



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Wednesday 16 March 2011

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2011

Applications for reproduction should be made in writing to the Information Policy Team, Office of the Queen's Printer for Scotland, Admail ADM4058, Edinburgh, EH1 1NG, or by email to:
licensing@ogps.gov.uk.

OQPS administers the copyright on behalf of the Scottish Parliamentary Corporate Body.

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

Wednesday 16 March 2011

CONTENTS

	Col.
SUBORDINATE LEGISLATION	4377
Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2011 (SSI 2011/150).....	4377
Licensing (Scotland) Act 2005 (Consequential Provisions) Amendment Order 2011 (SSI 2011/187)	4377
Police Pensions (Amendment) (Scotland) Regulations 2011 (SSI 2011/154)	4377
Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2011 (SSI 2011/160)	4378
Licensing (Food Hygiene Requirements) (Scotland) (No 2) Order 2011 (SSI 2011/177)	4378
Advice and Assistance and Legal Aid (Online Applications etc) (Scotland) Regulations 2011 (SSI 2011/161)	4378

JUSTICE COMMITTEE
10th Meeting 2011, Session 3

CONVENER

*John Lamont (Roxburgh and Berwickshire) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Robert Brown (Glasgow) (LD)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*James Kelly (Glasgow Rutherglen) (Lab)

*Stewart Maxwell (West of Scotland) (SNP)

*Dave Thompson (Highlands and Islands) (SNP)

COMMITTEE SUBSTITUTES

Claire Baker (Mid Scotland and Fife) (Lab)

David McLetchie (Edinburgh Pentlands) (Con)

Mike Pringle (Edinburgh South) (LD)

Maureen Watt (North East Scotland) (SNP)

*attended

CLERK TO THE COMMITTEE

Andrew Mylne

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Wednesday 16 March 2011

[The Convener opened the meeting at 14:04]

Subordinate Legislation

The Convener (John Lamont): I welcome everyone to the Justice Committee's final meeting of session 3. I remind members and others to turn off their mobile phones and other electronic devices. We have received no apologies for absence.

Agenda item 1 is consideration of six negative instruments. As the Subordinate Legislation Committee reported on the instruments only yesterday afternoon, the relevant extracts from its report have been included in paper 8. I remind members that if they have questions on any of the instruments, further information can be obtained from the Government, but that, unless a further committee meeting is arranged, decisions on instruments cannot be deferred pending receipt of such information.

Licensing (Scotland) Act 2005 (Consequential Provisions) Order 2011 (SSI 2011/150)

Licensing (Scotland) Act 2005 (Consequential Provisions) Amendment Order 2011 (SSI 2011/187)

The Convener: Papers 1 and 2 relate to the orders. The Subordinate Legislation Committee reported that the drafting of paragraph 3(4) of the schedule to SSI 2011/150 appears to be defective and that paragraph 4(2)(a) of that schedule contains a drafting error. The Scottish Government subsequently laid SSI 2011/187 to address those concerns. The Subordinate Legislation Committee is satisfied with the amendment order and welcomes the Government's prompt response. Do members have any comments? If not, are we content to note the orders?

Members indicated agreement.

Police Pensions (Amendment) (Scotland) Regulations 2011 (SSI 2011/154)

The Convener: Paper 3 relates to the regulations. The Subordinate Legislation Committee drew the regulations to the committee's attention on the basis of a misplaced word in schedule 2. The Scottish Government acknowledged the drafting error and intends to

rectify it at the printing stage. Do members have any comments? If not, are we content to note the regulations?

Members indicated agreement.

Civil Legal Aid (Scotland) (Fees) Amendment Regulations 2011 (SSI 2011/160)

The Convener: Paper 4 relates to the regulations. The Subordinate Legislation Committee reported that the meaning of regulation 4(c) and of two paragraphs in table of fees A could be clearer. Do members have any comments? If not, are we content to note the regulations?

Members indicated agreement.

Licensing (Food Hygiene Requirements) (Scotland) (No 2) Order 2011 (SSI 2011/177)

The Convener: Paper 5 relates to the order. The order revokes and remakes the Licensing (Food Hygiene Requirements) (Scotland) Order 2011, which we considered at our meeting yesterday. The Subordinate Legislation Committee welcomed the Scottish Government's prompt making of SSI 2011/177, but it still doubts whether the provisions are *intra vires*. Do members have any comments? If not, are we content to note the order?

Members indicated agreement.

Advice and Assistance and Legal Aid (Online Applications etc) (Scotland) Regulations 2011 (SSI 2011/161)

The Convener: Paper 6 for today's meeting and paper 19 for yesterday's meeting relate to the regulations. We considered the regulations at yesterday's meeting, when we agreed to ask the Scottish Government what assessment it had made of the risk of the online system's failure. The Government's response to the point that Nigel Don raised yesterday is in paper 7. Is the committee content with it?

Nigel Don (North East Scotland) (SNP): I am happy with, and grateful for the speed of, the Government's response.

The Convener: Do other members have comments? If not, are we content to note the regulations?

Members indicated agreement.

14:08

Meeting continued in private until 14:15.

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

Members who wish to suggest corrections for the revised e-format edition should mark them clearly in the report or send it to the Official Report, Scottish Parliament, Edinburgh EH99 1SP.

PRICES AND SUBSCRIPTION RATES

OFFICIAL REPORT daily editions

Single copies: £5.00

Meetings of the Parliament annual subscriptions: £350.00

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

Single copies: £3.75

Annual subscriptions: £150.00

Available in e-format only. Printed Scottish Parliament documentation is published in Edinburgh by RR Donnelley and is available from:

Scottish Parliament

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

For more information on the Parliament, or if you have an inquiry about information in languages other than English or in alternative formats (for example, Braille, large print or audio), please contact:

Public Information Service

The Scottish Parliament
Edinburgh EH99 1SP

Telephone: 0131 348 5000

Fòn: 0131 348 5395 (Gàidhlig)

Textphone users may contact us on **0800 092 7100**.

We also welcome calls using the Text Relay service.

Fax: 0131 348 5601

E-mail: sp.info@scottish.parliament.uk

We welcome written correspondence in any language.

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, subscriptions and standing orders

business.edinburgh@blackwell.co.uk

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.

Accredited Agents

(see Yellow Pages)

and through other good booksellers

e-format first available
ISBN 978-0-85758-618-6

Revised e-format available
ISBN 978-0-85758-627-8

Revised e-format ISBN 978-0-85758-627-8