



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### JUSTICE COMMITTEE

Tuesday 19 June 2012

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**Tuesday 19 June 2012**

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**JUSTICE COMMITTEE**

**21<sup>st</sup> Meeting 2012, Session 4**

**CONVENER**

\*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

**DEPUTY CONVENER**

\*Jenny Marra (North East Scotland) (Lab)

**COMMITTEE MEMBERS**

\*Roderick Campbell (North East Fife) (SNP)

\*John Finnie (Highlands and Islands) (SNP)

\*Colin Keir (Edinburgh Western) (SNP)

\*Alison McInnes (North East Scotland) (LD)

David McLetchie (Lothian) (Con)

\*Graeme Pearson (South Scotland) (Lab)

\*Humza Yousaf (Glasgow) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Roseanna Cunningham (Minister for Community Safety and Legal Affairs)

Rhoda Grant (Highlands and Islands) (Lab)

Margo MacDonald (Lothian) (Ind)

Margaret Mitchell (Central Scotland) (Con) (Committee Substitute)

John Nicholson (Scottish Government)

John Somers (Scottish Government)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

Committee Room 3



## Scottish Parliament

### Justice Committee

*Tuesday 19 June 2012*

[The Convener *opened the meeting at 10:00*]

### Decision on Taking Business in Private

**The Convener (Christine Grahame):** Welcome to the 21st meeting of the Justice Committee in 2012. I ask everyone to switch off mobile phones and other electronic devices completely as they interfere with broadcasting even when switched to silent. No apologies have been received, but Margaret Mitchell is again substituting for David McLetchie.

Under item 1, the committee is invited to agree to consider items 11, 12 and 13 in private. Do we agree to do so?

**Members** *indicated agreement.*

## Crime and Courts Bill

10:01

**The Convener:** At our meeting on 29 May, we agreed to invite the Minister for Community Safety and Legal Affairs to discuss the legislative consent memorandum on the Crime and Courts Bill, a piece of United Kingdom legislation. The committee will consider its report on the LCM under item 12. We have received three written submissions on the LCM, including comments from the Subordinate Legislation Committee, all of which are included in our papers.

I welcome the minister, who is joined by two Scottish Government officials: John Nicholson, the head of organised crime strategy; and John Somers, the head of the drugs policy unit. I remind members that we should keep our attention focused on the provisions in the bill that require the legislative consent of the Scottish Parliament, as we have to report only on those. I invite the minister to make a short opening statement.

**The Minister for Community Safety and Legal Affairs (Roseanna Cunningham):** Thank you for the opportunity to discuss the provisions of the Crime and Courts Bill. Scottish Government officials have been working closely with UK Government officials on the content of the bill, negotiating a number of changes to ensure that Scottish circumstances were considered and included in the bill.

Many of the provisions in the bill are reserved to the UK Parliament. Today, we are principally concerned with the three categories of provision that are referred to in the draft legislative consent motion, to the extent that they fall within this Parliament's legislative competence or alter the Scottish ministers' executive competence. Those provisions relate to the establishment of the national crime agency, the specification of the controlled drugs and the applicable limits that trigger a new drug driving offence, and consequential amendments regarding legal aid in Scotland, which is associated with the extension of the powers of the UK Border Agency immigration officers.

On the establishment of the national crime agency, the main purpose of the bill will be to repeal the legislation that established the UK Serious Organised Crime Agency and replace it with the new national crime agency. Obviously, tackling serious organised crime is a top priority for both Governments, and the serious organised crime task force, which is chaired by the Cabinet Secretary for Justice, was set up in 2007 to ensure that Scotland can respond robustly to the threat that is posed by organised crime. The Home

Office proposals to establish the NCA are expected to support work in that priority area and provide an enhanced UK-wide response to the threat of serious, complex and organised criminality.

The bill will establish the NCA based on similar legislative provisions to those that currently apply to SOCA. The Scottish Government has ensured that the necessary legislative safeguards that existed for SOCA's operational activity in Scotland have been replicated in the legislation to establish the NCA. As SOCA has done, the NCA will operate across the UK, including Scotland, and will work closely with Scottish police and law enforcement agencies and with the Crown Office and Procurator Fiscal Service in tackling serious organised crime.

Obviously, crime detection and prevention and the investigation and prosecution of crime are all devolved matters, and those are the aspects that fall within the Scottish Parliament's legislative competence. The bill will also confer new functions on the Scottish ministers in order to alter their executive competence. Accordingly, those provisions will require the consent of the Scottish Parliament.

The bill will introduce a new drug driving offence that will apply to Scotland, England and Wales. Action in that area is reserved, but one aspect of the new offence is being executively devolved. The relevant provision will confer on the Scottish ministers a function to make regulations that specify the controlled drugs to which the new offence will apply and set the applicable drug driving limit. The Cabinet Secretary for Justice wrote to the Home Secretary last month to confirm that the Scottish Government is content to give agreement in principle to the proposed drug driving provision, subject to the caveat that it will wish to consider the report and recommendations on drug driving from the UK Government's expert panel, which was announced in January 2012, before it makes any final decision on its implementation. As the provision alters the Scottish ministers' executive competence, it requires the Parliament's consent.

There are other consequential immigration amendments, to which I have referred. The bill will extend the range of powers that are afforded to immigration officers, which is largely a matter for the UK Government, as the powers will be exercised only in relation to immigration crime. However, there are implications for us, as the proposals would extend the powers under the Proceeds of Crime Act 2002 to UKBA officers and also provide UKBA immigration officers with the powers to detain suspects prior to arrest, in connection with immigration offences. One consequence of those changes will be an

amendment to legal aid arrangements in Scotland, which will be required to ensure that people who are detained by immigration officers in Scotland will be able to access legal advice on the same terms as those detained by police officers. Those proposed changes alter the powers of the Scottish ministers' executive competence, so the Parliament's consent is again required.

The Subordinate Legislation Committee's report indicated that the LCM does not explicitly cover two order-making powers in schedule 5 to the bill. Those provisions were covered in general terms in the section of the LCM that covers clause 10 and schedule 5. However, the Scottish Government has reconsidered the LCM in light of the SLC's comment and accepts that the presentation and explanation of the referenced provisions could have been clearer.

The Scottish Government believes that the creation of the NCA will prove to be a beneficial tool in the fight against organised crime. The new offence of driving while under the influence of drugs will contribute to safety on Scotland's roads. Although the Scottish Parliament would be able to legislate for the devolved matters that are contained in the bill, there is no suitable opportunity for it to do so in the near future. We believe that it is sensible that the provisions in the bill, in so far as they relate to devolved competences, should be considered by the UK Parliament at this time. I therefore ask the committee to support the draft legislative consent motion that is laid before it.

**The Convener:** We have questions from John Finnie, Jenny Marra, Graeme Pearson, Humza Yousaf and Colin Keir.

**John Finnie (Highlands and Islands) (SNP):** With regard to the powers of detention, we are told that when carrying out their specific work, immigration officers call on the Scottish police service for assistance to detain about 100 people a year. Also, we received a submission from the Association of Chief Police Officers in Scotland, which states that

"robust local multi-agency coordination will be required to minimise the potential for conflicts of interest between multi-agency"

developments. The UKBA has a chequered history with regard to the welfare of children in Scotland. With the extension of the powers, what assurances can be given that we will not have repetition of the insensitivity associated with detentions where children are present?

**Roseanna Cunningham:** As the member knows, we have no direct control over how UKBA officers carry out their duties within their competence. Their detention powers are given to

them by the Westminster Government and will be exercised by them in that regard.

It is no secret that we would perhaps choose to do things rather differently from what is currently done. All we are in a position to do in Scotland is ensure that any of our law agents or police who might be involved have due regard to what we consider to be an appropriate way forward. As I have said, the UKBA operates directly under a UK Parliament remit rather than a Scottish Parliament one.

**John Finnie:** But this Parliament has obligations to Scotland's children. If we cannot get anything in the bill itself, can we ensure that we provide the UKBA with robust guidance on dealing with children?

**Roseanna Cunningham:** At all times throughout the process, our officials will have been very keen to ensure that what happens in Scotland is in accordance with what we regard as a proper way of proceeding. Our difficulty is that we do not directly control UKBA officers.

**John Nicholson (Scottish Government):** As the minister has said, issues of the kind that Mr Finnie has highlighted have emerged in the past. Mr MacAskill now has a much better relationship with the UKBA, primarily in relation to the situation at the port of Stranraer, on which there is now good dialogue between the UKBA and Scottish ministers. Scottish Government ministers also have a very good relationship and regular dialogue with the UKBA's Scottish section, which is based in Govan, and the Association of Chief Police Officers in Scotland, too, has those links. The fact that we have a much closer working relationship than we might have had in the past should reassure members that we have a very good foundation to take this forward in a manner that is acceptable to the Scottish Parliament.

**John Finnie:** I do not doubt that every effort is being made to have good relations, but can we get some assurance that there will be no more dawn raids, for example?

**Roseanna Cunningham:** I am sorry, but I do not think that I can give you that assurance. It is within neither my power nor the cabinet secretary's power to stop UKBA officers behaving in the way in which they consider themselves to be enabled to do under legislation passed elsewhere.

**The Convener:** I think that the minister has made it clear that she is not in operational control of the UKBA.

**Jenny Marra (North East Scotland) (Lab):** What preparations are being made between the UK Government and the Scottish Crime and Drug Enforcement Agency on the establishment of the national crime agency?

**Roseanna Cunningham:** As I indicated in my opening remarks, my officials have been working very closely with officials south of the border on this matter. The NCA will, in effect, replace the current Serious Organised Crime Agency. All the protections and arrangements in place under the pre-existing regime will be replicated in the NCA, whose powers will be exercised in Scotland in accordance with Scots law. We do not think that there will be any difference between how things operate now and how they will operate in future. I am not sure whether the member is concerned about a specific issue, but we are satisfied that the proposed structures will effectively replicate what went on before. It will mean, for example, that officers will be embedded in Scotland and will have to become well accustomed to the different ways of working here.

**Graeme Pearson (South Scotland) (Lab):** How will complaints procedures operate in relation to the work of the new NCA officers in Scotland? Who will oversee that work?

**Roseanna Cunningham:** I am advised that such complaints will be dealt with in the same way that other police complaints are dealt with. We are setting up a new police complaints body—

**Graeme Pearson:** So they will go through the police investigations and review commissioner.

**Roseanna Cunningham:** Yes, and the new body will also cover any NCA officers working in Scotland.

**Graeme Pearson:** The memorandum mentions many of the actors involved, such as the Crown Office, but it does not say anything directly about the PIRC to make it aware that it will have oversight of that matter.

**Roseanna Cunningham:** Our legislation is picking that up rather than Westminster's. That is probably all that is happening.

10:15

**Graeme Pearson:** It is indicated that the role of director general of the new national crime agency is such that that person will be responsible for securing improvements in co-operation between people and in the co-ordination of activities. Will that extend to Scotland?

**Roseanna Cunningham:** The duty to co-operate will apply to the whole of the UK, including Scotland, but I understand that the director general will not have a direct role in instructing officers in Scotland, who will still be part of the working in Scotland. There will not be a separate line of instruction from the new director general.

**John Nicholson:** In England and Wales, the director general will have the authority to task

individual chief constables and to tell them what to do in tackling organised crime. That power will not extend to Scotland, where the operational independence of chief constables will be maintained. They will have the right to decide what to do with their officers and how to deploy them, although, as the minister pointed out, there will be a duty to co-operate. As you will have experienced in the past, there will be joint working between the NCA and the Scottish law enforcement agencies.

**Graeme Pearson:** I notice that reference is made to a framework document. I presume that the maintenance of operational independence in Scotland will be set out in that framework document for the single chief officer who will be in place in Scotland by the time that the NCA comes in.

**John Nicholson:** Yes. It is in the bill that the DG of the NCA has no powers to task in Scotland. That is clearly set out in the proposed legislation. Scottish ministers will have a role in agreeing the content of the framework document to ensure that it adequately reflects the priorities that Scotland wants to set in this area.

**Graeme Pearson:** I am obliged.

**Humza Yousaf (Glasgow) (SNP):** I would like to follow up on John Finnie's questions. In the previous session of Parliament, the Cabinet Secretary for Justice was fairly critical of some of the operations of the UKBA, in particular. I remember having a meeting with a number of restaurant owners who were quite unhappy with the way in which the UKBA was conducting raids on their premises. Local officers were meant to be seconded, but they complained that they were being ridden roughshod over.

From your discussions, has there been an improvement in the relationship between local police services and forces and the UKBA? That takes us on to the concern of Assistant Chief Constable Ruairaidh Nicolson, who has asked for local, multi-agency co-ordination. Are you satisfied that, should the UKBA be granted more powers, that will not be at the expense of local services here?

**Roseanna Cunningham:** I cannot give any guarantees about the UKBA's powers and the extent of them. I ask committee members to remember that we are not yet in the position of being able to instruct immigration and border control officers.

**The Convener:** That is why I want members to be cautious about asking such questions. The minister is here to answer questions on matters that fall within her competence.

**Humza Yousaf:** I understand that point but, if we give more power to an organisation—although

we are not comfortable with a practice of it—by passing the LCM, we will, arguably, give it more legitimacy. I think that we must be comfortable with the nature of the relationship if we are to do that.

**The Convener:** Bear with me, minister—I would like to correct the member, if I may. The LCM relates to devolved matters, which we are giving our consent for Westminster to deal with—it is not the other way round, which is the route that Humza Yousaf is taking.

**Roseanna Cunningham:** The relationship is better than it has been, but I could hardly say that it is perfect, because it probably is not. We continue to work on that, to ensure that relationships on the ground improve. They are improving.

**Colin Keir (Edinburgh Western) (SNP):** My question relates to the new powers that are to be given to immigration officers, which are set out on page 13 of the memorandum. A number of things will happen. What is the present situation? How is it being changed?

**Roseanna Cunningham:** Do you mean what is different now as opposed to—

**Colin Keir:** What is the state of play now, and what differences will the proposals make in relation to immigration officers? The legislative consent memorandum sets out some new powers.

**Roseanna Cunningham:** The powers are to do with aligning customs and immigration officers. They are more to do with the Westminster end and the reserved things. The powers of the UKBA immigration officers and the powers of the customs officers are being brought together. The UK Government is trying to create a single officer, if you see what I mean, who will be able to do all those things. It is about what is going on within the UKBA rather than anywhere else.

**Colin Keir:** The legislative consent memorandum mentions powers

"to detain suspects and obtain common law search warrants".

**Roseanna Cunningham:** Yes, but that is in connection with immigration and customs cases. Officers will not be able to exercise those powers outwith the confines of the immigration and customs aspects of offences. They will not be able to do the investigations, covert surveillance or other work on criminal activities that happens elsewhere. They will be entirely confined to the reserved matters that they are there to work on.

**The Convener:** No one else is looking to ask a question. Whoops—whenever I say that, I know that someone else will have a question. Sorry, Rod.



**Roderick Campbell (North East Fife) (SNP):** I have a question on record keeping. Currently, immigration officers arrange for police officers to detain about 100 people a year in Scotland. If we give the UKBA the power to detain people and obtain common-law search warrants, what information will we get about the numbers of people who are detained? Has there been any discussion about that? How will we be able to identify what is happening in Scotland?

**Roseanna Cunningham:** We will inquire as to how that will work in practice and get back to the committee.

**Roderick Campbell:** Fine.

**Margaret Mitchell (Central Scotland) (Con):** Good morning, minister. Do you have any comments on the drug driving offence? Although there is provision for the limits to be set in Scotland, I understand from the submission from ACPOS that there is no device to test drug levels.

**Roseanna Cunningham:** There are some significant issues in relation to the drug driving offence, and they are recognised at the UK level, which is why the expert panel has been proposed. We will ensure that we work with it and look carefully at what it comes out with. It is generally recognised that there are some significant concerns about how to test in these circumstances. There is not a single, easy test, as there is with alcohol.

Members must remember that another offence already exists, which is driving while impaired by drugs. The new offence is about controlled drugs, but the other offence would still apply if someone who was not supposed to drive while on medication was doing so. We will still have that other offence of driving while impaired.

The difficulty is that we do not have a way to disaggregate the statistics for driving under the influence of drink or drugs, so I am not in a position to be able to give you the numbers. We want to look at that to see whether we can start to disaggregate the statistics.

There are a number of technical issues of that type and both Governments recognise that they might create some initial problems, so the expert panel will be in place to look at all the issues. The new offence will not be brought in until some of the answers are available.

**Margaret Mitchell:** I take on board what the minister said about considering the findings of the expert panel. Although it is a useful tool to be able to establish that someone is under the influence of drugs, it is a fairly blunt tool at present, and ACPOS says that it is subjective. More than just looking at the details, it is fundamental that, if we set the limits, we have a device to measure the

levels. Is the Scottish Government moving forward independently and doing research to establish whether a device is in the making that will enable us to do that?

**Roseanna Cunningham:** I think that that is one of the things that the expert panel that was announced in January will look at. It comprises academic and scientific experts and it will look at all the technical aspects, such as how it would be possible to set limits for the impairing effects, because we do not have that information at the moment. Both Governments are still some way from being able to implement this new offence. I am informed that the date for that is November, but whether we will be in a better position technically then is another matter.

I am not sure that there would be anything to be gained by making our own efforts towards getting a single test. If a single test was available from any other country, we would probably want to adopt it immediately. However, we will be involved in the panel that will consider the issues, so we are already involved in the details of the technicalities in that regard.

**Margaret Mitchell:** I take it that cognisance will be taken of any new policing arrangements when considering this provision.

**Roseanna Cunningham:** In what context?

**Margaret Mitchell:** Perhaps any reference to policing in the LCM and in the UK bill will take cognisance of the new arrangements that will be in place following the Police and Fire Reform (Scotland) Bill.

**Roseanna Cunningham:** Yes. The Crime and Courts Bill is drafted on the basis of having a single police force, so that has already been taken on board.

**Jenny Marra:** Is the Scottish Government considering implementing in tandem, perhaps on the same day, its proposal for a new drink driving limit and the proposal for a drug driving limit in order to aid public understanding? Have any preparations been made in that regard?

**Roseanna Cunningham:** I am not aware of what the proposed timetable is for the new drink driving limit. I do not think that it has been decided yet, so I cannot say whether it will have the same timetable as that for the drug driving limit. However, we can get back to you on that.

**The Convener:** I have a kind of off-piste question. What is the point of having the power that we are discussing when drug driving cannot be tested? I am not blaming the minister for that, because I am sure that the UK Government is in a similar position.

**Roseanna Cunningham:** We could turn that round the other way. The moment we have a good test, the power will be immediately implementable, which is better than having to wait for a test before going through the legislative process to implement it. I presume that that is the thinking behind what is happening.

**John Somers (Scottish Government):** We undertook research in the drugs policy unit that found that, although it does not have a sophisticated testing technique for all drugs, Victoria in Australia has a saliva test that indicates whether a drug is present in the body. If the test indicates that, an individual will be taken back to the police station, where more thorough tests will be done to determine what controlled substance they have taken. There is a binary test, if you like, that indicates that a drug has been taken and that the person is therefore impaired.

**The Convener:** So there are tests that someone could fail in that regard. It seemed from what was said earlier that there were no such tests.

**John Somers:** There is no sophisticated test that would determine at the roadside whether a person had taken heroin or amphetamines, for example. However, the test would show that a drug had been taken, whether it be prescribed or—

**The Convener:** Yes, but the issue is setting limits. You can take certain drugs but not be impaired. That is what I am getting at. Will the same principle apply as does for drink driving?

**Roseanna Cunningham:** That is why I made the distinction between this offence, which is about controlled drugs, and the offence of driving while impaired by drugs, which already exists. After all, people can take prescribed drugs that can impair their driving, so we must make that distinction. If prescribed drugs impair your driving, you are not supposed to drive and it constitutes an offence if you do. However the power that we are discussing is specifically about controlled drugs. In effect, it is an additional offence.

**The Convener:** I will let Margaret Mitchell follow up on that, and then we will leave this issue, because I feel that we will not get any further with it.

**Margaret Mitchell:** I feel that we have muddled the waters, so I just want to clarify the situation. Does the test, which is not available, test the amount of a drug?

**John Nicholson:** No test can tell immediately what drug has been taken or the amount that has been taken. The only test is for whether there is a drug in your system. The task for the technical

committee is to come up with a detection method and the associated costs.

**Margaret Mitchell:** So the provisions are a wish list for when a device is developed.

**Roseanna Cunningham:** Also, if we are going to charge someone, it is important to establish that we are going to charge them with the correct offence. If someone is charged with driving when they were taking controlled drugs, but they were actually on prescription medication, it might be that they should still not have been driving, but the offences will be distinct. We would therefore need to find a way of distinguishing between the two. I presume that the saliva test does not do that.

**John Nicholson:** No.

**Roseanna Cunningham:** It simply establishes that the person has taken something. Thereafter, a more definitive description of what the person has taken can be given and we can see whether they had a prescription for it.

**The Convener:** I am going to move on from this before I need to take a prescribed drug called codeine. We are swimming around in circles. We will have to wait to see what the expert panel has to say, as will the minister.

Minister, I thank you and your officials for your attendance. We will have a very brief suspension—members, stay in your seats—while the officials change over.

10:31

*Meeting suspended.*

10:32

*On resuming—*

## Subordinate Legislation

### Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 [Draft]

#### Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 [Draft]

**The Convener:** We have two affirmative instruments to consider today. Under item 3, we are to take evidence from the minister and her officials on the draft Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 before formally debating the motion to approve the regulations under item 4. The Subordinate Legislation Committee has not drawn the Parliament's attention to the regulations on any grounds within its remit.

I welcome the Minister for Community Safety and Legal Affairs, who is accompanied by two Scottish Government officials: Bobby Sandeman, head of courts and legal services reform; and Michael Gilmarin, a solicitor with the Scottish Government.

If you are ready, minister, I invite you to make a short opening statement before we move on to questions.

**Roseanna Cunningham:** Can I be clear about which Scottish statutory instrument we are doing here? Is it the one that deals with specification of regulated professions?

**The Convener:** It is indeed.

**Roseanna Cunningham:** Thank you.

The Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 are very technical in nature. They amend three pieces of primary legislation. First, they amend the Solicitors (Scotland) Act 1980 to allow foreign lawyers to be registered for the purpose of becoming a solicitor investor in a licensed provider. Secondly, they amend the Legal Aid (Scotland) Act 1986 to ensure that licensed providers can carry out legal aid work. Thirdly, they amend the Legal Profession and Legal Aid (Scotland) Act 2007 to clarify that when Scottish ministers make further ancillary provision under that act, the power to do so is exercisable by order.

With the committee's indulgence, I will concentrate more on the draft Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012, which is the

instrument that is of specific interest to the committee.

The Legal Services (Scotland) Act 2010 allows solicitors who offer legal services in Scotland to operate using certain models that have previously been prohibited. It removes restrictions on solicitors who are entering into business relationships with non-solicitors, and allows investment by non-solicitors in the new licensed providers. Section 49 of the 2010 act requires that at least 51 per cent of the total ownership or control of any licensed provider must lie with qualifying investors, namely solicitor investors and investors who are members of other regulated professions. Scottish ministers are required to set out in regulations what is to be regarded as a regulated profession, and may also specify what is to be regarded as membership of such a profession.

The Government consulted on what is to be regarded as a regulated profession. In compiling the list of professions in the schedule we took careful note of the comments and suggestions of those who responded and we applied two criteria: that professional groups are subject to a robust system of regulation, including a code of conduct, entry requirements and disciplinary procedures; and that members of such groups are reasonably likely to enter into a business arrangement with solicitors and so take advantage of new business structures that are permitted by the 2010 act.

We believe that this is a list of robustly regulated professionals who are fit to have a majority stake in a licensed provider. However, the list is not necessarily complete. We will continue to consider other professions—particularly those that were suggested during the consultation exercise—once the regulatory framework is fully operational.

**The Convener:** Can I confirm that you have not also spoken about the draft Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012?

**Roseanna Cunningham:** My focus was on the draft Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012.

**The Convener:** Do committee members have any questions? Have you been beaten into submission?

**Graeme Pearson:** Almost, but I have what I hope are helpful questions for the minister.

There were concerns among solicitors that the opening up of the ownership of licensed providers might leave them open to being undermined by organised crime. Is the system of regulation—the code of conduct and so on—sufficiently robust to protect the profession in the years ahead? In the

event that concerns are raised about ownership, is there a system to deal with those quickly?

**Roseanna Cunningham:** As far as I am aware, nothing under the proposed arrangements will make life any easier for organised crime than at present. The Law Society of Scotland has made a lot of comments and raised a lot of issues—mostly about what might be perceived in some quarters as a threat to its business—but the threat is not from organised crime; the threat is more about firms being swallowed up by other firms.

**Graeme Pearson:** So the threat is from competitors.

**Roseanna Cunningham:** That is mainly what has been expressed to me, rather than the issue that you raised. We can double-check that and come back to you, but I do not have any information that suggests that what we propose will make life any easier for organised crime. We would be as quick to jump on that if we thought that it was going to happen—or indeed if we saw it happening—as you would expect us to be.

**The Convener:** We now move to item 4—the formal debate on the draft Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012. I ask the minister to move motion S4M-03156.

*Motion moved,*

That the Justice Committee recommends that the Licensed Legal Services (Specification of Regulated Professions) (Scotland) Regulations 2012 [draft] be approved.—[*Roseanna Cunningham.*]

**The Convener:** No member wishes to speak and the minister has nothing further to add. The question is, that motion S4M-03156 be agreed to.

*Motion agreed to.*

**The Convener:** We are required to report to Parliament on the instrument. Is the committee content to delegate authority to me for the final wording of the report?

*Members indicated agreement.*

**The Convener:** Item 5—the second affirmative instrument for consideration—is the draft Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012. This is an opportunity to take evidence from the minister and her officials on the instrument before formally debating the motion. The Subordinate Legislation Committee has not drawn the Parliament's attention to the instrument on any grounds within its remit. Does the minister wish to make a short opening statement?

**Roseanna Cunningham:** No.

**The Convener:** There is no statement and there are no questions.

Item 6 is the formal debate. I ask the minister to move motion S4M-03159.

*Motion moved,*

That the Justice Committee recommends that the Legal Services (Scotland) Act 2010 (Ancillary Provision) Regulations 2012 [draft] be approved.—[*Roseanna Cunningham.*]

**The Convener:** No member wishes to speak and there will be no summing up—I like the way this is running. The question is, that motion S4M-03159 be agreed to.

*Motion agreed to.*

**The Convener:** As with the previous instrument, we are required to report to Parliament on this instrument. Is the committee content to delegate authority to me for the final wording of the report?

*Members indicated agreement.*

**The Convener:** I thank the minister and her officials for attending the meeting. There will be another changeover now—it is a bit like “Strictly Come Dancing”—before we move to agenda item 7.

10:39

*Meeting suspended.*

10:40

*On resuming—*

### **Fire and Rescue Services (Framework) (Scotland) Order 2012 (SSI 2012/146)**

**The Convener:** Last week, the committee considered the Fire and Rescue Services (Framework) (Scotland) Order 2012 and agreed to invite the Minister for Community Safety and Legal Affairs to respond to concerns that were first raised by the Subordinate Legislation Committee. I remind members that this is a negative instrument—I know that you are paying attention and that I did not really have to do that.

The minister is now joined by Evie McLaren, the head of the fire strategy and performance team; and Alicia McKay, a solicitor in the Scottish Government.

I invite the minister to make a short opening statement.

**Roseanna Cunningham:** Thank you for the opportunity to reassure the committee on the instrument. I understand the issues that were raised by the Subordinate Legislation Committee, but it is clear which document the order will bring into effect. On re-publication of the framework document later this month, that clarity will be put beyond doubt. I hope that the background that I

will provide today offers that reassurance because, in fact, we used the order that brought the 2005 fire framework into effect as a precedent. I refer to the fact that the 2005 order pointed to a document that, at the time of laying, was yet to be published, as is the case with the 2012 order. The reason for publication being on a future date is so as not to pre-empt the approving of the order by the Parliament. The document that is referred to must, of course, be available for scrutiny for Parliament to be able to fulfil its duties. We therefore made the document available on the Scottish Government website, as footnoted in the order. As it was made available in May, the document is marked as being published in May 2012 at this stage. The intention was and is to formally publish the document in June 2012, after the Parliament has considered the order, at which stage there will be a clear link in wording between the order and the framework document. I do not think that there is any question over whether the document exists, given that the footnote to the order provides the web address that links directly to the framework.

I would also like to highlight the process through which we prepared the framework. Not only did we meet the requirements of section 40(5) of the Fire (Scotland) Act 2005 in terms of formal consultation, but we worked closely with all key stakeholders throughout its preparation—a process that has been recognised and commended for its partnership approach. All key stakeholders are therefore well aware of and happy with its contents; in fact, it has already begun to shape activity over this important transition period. Given the partnership consensus that has been achieved, there were and are no plans to make any changes to the document before its official publication—or re-publication—in June.

**The Convener:** Thank you very much.

As no member has any questions for the minister, is the committee content to note the instrument?

**Members indicated agreement.**

**The Convener:** I thank the minister and her officials. We will have another brief suspension to allow the tables to clear.

10:43

*Meeting suspended.*

10:43

*On resuming—*

### **Licensed Legal Services (Interests in Licensed Providers) (Scotland) Regulations 2012 (SSI 2012/154)**

**The Convener:** Item 8 is also subordinate legislation. There are two further negative instruments for consideration.

On SSI 2012/154, the Subordinate Legislation Committee has not drawn the Parliament's attention to the instrument on any grounds within its remit. As members have no comments, are we content to note the instrument?

**Members indicated agreement.**

### **Parole Board (Scotland) Amendment Rules 2012 (SSI 2012/167)**

**The Convener:** The second negative instrument for consideration is SSI 2012/167. The Subordinate Legislation Committee has drawn the Parliament's attention to the instrument on one issue, as members will see from paper 7. As members have no comments, are we content to note the instrument?

**Members indicated agreement.**

### **Act of Sederunt (Summary Cause Rules Amendment) (Personal Injuries Actions) 2012 (SSI 2012/144)**

**The Convener:** Under item 9 are three instruments for consideration that are not subject to any parliamentary procedure.

On the first, SSI 2012/144, the Subordinate Legislation Committee has not drawn the Parliament's attention to the instrument on any grounds within its remit. As members have no comments, are we content to make no recommendation in relation to the instrument?

**Members indicated agreement.**

### **Legal Services (Scotland) Act 2010 (Commencement No 2 and Transitional Provisions) Order 2012 (SSI 2012/152)**

**The Convener:** On SSI 2012/152, the Subordinate Legislation Committee has not drawn the Parliament's attention to the instrument on any grounds within its remit. If members have no comments, is the committee content to make no recommendation in relation to the instrument?

**Members indicated agreement.**

**Criminal Justice and Licensing (Scotland)  
Act 2010 (Commencement No 10 and  
Saving Provisions) Order 2012 (SSI  
2012/160)**

**The Convener:** On SSI 2012/160, members will see from paper J/S4/12/21/10 that the Subordinate Legislation Committee has drawn the Parliament's attention to the instrument on a number of grounds. If members have no comments, is the committee content to make no recommendation in relation to the instrument?

**Members** *indicated agreement.*

**Proposed Criminalisation of the  
Purchase of Sex (Scotland) Bill**

10:45

**The Convener:** The next item relates to the proposed criminalisation of the purchase of sex (Scotland) bill. I make it clear to members that the purpose of this discussion is not to get into the proposed legislation's merits. Tempting though it may be to proffer your views on the issue, you should bear in mind that we do not even have a bill before us. We are simply considering the process and the question whether there has been sufficient consultation on the proposal for it to proceed without the member in charge having to repeat, re-enact or redo the consultation. If and when a bill is published, the committee will have the opportunity to take evidence in the usual way, with calls for evidence and stage 1 to stage 3 consideration. I just want to make that clear at the outset to ensure that we do not have a prolonged debate on the good, the bad and the ugly. That is not what this item is about.

I very much welcome to the meeting Rhoda Grant, who is proposing to make it an offence to purchase sex and has provided a statement of reasons on why consultation on the proposal is not required. The Parliamentary Bureau has referred to the committee a draft proposal and accompanying statement of reasons and at this stage the committee has been asked only to decide whether it is satisfied with the reasons that have been set out.

Rhoda Grant is accompanied by Claire Menzies Smith of the Parliament's non-Executive bills unit; I also welcome Margo MacDonald to the meeting. I invite Rhoda Grant to make a brief opening statement.

**Rhoda Grant (Highlands and Islands) (Lab):** I thank the committee for its invitation to attend the meeting.

There is a huge amount of evidence on this issue, some of which supports the policy intention and some of which does not. I am obviously persuaded that the proposed bill will bring benefits but as you said, convener, those arguments are for another day. Today we are discussing procedure and whether sufficient consultation has been carried out to allow me to lodge the final proposal and gain the necessary support to secure the right to introduce the bill. I believe that that requirement has been met and that the proposal should go forward.

Trish Godman started the process during the passage of the Criminal Justice and Licensing (Scotland) Bill, to which she lodged amendments

that the committee took evidence on. Although sympathetic to the amendments' aims, the committee felt that there was a need for much wider consultation. Thereafter, Trish Godman launched a formal consultation on proposed legislation that attracted a huge number of responses.

When Trish Godman retired, she asked me to take forward the proposal. Since then, I have met interested parties, listened to their concerns and briefed them on how I wish to take forward legislation on the matter. I hope that by taking all those steps I have persuaded the committee that sufficient consultation has taken place. As the convener pointed out, if I gain the necessary support to allow the bill to proceed the committee will be able to scrutinise the matter further at stage 1.

**Jenny Marra:** Can you take us through the consultation process and explain why you think it has been sufficient? There seems to be doubt as to whether it was, but you seem convinced that it has been.

**Rhoda Grant:** The consultation was sent to a large number of organisations and attracted a large number of responses. As I understand it, those who have suggested that the consultation was not sufficient have done so not because of the level of consultation or the number of people who responded but because they do not agree with the very premise for the consultation. They simply do not agree that a bill should be introduced in this form. Obviously, they will be able to set out at stage 1 their concerns about the bill and their views on whether it should go through to stage 2. Actually, the very people who are saying that the consultation has not been sufficient made use of the opportunity to respond to it.

**Alison McInnes (North East Scotland) (LD):** How did the original consultation reach out to the key stakeholders who will be directly impacted by the proposal—in other words, those who provide or purchase sexual services?

**Rhoda Grant:** As you can imagine, it is difficult to identify those people, as a great deal of activity in this area is already illegal. Trish Godman reached out to organisations that have those links—those that work with prostitutes and clients, such as SCOT-PEP and the UK Network of Sex Work Projects—and to organisations such as social work departments, which deal with people's day-to-day issues. A huge number of consultation forms were sent out—around 146—and, obviously, that spread the consultation wider.

**Alison McInnes:** There has been a suggestion that there was a lack of rigour in the analysis of the results that were received. Do you want to respond to that?

**Rhoda Grant:** I do not believe that there was a lack of rigour in the analysis. The information that came back, together with every response to the consultation, is published on my website. There has been no attempt to hide the responses, and the analysis is quite straightforward. As a result of that consultation, I have changed some of what Trish Godman proposed early on.

I have listened to the consultation responses. Obviously, I need to take that information away and do more work on it—I am not at the stage of introducing a bill at the moment. However, that process has honed my ideas around how I want to take the bill forward.

**Alison McInnes:** I admit that I was not closely involved with the initial consultation, but it seems to have been quite a narrow consultation and to have closed down options for discussion early on, which led respondents down a particular route. Do you feel that there would be benefits in having a much more open consultation that allowed lots of different options?

**Rhoda Grant:** The member's bill process involves taking forward an idea on which a member has formed an opinion and consulting on that idea. If I were coming from a Government point of view, and therefore had the ability to conduct a much wider consultation, I might throw open the discussion and say, "This is the issue and these are the problems that are caused. How do we change the plethora of legislation and interventions that we have in place?" However, that course of action is not open to a member. A member identifies a problem and consults on the solution that they come up with. It is for people to say whether they agree with the proposal. That is what happened in relation to the proposal that we are discussing: that is what consultation is about.

**Margaret Mitchell:** The original consultation document that was produced by Trish Godman proposed the creation of three new offences:

"engaging in a paid-for sexual activity; advertising paid-for sexual activities; and facilitating engagement in a paid-for sexual activity".

Do you propose to change that approach and concentrate merely on the issue of the criminalisation of the purchase of sex?

**Rhoda Grant:** Yes. The responses that came back on the issues of facilitating and advertising made clear to me that those areas were too complex to cover in a member's bill. We need to realise that it is not always possible to deal with complex areas in a member's bill.

Having considered the issues that were raised in the consultation and the areas in which people suggested that there would be difficulties, I think that pursuing the criminalisation of the purchase of sex, which I hope to be able to do, will provide a

focus and will avoid the unintended consequences of a broader bill.

**Margaret Mitchell:** In Trish Godman's consultation, was there a specific question on whether the consultees agreed that the activity should be criminalised?

**Rhoda Grant:** There was not a specific question on that. However, people responded to say that they thought that something quite different should happen. It was open to people to respond as they wished. In consulting on her proposal, Trish Godman asked for more information in that regard, and some people responded to say that they did not agree with the proposal.

**Margaret Mitchell:** So there was no specific question that asked whether or not they thought the activity should be criminalised.

**Rhoda Grant:** No.

**Margo MacDonald (Lothian) (Ind):** Rhoda Grant and I have already crossed swords this morning.

I understand what the convener said about the issue being procedural, and I have three procedural questions. However, I must pick up on Rhoda Grant's definition of a member's bill as something that seeks to deal with a problem. She first has to establish that what she wants to deal with is a problem. To whom is it a problem that two women work—selling sex—from a flat that they own or rent, about whom nobody ever complains?

**The Convener:** I would rather go back to the consultation, rather than go into that, as I think that would be in the nitty-gritty of the bill itself.

**Margo MacDonald:** Okay. Rhoda Grant said that this was about the core aim. What is the core aim of the bill?

**Rhoda Grant:** The core aim of the bill that I hope to propose will be to criminalise the purchase of sex.

**Margo MacDonald:** Okay. How do you propose to strengthen existing legislation? With all due respect, if that is the intention, there must be consultation on the bill that the Parliament passed recently, to see how that legislation is working—whether it is working or whether it needs changing.

**Rhoda Grant:** That would be a matter for the Government, and possibly the committee, if it reviewed the legislation. I do not think that that would be something to be done as part of a member's bill.

**Margo MacDonald:** Should you not know the results from the last piece of legislation to be passed before you propose to strengthen existing legislation?

**Rhoda Grant:** Part of putting forward legislation is looking at what is happening on the ground, and taking account of that. Obviously, I have seen nothing coming out of the most recent legislation to change the way in which I am dealing with things; otherwise, I would not be bringing forward the proposal.

**Margo MacDonald:** I am finished for the moment, thank you, convener.

**Roderick Campbell:** Good morning. I am at a disadvantage as I was not a member of the Justice Committee when the matter was discussed previously, but I have a copy of the previous bill. Will you elaborate on what you said in paragraph 19 of your submission, about why your proposal is restricted to the criminalisation of the purchase of sex, when the original proposal was based on the criminalisation of both purchase and sale? Also, the consultation did not provide an option 3, which would have been the criminalisation of only the seller. I would be grateful for your comments on that.

**Rhoda Grant:** The consultation provided the option of criminalising only sale, and the criminalisation of both sale and purchase were consulted on. Given the consultation responses that Trish Godman received, I have narrowed down the proposal. As I said, I have read through what people had to say and I have reacted to that. It was clear to me from the consultation responses that people did not want further criminalisation of prostitutes—indeed, they wanted the opposite. That is why I wish to propose something that would criminalise the purchaser, rather than the seller.

**Roderick Campbell:** Which option had the criminalisation of the seller?

**Rhoda Grant:** There were two options in paragraph 57 of Trish Godman's consultation:

"Option 1 is to criminalise both the seller and the purchaser"

and

"Option 2 is to criminalise only the purchaser."

**Roderick Campbell:** I asked whether there was an option to criminalise only the seller.

**Rhoda Grant:** That was not included as an option.

**Roderick Campbell:** I have another small point. Things have moved on a bit, in terms of reports on trafficking, which is a subject that is dear to my heart. It might be that, at some point, somebody would want to embark on legislation in relation to trafficking, which obviously would not just relate to sexual trafficking. Have you considered whether that might impact on your proposal? Would you consider that?



**Rhoda Grant:** If someone came forward with such legislation it would probably move things in the same direction as I hope that my bill would. I do not think that it would impact on my bill. Obviously, people are trafficked for a wide range of reasons, of which prostitution is one. However, dealing with trafficking is not the core aim of my bill, and a trafficking bill would not address all the issues that I hope to address in my bill.

11:00

**The Convener:** Now that you have raised the issue of trafficking, I seem to recall through the dim mists of my brain that Shona Robison, the minister in charge of the Commonwealth games, has said something about legislation on trafficking being introduced in advance of those games in 2014. Has the member checked whether that is, indeed, the case? I do not think that I dreamt it.

**Rhoda Grant:** I do not have information with me that will confirm that, but I am pretty sure that the Government has made some statements about trafficking and the Commonwealth games.

**The Convener:** Notwithstanding what happens today, it might be useful if you can confirm the position to us. Of course, we can also confirm with the minister concerned whether it is a proposal for legislation, policing or whatever.

**Rhoda Grant:** Again, however, I point out that the bill is not about trafficking itself.

**The Convener:** No, but my point is ancillary to Rod Campbell's question whether other pieces of legislation, policies or whatever that are swilling about might impact on your proposal.

**Humza Yousaf:** In the same paragraph of your statement that Rod Campbell asked about—paragraph 19—you say that, although you are sympathetic with the other strands of Trish Godman's proposal, you want to refocus your proposal

“on the creation of an offence of purchasing a sexual activity”.

Given that change in focus, would it not be helpful to consult further?

**Rhoda Grant:** That comment reflects the breadth of the consultation that took place and the fact that the consultation itself has influenced the proposal that will come forward. However, if someone is influenced by the outcome of a consultation to the extent that they need to consult further, they will never get anything done. If they are listening, they are being influenced. It is very clear that the consultation worked well, because it has influenced my proposal.

**Humza Yousaf:** Perhaps I should rephrase my question. Would further consultation be an

obstacle? Do you think, for example, that it would damage the bill?

**Rhoda Grant:** It would not damage the bill itself, but it would slow the whole process. Given that the committee has already examined and taken evidence on this issue and that a full consultation has already taken place, the proposal has jumped through more hoops than most bills. I do not think that further consultation would do damage; I just do not think that it would bring anything new to the argument.

**Humza Yousaf:** I appreciate that but, as Rod Campbell suggested, it might help new committee members. Perhaps I did not do my previous job as a researcher all that well, because I have to say that I did not pay too much attention to the consultation and I do not know too much about it, particularly the context in which it was carried out. As a result, I wonder whether with your refocusing on this particular element of the original proposal further consultation might help to inform the committee. Nevertheless, I take your point.

**John Finnie:** I have been copied into correspondence that suggests that you, too, have been copied into it—I do not know whether you have been; I am simply making an assumption—and which cites several academics questioning the methodology that has been employed. Are you concerned by phrases such as “deeply biased” and

“flawed in every conceivable aspect, including the questions”?

**Rhoda Grant:** I think that perhaps as many people have called the consultation open and fair. After reading some of those submissions, I feel strongly that they simply disagree with the whole premise behind my proposal. They think that there should be a consultation on the question, “What do you think of this?”—full stop. Trish Godman consulted on a proposal that she was bringing forward; if she had wanted to do something different, she would have consulted on something different. The people to whom you refer are confusing a consultation such as this one, which is about a member's proposal for a bill, with a Government consultation, which is a very open process that seeks to identify issues.

**John Finnie:** I understand what you are saying—the parameters for a consultation on a member's bill are narrower.

However, the correspondence says:

“The majority of references were drawn from a handful of websites replicating statistical errors and misquotes, clearly indicating that no work had been done to verify, or even read, source material.”

**Rhoda Grant:** There is so much evidence out there that, in a way, if my proposed bill proceeds

to stage 1, the committee will have my sympathy, because it will have the joy of reading all that evidence.

There is evidence on both sides of the argument. The criticism that has been received is that, because Trish Godman cited the most convincing evidence that she found for proceeding with the bill and did not cite evidence for not proceeding with it, the proposal is biased. However, a member who proposes a bill will obviously put forward the evidence for their proposal.

**John Finnie:** Are you absolutely content that the evidence that formed part of the consultation was robust and fully accurate?

**Rhoda Grant:** Yes.

**Margo MacDonald:** Your statement says that you will reduce the demand for prostitution

“by strengthening the existing legislative framework”.

How will that reduce the demand?

**Rhoda Grant:** If it becomes an offence to purchase sex, people will not break the law, which will reduce demand.

**Margo MacDonald:** I have to—

**The Convener:** I am sorry, Margo, but such questions would be for the bill at stage 1. We have a narrow focus on the consultation process—whether it was wide ranging enough, whether enough time was allowed and whether it was properly intimated.

**Margo MacDonald:** I return to my earlier question: why has there not been a consultation on how the existing legislation—which was called the kerb-crawlers bill—is working?

**The Convener:** I do not know whether, strictly speaking, it would be necessary to consult on that. The existence of a gap in the existing legislation could be covered in background materials.

**Margo MacDonald:** I know—that is what I was asking about.

**The Convener:** I do not know whether it is obligatory to intimate in a consultation the existing legislation and why the proposal is being brought forward; perhaps Claire Menzies Smith could help with that. Does that form part of the lead-in to a consultation?

I am sorry—I am thinking back to my member's bill and how there was a gap in the law on the control of dogs. There was a problem with the Dangerous Dogs Act 1991, which is why the proposal was introduced. In relation to your proposal, what is the gap that is being filled? Did that form part of your consultation?

**Rhoda Grant:** There is obviously a gap, because at the moment those who sell sex tend to be the ones who are prosecuted. If Margo MacDonald had listened to this morning's “Call Kaye” programme, on which we crossed swords, she would know that it is clear that people who sell sex are being arrested while those who purchase it are walking away. There is a huge disparity in that regard. That is the gap that the proposed bill is looking at.

**Margo MacDonald:** We are again coming close to the issue. Rhoda Grant makes the assumption that we would want to see someone prosecuted if a paid-for act of sex had taken place. I do not necessarily subscribe to that view.

**The Convener:** I am looking at paragraphs 30, 31 and 32 on page 9 of Trish Godman's public consultation. Although some reference is made to the existing legislation in the area, no assessment is provided of how effective or ineffective it has been. I think that that was the question that was being posed. Quite rightly, a member will bring forward a bill—as we all know, it must be fairly straightforward—on an issue on which there is a gap in the law and which the Government has not dealt with. I wonder whether sufficient consideration has been given to the impact of existing legislation in this area before anything else is introduced.

**Rhoda Grant:** Each part of the legislation has statistics attached to it. I do not have them with me this morning, but they could be used to inform decision making. To me, however, the evidence is clear that there is a gap in the law, and my bill seeks to fill it.

**The Convener:** The statistics are fairly dated. Paragraph 33 of Trish Godman's consultation states:

“According to Scottish Government statistics, prostitution offences have increased by 5% over the past year”,

meaning 2008-09. At that time, the Prostitution (Public Places) (Scotland) Act 2007 had hardly got going. I do not want to hinder you, but do you have a firm foundation?

**Rhoda Grant:** We have figures on that, and we can provide them for the committee.

**Graeme Pearson:** To go back to the process, the majority of the 122 formal responses that were received more than two years ago supported the need for legislation. Do you anticipate that those who have an alternative view of the situation will have an opportunity to give evidence to the committee, so that we can examine, if we choose to do so, those alternative views, or the assessment that John Finnie mentioned earlier? That would ensure that, if people feel sufficiently strongly about the matter and the committee

decides to take it on to the next stage, we will have a chance to examine that.

This is an opportunity to visit what is, no doubt, a controversial area, and one that has caused concern for many years. I have to admit that, from my point of view, it has always seemed iniquitous that one half of the transaction was criminalised but the other walked away scot free. Is it your position that we will be able to examine all the elements and decide, in that process, whether we should take the matter forward in Parliament?

**Rhoda Grant:** Yes. May I just correct you on the timescale? The Justice Committee took evidence on the Criminal Justice and Licensing (Scotland) Bill before Trish Godman put out her consultation. The consultation went out in November 2010 and it was 2011 before the responses were gathered in, so the length of time that was mentioned has not elapsed since the consultation.

Obviously, the pros and cons of the legislation will need to be discussed by the committee at stage 1. I hope that the people from whom the committee will take evidence will support the bill, but obviously it will take evidence from some people who do not believe that the bill is right. It will be for the committee to scrutinise the bill and report to Parliament and it will be for the Parliament to decide—

**Graeme Pearson:** So it will give us a chance to vent the issues.

**Rhoda Grant:** Of course.

**The Convener:** We knew that anyway, Graeme, but I let you say it, and so did Rhoda. I know why, but I will not say why.

That concludes our questions. The committee will discuss the matter further. I thank Rhoda Grant and Claire Menzies Smith for coming along today.

11:12

*Meeting continued in private until 12:15.*



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