



## JUSTICE AND HOME AFFAIRS COMMITTEE

### AGENDA

**21st Meeting, 2000 (Session 1)**

**Wednesday 7 June 2000**

The Committee will meet at 9.30 am in Committee Room 2, Committee Chambers, George IV Bridge, Edinburgh.

**1. Item in private:** The Committee will decide whether to take item 6 in private.

**2. Stalking and harassment:** The Committee will consider a report by Pauline McNeill and then take evidence from—

Alison Paterson, Director, and David McKenna, Assistant Director, Victim Support Scotland.

**3. Vulnerable and intimidated witnesses:** The Committee will take evidence on the proposals to improve protection for witnesses in cases involving allegations of rape from—

Alison Paterson, Director, and David McKenna, Assistant Director, Victim Support Scotland.

**4. Petitions:** The Committee will consider the following petitions—

PE111 by Frank Harvey;

PE124 by Contact Rights for Grandparents;

PE176 by Mr J McMillan

**5. Subordinate legislation:** The Committee will consider the following draft affirmative instrument—

The Scotland Act 1998 (Modifications of Schedule 4) Order 2000.

**6. Regulation of Investigatory Powers (Scotland) Bill:** The Committee will consider a revised draft Stage 1 report.

**7. Bail, Judicial Appointments etc. (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.

Andrew Mylne  
Clerk to the Committee, Tel 85206

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**The following papers are attached for this meeting:**

Agenda item 2

Note by the Reporter and Acting Senior Assistant Clerk on meeting with Scottish Police Federation JH/00/21/5

Note by the Reporter on meeting with Law Society of Scotland (to follow) JH/00/21/11

Agenda item 3

Note by the Clerk JH/00/21/9

Agenda item 4

Note by the acting Senior Assistant Clerk on petition PE111 (copy of petition attached) JH/00/21/6

Note by the Assistant Clerk on petition PE124 (copy of petition attached) JH/00/21/8

Note by the Clerk on petition PE176 (copy of petition attached) JH/00/21/7

Agenda item 5

Note by the Clerk (copy of draft Order and Executive note attached) JH/00/21/4

Agenda item 6

Revised draft report JH/00/21/2

Agenda item 7

Draft report (private paper – **to follow**) JH/00/21/10

Petition PE212 by the District Courts Association, lodged on 31 May 2000 (Note: this petition has not yet been formally referred to the Justice and Home Affairs Committee). JH/00/21/3

**Papers not circulated:**

Agenda items 2 and 3

Copies of the consultation papers relevant to these items may be obtained from the Document Supply Centre.

## JUSTICE AND HOME AFFAIRS COMMITTEE

### Papers for information circulated for the 21st meeting

Letter to the Clerk from the Lord Advocate on petition PE55

JH/00/21/1

Extracts from *The Scotsman* on prisons and on vulnerable and intimidated witnesses

Minutes of the 20th Meeting

JH/00/20/M

**Note:** The Executive has provided a copy of its Summary of Responses to the Consultation Paper *An Open Scotland: Freedom of Information, a Consultation*. This makes reference to the Committee's response and 118 other respondents. The summary is 22 pages long, and copies may be obtained on request from the clerks.

The British Retail Consortium has provided a copy of its *Retail Crime Survey 1999*. Members who wish to consult this document, or request a copy, should contact the Clerk.

## **JUSTICE AND HOME AFFAIRS COMMITTEE**

### **Stalking and Harassment Consultation**

Note by the Reporter and Acting Senior Assistant Clerk

#### **Introduction**

The Scottish Executive issued a consultation paper on *Stalking and Harassment* in March 2000, inviting responses to be submitted by 9 June 2000. At its meeting on 29 March, the Committee agreed to appoint Pauline McNeill as Reporter to consider the issues raised in the consultation paper. The Reporter has since met the Law Society of Scotland, Scottish Women's Aid and the Scottish Police Federation.

This note gives a summary of points made by the Scottish Police Federation.

#### **Meeting with the Scottish Police Federation (SPF)**

The SPF has consulted the 30 members on its national committee, and other members who have a specific remit in relation to the issues raised in the consultation paper on stalking and harassment. It has collated responses received into a draft response to the consultation (copy attached).

The SPF does not think that it would be helpful to create a new offence in relation to stalking and harassment and believes that existing laws, the common law offences of breach of the peace and threats, are adequate. Breach of the peace is broadly defined and is therefore easy for the police to apply and to interpret. If a new statutory offence were created, the SPF believes that it could lead to mistakes being made, or to officers not applying it appropriately. The SPF also believes that it would be very difficult to define stalking and harassment in statute, as there are so many actions which could be related to the offence.

The SPF stressed the need for more training and awareness-raising on the issue within the police force. When a police officer joins the force, he or she undergoes a 2 year training period during which stalking and harassment is covered. Thereafter, training on the issue is patchy. Some forces provide information for officers to consult when they have time, but the SPF believes it would be more effective to provide officers and support staff with specific training on stalking and harassment.

Stalking and harassment cases are very difficult for the police to inquire into. The police reaction to an alleged incidence of stalking and harassment can vary according to whether the police officer assigned to the case is up-to-date with current legislation and criminal trends and whether the officer has sufficient time to investigate all the relevant circumstances.

The SPF believes that the Protection from Harassment Act 1997 is not effective or well used. It is often not known to a police officer that a non-harassment order has

been issued. There is room for improvement in the method of storing this information so that it is easily accessible. This information could be held centrally on the police national computer network.

The SPF believes that sentencing for breach of the peace can be problematic and that there is merit in stating on the record (i.e. to the sheriff) that a particular incidence of breach of the peace involved stalking or harassment. It also believes that there should be more time for social work departments to prepare reports on such incidents.

1 June 2000

ALISON TAYLOR

**JUSTICE AND HOME AFFAIRS COMMITTEE****Vulnerable and intimidated witnesses**

## Note by the Clerk

This item was included on the Agenda by the Convener to reflect recent concern about the issue of how vulnerable and intimidated witnesses, particularly in rape cases, are treated by the courts. The right of an accused to cross-examine a witness allows for the possibility that a woman who has been raped can be questioned at length by her attacker, when he is unrepresented, including on her previous sexual history. There is little doubt that this can be an extremely distressing and humiliating experience, and the fact that it happens is believed to deter many women from either reporting incidents of rape or from pressing charges. On the other hand, it can be argued that restricting the accused's right to question any witness would undermine fundamental principles of justice and increase the risk of prejudice to those falsely accused.

Henry McLeish, then Home Affairs Minister, issued a consultation paper entitled *Towards a Just Conclusion: Vulnerable and intimidated witnesses in Scottish criminal and civil cases*, in November 1998. This reflected the Labour Party's general election manifesto commitment to "ensure protection for victims in rape and serious offence trials and for those subject to intimidation". As well as considering the case for protection of vulnerable witnesses in relation to crimes such as rape, the paper discusses witnesses who fear intimidation or retribution.

The paper reports the work of a Working Group established in 1997, involving the Scottish Office, the Crown Office, the Scottish Courts Administration, the Scottish Courts Service, the Association of Chief Police Officers in Scotland and Victim Support Scotland. The Group's remit included identifying measures to improve the treatment of vulnerable witnesses at all stages of the criminal justice process. The summary of recommendations made in the document is reproduced below.

In response to a members' business debate on 26 January 2000, Angus MacKay, Deputy Minister for Justice, committed the Executive to producing an action plan which will set out how the Executive will take the issue forward. A draft of the action plan is currently with Ministers and is expected to be published within the next two weeks.

On 30 May, Mr Gil Paterson lodged the following motion (S1M-912): "That the Parliament recognises the humiliation caused to rape victims and victims of other sexual crimes when alleged assailants are allowed to conduct their own defence during trials and therefore cross-examine victims; notes with dismay that, according to recent speculation, the Scottish Executive's response to the report *Towards a Just Conclusion* will fail to address this issue, and urges the Executive to reconsider its decision and ensure that victims of such crimes in Scotland will be entitled to the same protection as those in England and Wales."

Today's *Herald* reports that the Executive is to announce an intention to legislate to stop suspects in rape cases cross examining their victims in court. According to the

article, the Deputy Minister for Justice (Angus MacKay) has “ordered civil servants as a priority to find a way round possible difficulties with the European Convention of Human Rights”. An Executive spokesman is quoted as saying the Minister instructed his officials to “stop worrying about the problem and bring him a solution as soon as possible”.

It is expected that further information will be provided in a written answer to a PQ, due to be published on Monday 5 June. No timescale has yet been set for legislation.

1 June 2000

ANDREW MYLNE

## ANNEX

### Summary of recommendations of *Towards a Just Conclusion*

1. That The Scottish Office's Victim Steering Group be invited to review the "Reporting a Crime" leaflet periodically to ensure that it is still up-to-date; that the Association of Chief Police Officers in Scotland be invited to verify that the leaflet is in fact being distributed as intended; and that research be carried out into its effectiveness.
2. That the Crown Office and the Scottish Court Service commission research into the effectiveness of the Joint Statement on Crown Witnesses and local codes of practice, seeking the views of witnesses, with a view to informing good practice and identifying areas where improvements can be made.
3. That the Association of Chief Police Officers in Scotland be invited to draw up and disseminate to police forces, and make publicly available, best practice guidelines on treatment of vulnerable and intimidated witnesses.
4. That, subject to the availability of resources, the pilot Witness Support Projects which have operated at three sheriff courts be extended to as many sheriff courts as practicable, retaining the volunteer element.
5. That the Law Society of Scotland be invited, in the interests of minimising trauma for child witnesses and without prejudicing the ability of the defence to prepare its case, to draw up guidance for its members on the interviewing of children.
6. That the findings of the Working Group on Child Witness Support be used to inform improvements in support for child witnesses, once its work is complete.
7. That The Scottish Office be invited to verify that its "Appropriate Adult Schemes" code of practice is being applied by the relevant agencies and that the Law Society of Scotland be invited to take account of the code of practice in good practice guidance on the treatment of vulnerable adults by defence solicitors.
8. That the Association of Chief Police Officers in Scotland and the Crown Office be invited to put in place standard mechanisms for identifying vulnerable adults and for ensuring that information available to procurators fiscal is consistent and sufficient to enable early assessment to be made of the appropriateness of alternative methods of giving evidence.
9. That the Association of Chief Police Officers in Scotland be invited, in consultation with the Crown Office, to devise and apply a list of prompts to guide police officers in identifying, at the earliest practicable stage, a witness who may be intimidated and draw up arrangements to inform procurators fiscal about the level and nature of intimidation and any protective measures in place.
10. That the Association of Chief Police Officers in Scotland and the Crown Office be invited to ensure that:
  - procedures are in place to inform affected witnesses of releases on bail and in particular of relevant conditions imposed;
  - police officers are fully aware of their powers to arrest an accused for breach of bail conditions, under Section 28 of the Criminal Procedure (Scotland) Act 1995 and of the importance of reporting to the procurator fiscal information that may allow him to act under Section 31 of the Act.
11. That The Scottish Office and the Association of Chief Police Officers in Scotland consider, in the light of the results of the Strathclyde Police witness protection pilot project and the availability of resources, whether augmented support for intimidated witnesses is warranted more widely in Scotland.

12. That the Association of Chief Police Officers in Scotland, in association with the Crown Office and consulting where appropriate the Scottish Court Service, be invited to:
  - identify a range of measures that might provide additional protection to particular classes of intimidated witnesses cited to give evidence in court;
  - ensure effective liaison at local level, to provide support to intimidated witnesses in individual cases.
13. That, with the aim of enhancing the scope for vulnerable and intimidated witnesses to give evidence other than in person:
  - the Crown Office conduct a review of the use made by prosecutors of the hearsay evidence and prior statement provisions in Sections 259 and 260 of the Criminal Procedure (Scotland) Act 1995, with a view to determining whether there is scope for wider use in relation to particular categories of vulnerable or intimidated witnesses;
  - the Criminal Court Rules Council be invited to consider preparation of rules about how the statutory provisions for vulnerable persons giving evidence on commission should operate in practice
14. That appropriate opportunities be taken to emphasise to witnesses that cross-examination does not necessarily imply that they are untruthful, and to emphasise the court's role in preventing inappropriate or intimidating cross-examination.
15. That The Scottish Office commissions research at an appropriate time, to observe whether the alternative means of evidence now available for vulnerable adults are effective in allowing these witnesses to give testimony with minimum distress.
16. That, to reduce the risk of intimidation on the day of the trial:
  - the law of evidence be changed to allow the court to exclude the public (and if necessary the media) from the court room in cases where witnesses face serious and specific intimidation - but not in other cases, since "justice should be seen to be done";
  - the law of evidence be changed to allow such intimidated witnesses to give evidence by alternative means currently available for child and vulnerable adult witnesses;
  - the Association of Chief Police Officers in Scotland be encouraged to arrange for any police witnesses, who need to be in court to give evidence, to use the prosecution waiting rooms to reduce the likelihood that witnesses feel intimidated.
17. That The Scottish Office commissions research into the ways in which victims of sexual crimes give evidence in court, in order to identify any shortcomings in the present arrangements.
18. That all those involved in the criminal justice process be invited to co-operate in the preparation of national standards for the treatment of witnesses in Scotland.
19. That The Scottish Office considers with the Home Office separate but simultaneous publicity campaigns, informing the public about the support measures available to witnesses; and should be alert to future opportunities to heighten public awareness of the important role which witnesses play and the support which is available to them.
20. That The Scottish Office, in consultation with interested parties, commissions research into witnesses' perceptions of their treatment and ways in which it might be improved.
21. That, as part of the preparation for the issue of national standards for witness care, The Scottish Office seeks information from all parties involved with witnesses in the criminal justice process about the training given to witness care, with a view to improvement particularly in the joint delivery of training locally.
22. That no substantive change be made in the law about the care and support of witnesses in civil cases but that all those concerned, particularly the legal professions, be reminded of their responsibilities particularly for vulnerable witnesses and those who may be suffering from intimidation.
23. That those responsible for the support and care of vulnerable or intimidated adult witnesses in civil cases consider the use of special procedures for delivery of evidence such as CCTV and the taking of evidence on commission.
24. That all those involved in civil cases (particularly concerning anti-social behaviour) where intimidation might be attempted, have regard to alternative types of evidence (particularly hearsay and written evidence) which may avoid the need for witness to attend court.
25. That legal practitioners seek ways of minimising the exposure of witnesses in civil cases to possible intimidation through the use of other legal remedies such as interdict.
26. That all those concerned in the civil process be conscious of the duties not only of practitioners but also of the courts with regard to the protection of witnesses from insulting, annoying, vexatious or oppressive cross-examination and should seek to minimise the extent to which witnesses are subjected to this treatment.



**JUSTICE AND HOME AFFAIRS COMMITTEE**

**Petition PE111 by Mr Frank Harvey**

Note by the Acting Senior Assistant Clerk

Background

This petition (copy attached) calls for the Parliament to order a public inquiry into road accidents involving police responding to 999 calls. It raises issues similar, though not identical, to those raised in petitions PE29 (by Mr and Mrs Dekker) and PE55 (by Tricia Donegan) already considered by the Committee.

The Public Petitions Committee (PPC), when it considered this petition, agreed to write to the Executive seeking a response. I understand that no reply has yet been received. The PPC, in referring the petition to this Committee, indicated that it expected this Committee only to take note of the petition, rather than undertake further consideration of it.

Procedure

The Standing Orders make clear that, where the Public Petitions Committee refers a petition to another committee, it is for that committee then to take "such action as they consider appropriate" (Rule 15.6.2(a)).

Options

One option would be to treat this petition in the same way as PE29 and PE55 – namely, to defer consideration of it pending the publication in the autumn of research sponsored by the Department of Environment, Transport and the Regions (DETR) into the application of road traffic legislation by the police, prosecutors and courts. In that event, the petition would remain "live" for the time being.

Alternatively, the Committee could choose simply to note the petition and take no further action. That would close consideration of this petition – but this would not preclude the petitioner being informed in due course of the outcome of any further consideration by the Committee of petitions PE29 and PE55.

31 MAY 2000

ALISON TAYLOR

## JUSTICE AND HOME AFFAIRS COMMITTEE

### Petition PE124 by Grandparents Apart Self-Help (G.A.S.H)

Note by the Assistant Clerk

#### Background

This petition calls for the Scottish Parliament to consider amending the Children (Scotland) Act 1995 to name grandparents in the Act as having an important part to play in the lives of their grandchildren.

Amongst other things, the 1995 Act establishes certain basic rights and responsibilities of parents (sections 1 to 3), establishes limited rights and responsibilities to persons having care or control of a child but who are not the child's parents (section 5), and allows other persons to be appointed as guardians of a child with similar rights and responsibilities as parents (section 7). Section 11 gives the court power to make orders imposing parental responsibilities or giving parental rights to persons other than the child's parents, including orders specifying with whom the child is to live, with whom the child is to have direct contact, or regulating other specific issues. No specific mention is made, nor special provision made for, grandparents.

The Scottish Executive is shortly to publish a White Paper on the reform of Scottish family law. A consultation paper on the subject, *Improving Scottish Family Law*, was published by the Scottish Office in March 1999 (copies available from the Document Supply Centre).

#### Options

The petition specifically invites the Parliament to make changes to the 1995 Act. Clearly, it would be a substantial undertaking for the Committee to embark on an inquiry into this issue. The case for a deficiency in the existing law would have to be established before any detailed consideration could be given about what changes might be appropriate, and this would involve taking evidence from (at the very least) the petitioners, the Executive and experts in family law. Given the Committee's workload and its agreed priorities for future inquiry, this is unlikely to be a realistic option for the foreseeable future.

However, the Committee may wish to consider the Executive's proposals on family law once the White Paper is published. If so, that might provide an opportunity for the issue raised in the petition to be addressed – and the Committee may wish to defer further consideration of the petition until that time (thus keeping the petition “live” in the meantime).

Alternatively, the Committee could simply take note of the petition now (thus closing consideration of it), but on the understanding that, when it considers the White Paper in due course, it will bear in mind the petitioners' concern to include specific provision for grandparents' rights of access.

**JUSTICE AND HOME AFFAIRS COMMITTEE**

**Petition PE176 by Mr J McMillan**

Note by the Clerk

Background

This petition (copy attached) calls for the Parliament to create an independent body to consider complaints against the police. The Subordinate Legislation Committee has already sent a copy of the petition to the Crown Office. I understand that the petitioner has also written to the Minister for Justice and the Lord Advocate.

The petition was submitted with a number of attached papers relating to a complaint of assault made by the petitioner against the police. The procurator fiscal decided to take no further action in relation to this complaint, and the petitioner then complained about that decision and about the circumstances in which it was made (which included allegations that a statement attributed to the petitioner was fabricated, and an issue of whether a letter sent to the petitioner was ever received). In view of the Convener's previously stated view that the Committee, in considering petitions, should consider only general issues raised rather than the circumstances of individual cases, these additional papers are not circulated with this note.

Procedure

The Standing Orders make clear that, where the Public Petitions Committee (PPC) refers a petition to another committee, it is for that committee then to take "such action as they consider appropriate" (Rule 15.6.2(a)).

Options

The Committee has already agreed that one of its priorities for future inquiry, after the issue of legal aid, should be the independence of the complaints systems that exist in relation to the police and the legal profession.

Unless the Committee believes that there is anything in this petition that would add value to its conduct of such an inquiry, it might wish to close consideration of the petition now. The Committee could, however, authorise the Clerk to write to the petitioner to inform him of its intention to conduct an inquiry into the issue of complaints against the police. Such a letter could undertake to inform the petitioner in due course if and when such an inquiry is started.

1 June 2000

ANDREW MYLNE

**JUSTICE AND HOME AFFAIRS COMMITTEE**

**The Scotland Act 1998 (Modifications of Schedule 4) Order 2000**

Note by the Clerk

Background

This draft Order seeks to modify Schedule 4 to the Scotland Act 1998 in two respects. Only the first of those modifications concerns something within the remit of the Justice and Home Affairs Committee, and its effect is to specify more precisely the limits on the Parliament's legislative competence in relation to certain pension matters.

The Executive note attached to the order makes clear that the wording of the current provision in the 1998 Act was intended to make certain aspects of pensions law, particularly in relation to pension arrangements on divorce, a reserved matter (i.e. outside the Parliament's legislative competence). (Other aspects of pensions are devolved.) The revised wording that would be inserted by the draft Order specifies the extent of the reservation more clearly, to reflect recent UK legislation.

The second modification made by the draft Order concerns the extent to which this Parliament can legislate in relation to payments out of the Scottish Consolidated Fund. This is not a matter within the remit of this Committee.

Procedure

The draft Order is made under the Scotland Act, and so is a draft UK SI rather than a draft SSI. However, that Act provides that some of the statutory instruments made under it must be laid before this Parliament as well as the UK Parliament, and are then subject to either affirmative or negative procedure. (The various categories of instrument, and the procedures that apply, are set out in Schedule 7 to the 1998 Act.) This instrument is "Type A", meaning it is subject to affirmative resolution by both Houses at Westminster and by the Scottish Parliament.

As members are aware, where an affirmative instrument is referred to a lead committee, that committee must hold a debate lasting up to 90 minutes on the instrument, on a motion by the Minister to recommend approval of the instrument. However, this does not apply to this Committee in this instance, since it is the Finance Committee that has been designated lead committee.

All that this Committee need do, therefore, is consider the instrument. Should the Committee have any views it wishes to express, these could then be conveyed to the Finance Committee for that committee to take into account when it comes to debate the instrument. I understand that the Finance Committee is likely to hold the debate on 13 June.

If the Finance Committee recommends that the draft instrument be approved, the Bureau will by motion propose that the Parliament approve the instrument.



*The Right Honourable Colin Boyd QC*

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JH/00/21/1

30 May 2000

*Dear Mr Mylne,*

**PETITION PE55 BY TRICIA DONEGAN**

Thank you for your letter of 9 May 2000 on behalf of the Convener, with regard to the above Petition.

**Preservation of Evidence**

The Committee has requested further details of the guidance to be issued to Procurators Fiscal concerning preservation of evidence. Procurators Fiscal are currently guided by the applicable common law in this area, as well as existing departmental guidance that states if the Procurator Fiscal is aware that an article has been seized but has decided that he does not intend to produce it at the trial, he should not return it without giving the defence the opportunity to say whether or not they wish it retained for the trial. Procurators Fiscal are specifically reminded that failure to give the accused an opportunity of examining an article may prejudice him. As you will recall from Lord Hardie's letter of 14 February, at the trial of Daniel Tasker, the Procurator Fiscal argued that the accused had been given an opportunity to have the car examined.

Lord Hardie also explained that in light of the particular circumstances of this case, he instructed officials at Crown Office to clarify and highlight departmental guidance to Procurators Fiscal in this area. The revised guidance which has been approved restates the general principles which have already been explained, but highlights that in relation to vehicles which have been involved in fatal road traffic accidents, particular care is required to ensure, firstly, that the car is not released or destroyed without giving the defence an opportunity to examine it and, secondly, the opportunity to be given to the defence to examine the vehicle must be an effective one in all the circumstances.



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### Lord Advocate's Reference

Section 123 of the Criminal Procedure (Scotland) Act 1995 provides that where a person tried on indictment is acquitted or convicted of a charge, the Lord Advocate may refer a point of law which has arisen in relation to that charge to the High Court for their opinion. This procedure, known as a Lord Advocate's Reference, was introduced by Section 37 of the Criminal Justice (Scotland) Act 1980. In its original form, the Lord Advocate's Reference enabled the Crown to obtain a ruling only where the accused was acquitted but Section 123 now provides that the procedure is available to the Lord Advocate where the person tried was acquitted or convicted.

The opinion of the High Court on the point referred to it does not effect any acquittal in the trial. By its very nature, however, it will represent an authoritative statement of the law in the area concerned.

In fact, few references have been taken over the years, in Scotland. They have been reserved, thus far, for important areas of law where existing authority has become unclear, uncertain or confused. It has not been used in circumstances where the existing common law is clear, and remains clear notwithstanding an individual decision in a lower court.

It was not considered that this was a case which required a reference to the High Court of Justiciary under Section 123 of the 1995 Act. Having regard to the existing law and to the revised guidance I share that view.

I trust this assists further with the Committee's deliberations.

*Yours sincerely*

*Colin D. Boyd*

COLIN D BOYD

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## **Justice and Home Affairs Committee**

**20th Meeting, 2000**

**Tuesday 30 May 2000**

The Committee will meet at 9.45 am in the Hub, Castlehill, Edinburgh

1. **Item in private:** The Committee will decide whether to take item 5 in private.
2. **Draft Bail, Judicial Appointments etc. (Scotland) Bill:** The Committee will take evidence on the general principles of the draft Bill from—

Jamie Gilmour (solicitor and former temporary sheriff);

Sheriff Wilkinson, Past President, and Sheriff RJD Scott, member of the Council, the Sheriffs' Association;

Anne Keenan, Deputy Director, Michael McSherry, Criminal Law Committee, and Joseph Platt, Judicial Procedure Committee, Law Society of Scotland;

Sandy Brindlay, Legal Affairs Spokesperson, Scottish Rape Crisis Network.

3. **Act of Sederunt:** The Committee will consider the following negative instrument—

Act of Sederunt (Fees of Shorthand Writers in the Sheriff Court) (Amendment) 2000 (SSI 2000/145).

4. **Divorce etc. (Pensions) (Scotland) Regulations 2000:** Pauline McNeill to move S1M-914— That the Justice and Home Affairs Committee recommends that nothing further be done under the Divorce, etc (Pensions) (Scotland) Regulations 2000 (SSI 2000/112).
5. **Budget process 2001-02:** The Committee will consider a revised draft report.
6. **Regulation of Investigatory Powers (Scotland) Bill: (in private):** The Committee will consider a draft report.