction of Megrahi is used by others as a reason for doing nothing. I back up his comment. It infuriates me to hear the British Prime Minister talk about the man who caused the Lockerbie disaster, blah, blah, blah, without seeming to consider it significant that a large cohort of highly qualified lawyers have now looked at the material relevant to the case and have come to the same conclusion that I, an amateur, and Professor Black, a professional, have come to—namely, that

the conviction should not have been achieved on the basis of the evidence that was led in court. I could talk at length about why that is so—you will be relieved to hear that I am not going to do so. Nevertheless, I strongly reinforce the position that those who have been at this—no one has been at it longer than Pat Keegans, because some of the debris nearly killed him and his mother on that dreadful night; he knew about it even before I knew about the death of my daughter—all need to get, to use a horrible American word, closure on this.

If I may revert to talking about Christianity, I point out that one of the things that Christians are supposed to be able to do is love and forgive their enemies. I do not know who my enemies were because I am satisfied that this man was not involved. I think that I know who was involved, but I do not see a means by which we can get to that part of the truth. I am sad to see the name of Scottish justice dragged down by the case. I never expected that what I was doing in trying to get Megrahi to come in front of a Scottish court would lead to what seems to have been a totally disastrous outcome for Scottish justice, of which I was so proud.

The Convener: Thanks very much. We must move on. I thank you all for coming and leading evidence to the committee. Do members have suggestions as to how we might continue with the petition?

Bill Butler: Yes, convener. Given the concerns that the petitioners have forcefully argued regarding the conviction of Mr al-Megrahi, the committee should write to the Scottish Government, asking whether it will open an independent inquiry into the 2001 Camp Zeist conviction of Mr al-Megrahi for the bombing of Pan Am flight 103 in December 1988, as called for by the petitioners, and, if not, why not.

Anne McLaughlin: When we write to the Government, can we, as Robert Forrester suggested, address the reason that the cabinet secretary gave for not pursuing a further inquiry? He stated:

“The questions to be asked and answered are beyond the jurisdiction of Scots law ... If a further inquiry were felt to be appropriate, it should be initiated by those who have the required power and authority.”—[*Official Report*, 24 August 2009; c 18992.]

Can we ask whom that refers to? Who has the required power and authority and what is the UK legislation that prevents the Scottish Government from pursuing a further inquiry? We should get absolute clarity on that point, so that we all know where we stand.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I want to follow up on Bill Butler's point and

the responses to our questions today. If the Scottish Government responds negatively to the request for an inquiry, we must make clear that we need to know point by point why it has done so. As a couple of the petitioners suggested, if the matter is beyond the Scottish Government's jurisdiction, it should cite the legislation on which it is relying.

The Convener: Does the committee agree to contact the Scottish Government in those terms?

Anne McLaughlin: The second objection is that the Government has no powers to compel witnesses, but we have received evidence that there is legislation that allows it to do that. The Government might agree to hold an inquiry. However, if it says no, can we ask it to respond specifically to that point?

The Convener: Is that agreed?

Members indicated agreement.

Mobile Phone Coverage (Rural Areas) (PE1359)

The Convener: PE1359, from Daphne Jackson, on behalf of Ettrick and Yarrow community council, calls on the Scottish Parliament to urge the Scottish Government to make representations to mobile phone companies to improve mobile phone coverage in rural areas, in the interests of economic development and community safety. I welcome Daphne Jackson and Councillor Veronica Davidson to today's meeting. I invite Ms Jackson to make an opening statement of no more than three minutes, after which members will have the opportunity to ask questions.

Daphne Jackson (Ettrick and Yarrow Community Council): In recent years, the lack of mobile phone provision across rural Scotland has become an increasing problem, due to the expectations and needs of the population. It affects many aspects of life: business efficiency, social connection and tourism. Importantly, it undermines efforts to deal with emergencies. The lack of coverage is now receiving media attention, with much debate and discussion taking place. Our petition for improved mobile phone coverage has received support from many groups, associations and societies, which have major concerns about the issue.

We welcome the work of the Office of Communications, which has made mobile not-spots one of its 2010-11 annual plan priorities. According to Ofcom, Scotland has a higher concentration of complete not-spots than any other part of the United Kingdom, with 87 per cent population coverage and only 64 per cent geographical coverage. That means that 13 per cent of the Scottish population has no 2G

coverage. According to Ofcom, 2G operators have no significant plans to extend their coverage.

15:00

It appears that partial not-spots will see improved coverage before complete not-spots do. Is that discrimination against a minority of our population? Does the Government have a duty on digital inclusion grounds to secure the availability of communication services to all in helping our rural population to participate in society? It is vital that rural areas are kept viable through the provision of improved communication services. For example, more organisations are allowing employees to work from home. Doing that cuts down on fuel costs and environmental impacts, yet the mobile providers' response is generally that it is too costly to provide better coverage.

What can be done? In some areas, providers could tag on to existing emergency masts, thereby reducing installation costs. Lack of broadband is being dealt with through Government assistance, community schemes and grants. Why can we not explore an integrated mobile/broadband solution? Public funding in France and Norway has already reduced not-spots. Community projects are starting to take place in Wales. In the late 1990s, Highlands and Islands Enterprise joined with O2 to expand G2 coverage. What can be done for the rest of Scotland? Ultimately, a universal service obligation for mobile would help to bridge the gap between rural and urban areas of Scotland. It would translate the status of digital communication to utility status.

The Convener: Thank you.

Bill Butler: Good afternoon, colleagues, and welcome to the Public Petitions Committee. Ms Jackson, you talked about the various costs to rural communities in terms of emergencies, tourism and business efficiency. Do you have any statistics that would be of help to the committee? For example, do you have statistics to show clearly that business efficiency is impaired as a result of the lack of mobile phone coverage—the not-spots, as you put it?

Daphne Jackson: They are called not-spots by Ofcom.

Bill Butler: Okay. We will not argue about the phrase; I do not like it either. I take it that a not-spot means that there is no coverage.

Daphne Jackson: Yes.

Councillor Veronica Davidson: Ofcom and the Commission for Rural Communities in England have done research on this recently. They pointed out that no good research has been done on the economic disadvantage for rural areas of not having mobile phone coverage. They would like

research to be done not only on how existing businesses are disadvantaged but on how the lack of coverage holds back future or diversifying businesses. In the petition, we point out that it is hard for someone—a farmer, for instance—to diversify their business if they have to keep going back into the house to answer the phone. It would be good if more research was done on that. That would help to make the case for public subsidy of mobile coverage in rural areas.

Bill Butler: Do you have any information on the cost of integrated mobile/broadband to which Ms Jackson referred, which may turn out to be the solution? Has anybody done any work on that?

Daphne Jackson: No. I do not think that anyone has done that yet.

Councillor Davidson: We had a meeting about trying to get improved broadband coverage. The various people around the table all said that the solutions already exist. There are technical solutions to fix all these problems, one of which would be to use wireless broadband also for mobile coverage. All we have been told is that the technology is converging and that the solution that could be applied everywhere should therefore be there. One solution that is being looked at in some places is the use of private mobile companies. If a big business moves on to a new site, they buy a private mobile provider. When they go off site, they transfer automatically on to the main provider. The suggestion sounds like a costly solution for a business in a rural area, but perhaps there is something in it.

We would like to look at the rateable value of masts. The Royal Society of Edinburgh picked up on that in its "Digital Scotland" report, in its reference to the rateable value of the fibre network. Companies do not think that there is a commercial case for putting up rural masts, and the rateable value per mast is £8,500; we would need three masts in the valley where I live. That is a disincentive for the companies to provide a public benefit. Perhaps there could be a way of having a different rateable value depending on population density in the area that is covered by the mast.

Jamie Hepburn: Thank you, Ms Jackson and Councillor Davidson. You make a coherent case. My wife's family is from the Borders, so I am aware of some of the problems with access to mobile phone services in that part of the world.

That said, sometimes in this job we get complaints—I do not doubt that councillors get them as well—from constituents when a mobile phone mast is to be erected. There are a lot of concerns about the possible impact of masts on people's health, particularly on children's health, and there is a variety of evidence about whether

those concerns are well founded. What might the perspective of those people be on the companies improving the network? Most people say that they want a better network, but when the mobile phone mast is put right next to them, what perspective will people who live in the rural areas have?

Daphne Jackson: Rural areas have the advantage of having lots of space, so we do not really need to put masts right next door to people. The Government has put emergency masts all over the country at great expense, and they should be used as far as possible. If there is a need to put up more masts, surely they could be put in sensible places where they will not interfere with or upset people. I know one or two people who have said that they do not want more mobile phone masts, but 99 per cent of the people whom I have met are concerned because they do not have access to the same form of communication with the outside world that other people have.

People might want access to that form of communication for all sorts of reasons, whether they end up in a ditch at the side of the road at night, or whether they want to be able to answer calls for their business. The lack of that form of communication even impacts on safety for schools. Nowadays, when a child does not turn up for school, messages are sent by text to ask parents where the child is. If there is no mobile phone signal, such things cannot be done. The situation impacts at all levels of life. I think that very few people would complain if the masts were placed sensitively.

Nanette Milne (North East Scotland) (Con): There is no doubt that there are problems in rural areas. I could name parts of rural Aberdeenshire that have very similar problems.

Have any concerns been expressed by the emergency services such as the ambulance service or the fire and rescue service that would back up your petition?

Daphne Jackson: Yes. We were told not to repeat what is in the petition.

The petition mentions that the emergency planning officer for Scottish Borders Council has written to us to say that it suffers badly from the situation. We have also had a lot of support from outdoor organisations, such as mountain rescue organisations and people who work alone out of doors. The emergency services all suffer from lack of coverage.

Nanette Milne: There would also be problems for people who work at home. I am thinking particularly of the need for broadband.

Daphne Jackson: Yes. That is difficult for people who live in rural areas where broadband is either not available or very slow, and where there

is no mobile signal. In areas that are covered by 3G, which is the new mobile technology, people can get broadband on their phones, whereas we are lucky if we can get it through our computers. It is terribly unfair that some areas of Scotland have all the advantages and others have none.

Nanette Milne: If there was a combined mobile phone and broadband solution, I think that I would buy into that.

John Farquhar Munro (Ross, Skye and Inverness West) (LD): Good afternoon, girls, and welcome to the committee. You mentioned the emergency services and the lack of coverage that they seem to have in your area of the Borders. I come from the west of Scotland, which is a vast area where we have the same sort of problems that you are highlighting to the committee. In remote areas, the police and the Scottish Ambulance Service share many facilities—the isolated masts here and there that connect them up from time to time. Is that system not a success in the Borders?

Daphne Jackson: Oh yes, there are masts. As far as I know, the Government has spent vast amounts of money on putting masts all over the country. Those are successful for the emergency services, once they are called in. The problem is that people often cannot get a signal to call the emergency services. Sometimes, people desperately need help but do not need to dial 999.

Councillor Davidson: That is the irony. The emergency services can communicate with one another once they are there, but people who live in rural areas and who actually need help cannot contact the emergency services if they are out and about or if the telephone lines have gone down, which happens whenever there are storm conditions.

John Farquhar Munro: I often think that the simple solution would be to encourage the people who supply phones and broadband facilities and all the rest of it to get together and put up a satellite, which would cover everybody.

Daphne Jackson: Yes, that would be excellent.

John Farquhar Munro: That would be better than polluting the countryside with phone masts here and there, although I am pleased to see them from time to time because they guarantee that you can get a signal. As the petitioners say, there are many areas in the Borders and the rural Highlands where, if you go round a corner, you lose the signal. If an accident happens half a mile away from there, there is no signal for people to call the emergency services. I have experienced that, so I am sympathetic to your petition.

Robin Harper: I will begin with an observation. I remember that, in the first session of Parliament,

the Transport and the Environment Committee took a look at the issue of phone masts. I am pretty certain that, at that time, it was agreed that, when planning permission was discussed, local councils should require the phone companies to first see whether they could co-operate and share a mast. It should not be too much to ask the Government to extend that to its masts. Perhaps one of the first things that we should do is to ask why that is not happening. The other bit—

Daphne Jackson: May I just butt in? As far as I know, the Government is happy for the companies to piggyback on to its emergency masts. I do not know why that is not done more often. Perhaps the committee could help on that.

Robin Harper: Perhaps the advice needs to be reinforced.

I hope that my second point does not seem too arcane. About six years ago, a Scottish company was experimenting with the idea of photovoltaic-powered street lighting that would also provide power for mobile telephone networks. The company took that out to the middle east, because there is a lot more sunlight there. However, that sort of technology advances. I wonder whether anybody has thought of revisiting the idea, because it would be particularly useful. We could attach little things to existing telephone masts and, if you like, conduct phone messages out to where they could then be radioed on to the nearest mast, with advanced photovoltaic technology. That is just an idea, but maybe it would be too expensive.

Daphne Jackson: It sounds worth pursuing.

15:15

Councillor Davidson: All sorts of solutions could be pursued, but there is not the will to do so among the big companies—two of them have merged, and I think that there are only three companies now. There would not be a commercial return for them.

There needs to be more encouragement for companies—I am not sure whether compulsion would be possible—to consider their universal obligations and to view their service as a utility that is essential for everyone.

There is a fairness issue here. Scotland has the worst mobile phone coverage of any part of the United Kingdom: in Scotland, 87 per cent of the population is covered, which compares with a level of 97 per cent for the UK. We have only 64 per cent of our area covered. If Ofcom does not expect that to improve through the companies acting out of commercial benefit, they must be encouraged by the Government, I suppose, or through some kind of public subsidy.

The Convener: There are no more questions—thank you very much for your contribution.

I now ask the committee for suggestions on how to proceed with the petition.

Nigel Don: First, I thank the witnesses for their presentation, which I found very helpful.

Having heard what has been said, I get the impression that the petition before us is not quite worded as we want it to be. I suggest that we go beyond it. The petition says that it calls

“on the Scottish Parliament to urge the Scottish Government to make representations to mobile phone companies”.

I think that the Government should also be making representations to itself. From what I have heard, there is quite a lot of infrastructure and hardware for which the Government is responsible, one way or another, which could very well help the cause. Perhaps we need to write to the Scottish Government, saying that it could encourage the others involved, but that it could perhaps also look to the part of the solution that it could provide.

I am conscious that there might be masts in all the right places, but I think that the wavelengths that are used by the emergency services are not the same, or even on the same spectrum, as those that the mobiles in our pockets use. There are technical issues there, which I am sure others know a lot more about than I do.

I am sure that we should pursue this extremely important matter. I cannot help wondering whether, as has been mentioned, we are moving to the time when a universal service obligation for a mobile phone is the right thing. We could well lose that for post offices quite quickly, but it might in fact be more important for mobile phones to work absolutely everywhere across the country, particularly for the emergency reasons that the witnesses have spoken about.

I am enthusiastic about pursuing the petition, and we should write to the Scottish Government to encourage it to look towards all available physical solutions.

Anne McLaughlin: Daphne Jackson said something about piggybacking on to emergency services masts. Nigel Don said that there are technical issues with that. I think that something can be done to take advantage of those masts. When we write to the Government, the emergency services and mobile phone operators, it will be worth asking them about their thoughts on that specific point. If infrastructure is in place that companies can piggyback on to, rather than having to build it all, it would be interesting to hear whether there are any issues about that from the emergency services' point of view, and whether

there are any reasons why mobile phone operators would not wish to do that.

John Farquhar Munro: We should also write to Highlands and Islands Enterprise and Scottish Enterprise, as they have a keen interest in what is happening in rural areas. We can see what response we get from them.

The Convener: Yes—and it would also be useful to write to Ofcom regarding some of the issues. Anne, you suggested writing to the mobile phone operators themselves.

Anne McLaughlin: Yes, definitely—I thought that somebody had already mentioned that. We should write to the companies about the issues that have been raised, and specifically on the one about the use of emergency services masts.

The Convener: Okay—that is fine. I thank the witnesses for attending; their evidence has been very helpful.

Initial Teacher Education (Guidelines) (PE1360)

The Convener: PE1360, by Jonathan Robertson, calls on the Scottish Parliament to examine whether section 3.2 of the guidelines for initial teacher education and sections 1.1.1, 1.1.3 and 2.1.1 of the standards for ITE place a legal obligation on the General Teaching Council for Scotland and the Scottish Government to accredit and approve only those ITE programmes for primary teachers that offer some form of core modern language training module, and whether they have circumvented those guidelines and standards when approving ITE programmes following their introduction in 2007.

I ask for members' views on how to proceed with the petition.

Bill Butler: Our briefing suggests that the standards for initial teacher education for primary teachers do not contain a specific expectation about modern languages, but the petitioner's point is that they originally did and that they have been circumvented. We must try to explore that question and find out whether that is the case.

The petitioner specifically calls on the Scottish Parliament to act; the usual request to write to the Scottish Government is not made. I think that we have to stick to that, but I will take the clerk's advice on that. Perhaps one way of progressing the petition would be by the committee writing to the Education, Lifelong Learning and Culture Committee to ask whether its work programme covers the very particular request that has been made, and, if it does not—I suspect that it does not—whether the committee would be willing to adapt and modify its work programme. We could

see whether it would be willing to investigate the petitioner's concern.

Robin Harper: There is a real issue around language teaching in Scotland. There are huge concerns about the reduction in the number of languages that are taught in many schools from two to one, and about the general reduction in the teaching of foreign languages in Scottish schools. Another problem has been raised, and it is incumbent on us to continue the petition.

I agree with Bill Butler's suggestion. However, we should also write to the Scottish Government, although that is not requested in the petition.

The Convener: Is that agreed?

Members *indicated agreement.*

Gypsy Traveller Community (Government Apology) (PE1363)

The Convener: PE1363, from Ken MacLennan, calls on the Scottish Parliament to urge the Scottish Government to formally and publicly apologise for the ill-treatment by Governments and public bodies of the Scottish Gypsy Traveller community in light of evidence that clearly shows it to be one of the most marginalised and discriminated against communities. What are members' views on the petition?

Jamie Hepburn: By way of background, I should say that, last week, I chaired a meeting of the Parliament's cross-party group on human rights and civil liberties in my capacity as convener of that group, and we took evidence on the matter that the petition raises. Broad evidence was submitted to that group and, while it is clear that there are issues to be addressed, I did not get the sense that there is systematic ill treatment, abuse or neglect of the Scottish Gypsy Traveller community by the Scottish Government. That is not to say that there is not an issue. If such treatment has occurred, it would be absolutely right that the Scottish Government should apologise, but I do not get the sense that there is enough evidence to proceed on that basis.

Perhaps we could ask the petitioner for a little more evidence to back up why the Scottish Government should apologise. I do not think that what it is meant to apologise for is clear. For example, the petition mentions:

"The publication of *Never to Return, The Harrowing True Story of a Stolen Childhood* by Sandy Reid",

which is a

"heartbreaking tale of the life of a child snatched from his family".

It suggests that the Scottish Government should give an apology that is on a par with the Australian Government's apology for the treatment of

aboriginal children. However, the difference between what has happened in Scotland and what happened in Australia may be that it can be clearly demonstrated that a systematic approach was taken to aboriginal children. It is not clear that the same approach has been taken to the children of Scottish Gypsy Travellers. On that basis, I suggest that we get a wee bit more evidence before a final decision is taken.

Bill Butler: As Jamie Hepburn said, it would be helpful to get more evidence. It is always possible to ask the petitioner for more supporting evidence but, as well as doing that, we should write to the Scottish Government, asking whether it accepts that discrimination against the Gypsy Traveller community goes back hundreds of years—that is the easier question—and, on the petition's broader aspects, what measures it is taking to encourage local authorities and others to follow its lead in recognising Gypsy Travellers as an ethnic group. As I say, we can do that as well as ask the petitioner to supply more supporting evidence. Although very worrying, the claim is also very large and we probably do not have quite enough evidence to support it. If members agree with that course of action we can in the meantime ask the Scottish Human Rights Commission, Amnesty International and the Equalities and Human Rights Commission for their responses to the petition.

Cathie Craigie: Although I support the suggestion that we seek more information from the petitioner, I suspect that the information will be lengthy and that they will be able to cite many examples of where they should be given an apology.

As well as doing that, we should look closer to home. If my memory serves, I believe that the Equal Opportunities Committee in the first parliamentary session carried out an inquiry on Gypsy Travellers and came up with certain recommendations and the committee in the second session did the same. To be honest, I do not know whether the Equal Opportunities Committee in this session is carrying out such an inquiry but, if it is, I am sure that it, too, will make its own recommendations. I suggest that, as a way forward in establishing whether we are actually addressing the inequalities and the discrimination that have been raised in the petition, we gather that information together and find out whether the parliamentary committees' recommendations have been put into action.

The Convener: That suggestion is helpful.

Nigel Don: I support both Cathie Craigie's suggestion and the thrust behind it. I realise that I sound like I am trying to rewrite people's petitions for them this afternoon but I have to say that, although I understand why people might want an historical apology, I do not think that it will be a

great deal of use to them. I am much more concerned about addressing the issues as they stand and seeing what we can do to ensure that things are different in a year's time. As a result, in writing to the various organisations that have been mentioned, we should see how the current situation is being addressed in order to improve the future. We would be failing in our duty if we did not try to make that the thrust of our consideration of this petition.

The Convener: Does the committee agree?

Members indicated agreement.

Football (Corporate Governance) (PE1371)

The Convener: Our final new petition is PE1371 by Iain Jack, which calls on the Scottish Parliament to urge the Scottish Government to intervene in the deadlock between the parties that govern Scottish football and compel them to form one truly representative governing body, fit to deliver competent and accountable decision-making processes, and to carry out an investigation into the public funding provided to the Scottish Football Association and its partners to determine whether they have met the objectives of that funding.

I seek members' views on how to take the petition forward.

Nanette Milne: The petitioner has been in touch with me a couple of times now. Having spent a couple of years trying to get some light shed on his concerns, he is clearly getting quite exasperated; I think that we should take the petition forward. I note from the background papers that he has summarised his concerns in 11 questions, some of which would be addressed to Government and some to other bodies, and I would like them all to be sent for response to the appropriate people.

15:30

Jamie Hepburn: Although I am in almost total agreement with the petition's sentiments, I am bound to say that that is in my capacity as a private individual who enjoys football. Indeed, I should highlight a caveat. As I understand it, the statutes of football's world governing body, FIFA, make it clear that there should be very limited Government interference in the governance of the sport of football and what the petition is seeking would contravene those statutes. Indeed, such a move would have serious ramifications for the individual FIFA member. I think that I am right in saying that Nigeria was recently suspended from FIFA because its Government was seen as interfering unduly in the governance of the game there. Although I think that we can proceed with the petition, I give a slight warning that we should

not expect too much from the Scottish Government, or any Government, in compelling what are essentially private institutions to change their structures. That said, it is perfectly legitimate to ask such institutions questions about public funding.

Bill Butler: As someone who enjoys watching a game of football at the same stadium as Mr Hepburn—although the verb “enjoy” is probably not the one to employ this season—I think that he has made a very good point. We have to watch for any reference to compulsion and, as he says, there can be no direct Government interference. However, there is more than enough in the petition to proceed with it and we should write to the Scottish Government, asking whether it is satisfied that the objectives of the funding mentioned by the petitioner are being met by the SFA and others and seeking its response to the petition in general and, specifically, to the question posed at the end of it. To be fair, I think that we are also obliged to write to the SFA, the Scottish Premier League and the Scottish Football League if we are to be able to look at both sides of the issue.

Robin Harper: I reinforce the points that Jamie Hepburn and Bill Butler have made. Government should not—and, in any case, does not have the power to—compel independent bodies, particularly sports bodies, to behave in certain ways, but it should do what it can to encourage them to work together.

Jamie Hepburn: I agree with Bill Butler's suggestion. We should also write to the Scottish Junior Football Association and the Scottish Amateur Football Association, as they are probably encompassed in this petition. I believe that there is also a Central Scottish Welfare Football Association, which I suppose illustrates the petition's point about the number of bodies.

Nanette Milne: I presume that we will also write to PMP Consultants and UK Sport, given that they are mentioned in the summary of the petitioner's questions.

Bill Butler: We should also write to the governing body for women's football, which I believe is the fastest growing part of the sport.

The Convener: It certainly is. Do members agree to write those letters?

Members indicated agreement.

The Convener: There will be a short suspension before we move to consideration of current petitions.

15:34

Meeting suspended.

15:37

On resuming—

Current Petitions

Criminal Memoirs (Publication for Profit) (PE504)

The Convener: We have five current petitions to consider this afternoon, the first of which is PE504, by Mr and Mrs James Watson, calling for the Scottish Parliament to take the necessary steps to prevent convicted murderers or members of their families from profiting from their crimes by selling accounts of their crimes for publication. One of the additional committee papers is relevant to the petition. Can you please bring it to the attention of members, Fergus?

Fergus Cochrane (Clerk): Yes. The paper is a copy of an article from the BBC news website yesterday, announcing that the Scottish Government has published its consultation paper on defamation. The fact that the Scottish Government was going to consult was flagged up to the committee on previous occasions on which it considered the petition. That was something to draw to your attention.

The Convener: Thanks very much. Can I have the views of committee members on how to proceed, please?

Bill Butler: The news that the clerk has just announced is good news and the Scottish Government is to be congratulated on moving on the issue. Is this the oldest petition that is still before the committee? In its different incarnations, it has been going for more than eight years. Given the news that there is to be a consultation, I think that the committee has taken the petition as far as it can. The consultation on the defamation of homicide victims is to be welcomed. The Scottish Government has also given the committee a commitment and assurance that it will notify the petitioner about the consultation. In other words, the lines of communication have been opened up.

I think that, having taken the petition as far as we can, we should now close it. If we are agreed, we should also pay tribute to the tenacity and dedication of the petitioners in raising awareness of convicted murderers selling accounts of their crimes to gain financial profit. We should also invite the Scottish Government to keep the petitioners fully involved as the consultation exercise develops over the coming weeks and months. I think that our part in the process is now done, after eight years.

Anne McLaughlin: I agree with Bill Butler and I, too, want to pay tribute to the petitioners. It is important that we do that, because they have been

through an absolutely horrific situation with their daughter being murdered and then their son dying. All that they are left with is the ability to campaign and make things better for anyone else who finds themselves in the circumstances in which someone profits from writing about such a crime.

The petitioners have come to so many of the committee meetings, knowing that they are here not to give evidence but just to listen, and they have always kept in touch. They have had meetings with the Government and the Crown Office, and they have put so much into the petition. It is important that we pay full tribute to their work.

The Convener: Absolutely. The committee presumably agrees with that. We have a long-running petition that, due to the work of the petitioners, seems to be having the desired effect. Does the committee agree to close the petition and, specifically, to contact the petitioners in those terms?

Members *indicated agreement.*

Magazines and Newspapers (Display of Sexually Graphic Material) (PE1169)

The Convener: PE1169, by Margaret Forbes on behalf of Scottish Women Against Pornography, calls on the Scottish Parliament to urge the Scottish Government to introduce and enforce measures that ensure that magazines and newspapers containing sexually graphic covers are not displayed at children's eye level or below, or adjacent to children's titles and comics, and are screen sleeved before being placed on the shelf.

Again, I seek members' views on the petition.

Anne McLaughlin: We suspend consideration of so many petitions because we are waiting for reports from elsewhere. This will teach us a lesson because, although the report has finally reached us, it does not answer the questions that we wanted it to answer. We could have been making progress ourselves. However, we took our decision in good faith.

I am concerned about the fact that we are not getting the answers that we want and that we have left the petition for so long. We talked before about commissioning our own research. We should write to the Department for Culture, Media and Sport again to ask it to answer our questions, but we should not delay any further so, while we write to the DCMS, we should also look into a scoping exercise for research. The Scottish Government has said that it would welcome any research that we commission and would respond to it by noting how it would take forward any work.

This is important. The petitioners must be getting really fed up—I am getting fed up of waiting. We should press on.

Robin Harper: I agree with Anne McLaughlin's suggestion. My concern is that we have only about 20 weeks until dissolution and I would like any research to be thorough and something on which we could base some decisions. The clerks might want to respond to this point. I wonder whether we have time to do a decent piece of work between now and dissolution or whether we could start something that we would leave as part of our legacy document for the next Parliament.

The Convener: I wonder whether, in a sense, that might mean revisiting some of the issues that were looked at in the "Sexualisation of Young People Review". I also wonder whether, in this instance, it might be worth inviting the minister to appear again. I do not know.

15:45

Nigel Don: I confess that I am going to drift a bit away from what Robin Harper and Anne McLaughlin have suggested. Indeed, I disagree with them. I agree that we are all fed up, but I will say what I think the way forward is.

I agree with Robin Harper to the extent that I want a comprehensive piece of work, but I am concerned about the amount of time that we will have to set that up, supervise it and do anything useful with it. I am also concerned that it would be unfortunate if we pushed down the road of doing research if the UK Government could be persuaded to bring its substantially greater resources to deal with an issue that ought to exercise the David Camerons of this world.

Partly because of where we are in the electoral cycle and partly because the issue is something that the Government jolly well ought to be interested in, we should probably write again to the appropriate minister, and perhaps send a copy of that letter to Downing Street. We could say that the matter is important to us and that we suspect that it is important to them, and ask whether they will stop and think about it. We should ask what they propose to do. I would not be in a hurry to commission any work until I received a no from Westminster—until the Government says that it does not worry about the issue, does not think that it matters, and is not going to do anything. The challenge might be to the Government to reflect on whether that is a good answer.

Anne McLaughlin: The clerks will be able to advise us on this. We were going to consider two research projects. One option is quite a small-scale project in which compliance with the voluntary code is considered. I have only anecdotal evidence of the lack of compliance,

although I am noticing that more and more now. I am certainly interested in finding out about that. Surely such a research project could be carried out in the available timescale. We could also contact the British Government and point out to it the number of times that we have been put off. If it is then necessary for a longer-term research project to be carried out, that could be a legacy for the next Public Petitions Committee. I will not make a huge issue out of this, but I am keen to progress the matter in some way, rather than simply ask the Department for Culture, Media and Sport to do something, please, and then sit back and wait for it to get its finger out.

The Convener: Does Fergus Cochrane want to give us some advice?

Fergus Cochrane: Yes. There are probably two research options. As Anne McLaughlin said, a small-scale project could be carried out in which a statistical analysis of compliance with the voluntary guidelines could be considered. Newsagents, supermarkets and so on could be looked at. Scotland's Commissioner for Children and Young People, Tam Baillie, suggested that when he gave oral evidence to the committee. I suspect that members would probably get the results of such a project before dissolution, but they could find that they would run out of time before they could make an effect from them. In that case, that would be an issue to flag up under the legacy arrangements for the next committee.

It is clear that it would take much longer to carry out a research project in which more analytical research on exposure to sexually graphic material and behavioural attitudes would be considered. Obviously, we would have to speak to the Scottish Parliament information centre about that, but I suspect that the results of such a project would not be available until after dissolution.

Drawing up the scope for both research projects would be fairly simple, as I know that SPICe has already done some work on that. We could certainly get something back to members about that very soon. There would then be the process of getting approval from the Conveners Group and commissioning the research, whether the project was small scale or longer term. If members decide now that they want a small-scale project, we could progress that with SPICe immediately and come back to the committee with further advice on how quickly the research could be done. I think, however, that we would probably be right up against dissolution before members got the results, although we might get them earlier than that.

The Convener: What do members think? I certainly agree that we want to continue the petition. The situation is frustrating. I support progressing a smaller-scale research project, but

would it be worth simply asking whether we could see a minister? If we cannot get a response, perhaps that would be the only way of getting anywhere. I do not think that it would do any harm to ask the UK Government whether it could send somebody to talk to us about the matter and answer some questions.

Anne McLaughlin: We could say, "Would you prefer just to answer the questions, or come up?" Maybe we would get a response that way.

The Convener: Are members happy with going for the smaller-scale research project, on the basis that our having done that work would make it more likely that the petition would go forward as legacy work? Do members also agree to invite a minister from the Department for Culture, Media and Sport to appear in front of the committee and see whether that elicits a response?

Members indicated agreement.

Fergus Cochrane: I have been trying to do some timetabling in my head. The committee's next meeting is on 23 November and the next again meeting is on 7 December. The meeting after that is not until January. We will make arrangements to invite the Department for Culture, Media and Sport minister to come up for the meeting on 7 December. At that meeting, we could bring back an additional paper setting out the scope of any research project that the committee wants. We can do some behind-the-scenes work to consider when we can get that proposal to the Conveners Group, so that we can set things up to move fairly quickly if, in the light of what the minister says, the committee decides to go down that route. We could do everything on 7 December and make final decisions then.

The Convener: Are members happy with that?

Members indicated agreement.

A92 Upgrade (PE1175)

The Convener: PE1175, by Dr Robert Grant, calls on the Scottish Parliament to urge the Scottish Government to immediately improve and upgrade the A92 trunk road, in particular between Prestonhall roundabout and Balfarg junction, to reduce the number of hazards and accidents and to bring about improved benefits to the local and wider economy.

For a point of clarification, I think that there was a death in the past few days on the A92. I see that there is no information about that in the additional papers. I might be wrong, so perhaps we can check that. I seek members' views on how to take forward the petition.

Nanette Milne: We will maybe have to suspend the petition because the Scottish transport

appraisal guidance—STAG—appraisal report is not yet available. We suspended the petition for that reason previously and I suggest that we do likewise again.

The Convener: I agree. It would be useful to get up-to-date information on accidents on the road. Do members agree to Nanette Milne's suggestion?

Members *indicated agreement.*

General Practitioner Dispensing Practices (PE1220)

The Convener: PE1220, by Alan Kennedy, calls on the Scottish Parliament to urge the Scottish Government to review all relevant legislation to ensure the continuance of general practitioner dispensing practices in instances where commercial pharmaceutical practices apply to operate in the same local area.

I have certainly had representations on that from GPs who dispense in a small community in my constituency. The issue is a particular concern because that is an important part of their practice. On the other hand, community pharmacists argue strongly that, to provide a good service in the community, a bit of competition is always healthy. The Government says that it is considering the issue and ensuring that the application process is clearly understood by the public. Do members have any views on the petition?

Nanette Milne: The extra paper that we have received from the Dispensing Doctors Association states:

"While it is welcome that Health Boards will be required to inform dispensing GPs of a pharmacy application in their locality, it is disappointing that the dispensing GP will not be considered an 'interested party' in the application and so will have no right to make direct comment."

It seems to me to be a little unfair if the pharmacist is an interested party but the currently dispensing doctor is not. We should get clarification on that.

The Convener: Yes. So the intention would be to continue the petition and write to the Scottish Government for clarification on the status—

Nanette Milne: Clarification on the role of the dispensing GP as an interested party.

The Convener: We will write for clarification on the status of the dispensing GP in the application.

Bill Butler: I agree with that. We should also ask the Government whether it expects national health service boards to comply with the relevant legal obligations. If that is the case—I am sure that it is—how does the Government ensure that the boards fulfil their legal obligations and what steps would it take if it found out that they were not doing that?

The petitioner provides the examples of Millport and Leuchars where, according to him, NHS boards are ignoring the views of the public when considering applications. If that were the case, it would be very concerning. Perhaps we should ask about that too.

The Convener: Okay, so we will also mention the importance of involving the public in the decisions that are taken.

Disclosure Scotland (PE1289)

The Convener: PE1289 is by Dr David McNally and calls on the Scottish Parliament to urge the Scottish Government to clarify the legislation that governs Disclosure Scotland processes to ensure that teachers who work for more than one local authority do not have to apply for a disclosure certificate from each authority.

I invite members' views on the petition. Do we wish to continue it?

Bill Butler: We need to continue the petition. Has the protecting vulnerable groups scheme been introduced? I am not quite sure whether it has.

The Convener: It is due to commence on 30 November. *[Interruption.]* Oh no, I am sorry—we have an additional paper. Karen Whitefield, who is convener of the Education, Lifelong Learning and Culture Committee, was sent a letter from the minister saying that the PVG scheme would commence during February 2001—sorry, 2011.

Bill Butler: That would be quick work, convener.

The Convener: I am having problems with numbers today.

The scheme has been delayed until 2011 and the minister will announce the exact date by the end of the year.

Bill Butler: That is disappointing. I am now convinced that we should continue the petition. We should invite the clerk to seek the petitioner's views when the new scheme is introduced to ascertain whether it achieves the petition's aims. That would be reasonable.

The Convener: Is that agreed?

Members *indicated agreement.*

Work Programme

15:57

The Convener: The last item on the agenda focuses on our forthcoming work programme. The committee is invited to consider and agree the dates for future meetings for the rest of the session in the paper we have before us. Do members agree with the suggested dates?

Anne McLaughlin: One of them is my birthday, and I expect the committee to remember that.

Robin Harper: But you are not going to tell us which it is.

Anne McLaughlin: It is 8 March.

Jamie Hepburn: How old will you be, Anne?

Anne McLaughlin: No—we will just move on, thank you.

The Convener: That has been noted.

Bill Butler: We should get a cake. That would be a good idea.

The Convener: Bill will sing.

We are also invited to note that the clerk is likely to submit a further work programme paper in December.

I thank all committee members for their efforts in tackling the petitions that were in front of us today. The next meeting is on Tuesday 23 November. I remind members that we will consider around 60 current petitions.

Meeting closed at 15:59.

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