



JUSTICE AND HOME AFFAIRS COMMITTEE

AGENDA

25th Meeting, 2000 (Session 1)

Tuesday 4 July 2000

The Committee will meet at 2.00 pm in the Chamber, Assembly Hall, High Street, Edinburgh.

1. Regulation of Investigatory Powers (Scotland) Bill: The Committee will consider the Bill at Stage 2 (Day 2).

2. Subordinate legislation: The Committee will consider the following negative instruments—

The Census (Scotland) Amendment Regulations 2000 (SSI 2000/194)

Advice and Assistance (Scotland) Amendment Regulations (SSI 2000/181)

Civil Legal Aid (Scotland) Amendment Regulations 2000 (SSI 2000/182)

Debtors (Scotland) Act 1987 (Amendment) Regulations 2000 (SSI 2000/189)

The Discontinuance of Prisons (Scotland) Order 2000 (SSI 2000/186)

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2000 (SSI 2000/187)

3. Judicial Appointments: Michael Matheson will report to the Committee, which will then consider its response to the Scottish Executive consultation paper.

4. Future Business: The Committee will consider its future programme.

Andrew Mylne
Clerk to the Committee, Tel 85206

The following papers are attached for this meeting:

Agenda item 2

Note by the Senior Assistant Clerk on SSI 2000/194 (SSI attached)	JH/00/25/7
Note by the Senior Assistant Clerk on SSI 2000/186 (SSI attached)	JH/00/25/8
Note by Assistant Clerk on SSI 2000/189 (SSI and extract from SLC report attached)	JH/00/25/9
Note by Assistant Clerk on SSI 2000/181 and SSI 2000/182 (SSIs and Executive Notes attached)	JH/00/25/10
Note by Senior Assistant Clerk on SSI 2000/187 (SSI and Executive Note attached)	JH/00/25/11

Agenda item 3:

Note by Assistant Clerk	JH/00/25/5
Note of meeting of Reporter and Sheriff Court Users' Group	JH/00/25/6
Note of meeting of Reporter and Scottish Human Rights Centre (to follow)	JH/00/25/12
Note of meeting of Reporter and Faculty of Advocates' (to follow)	JH/00/25/13

Agenda item 4:

Note on future programme	JH/00/25/1
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Papers not circulated:

Agenda item 1

Members are reminded to bring with them copies of the Bill and Accompanying Documents, together with any papers from the Stage 1 process that are considered relevant (such as the Committee's Stage 1 report, Official Report of Stage 2, Day 1, 21 June). Copies of the Marshalled List will be available from Document Supply first thing in the morning and will also be available in Committee Room 1. A list of groupings will be available in Committee Room 1 at the beginning of the meeting.

Agenda item 3

Members are reminded to bring a copy of the Scottish Executive's consultation paper on Judicial Appointments with them to the meeting. Copies can be obtained from

Document Supply Centre or on the Executive website <http://www.scotland.gov.uk>
under publications.

JUSTICE AND HOME AFFAIRS COMMITTEE

Papers for information circulated for the 25th meeting, 2000

Letter from Scottish Women's Aid and response from the Convener	JH/00/25/4
Letter from Vodafone AirTouch Group Services Limited regarding the Regulation of Investigatory Powers Bill [Note: this letter relates primarily to the UK Bill, not the Scottish Bill.]	JH/00/25/2
Letter from the Executive regarding the consultation on the MacLean Committee report on serious violent and sexual offenders	JH/00/25/3
Minutes of the 24th meeting, 2000	JH/00/24/M

JUSTICE AND HOME AFFAIRS COMMITTEE

The Census (Scotland) Amendment Regulations 2000 (SSI 2000/194)

Note by the Senior Assistant Clerk

Background

At its meeting on 22 May, the Committee considered the draft Census (Scotland) Amendment Order 2000. That draft Order amended the Census (Scotland) Order 2000 to include a new question on religion and an amended question on ethnicity. The Committee also considered the Census (Scotland) Regulations 2000 which provided for the administration of the census itself.

The Census (Scotland) Amendment Regulations 2000 have been referred to the Committee by the Subordinate Legislation Committee. The Regulations were also referred to the Equal Opportunities Committee, which has considered them and has no recommendations to make.

The Regulations amend the Census (Scotland) Regulations 2000, considered by the Committee on 22 May. The schedule sets out the final forms to be used in the census in Scotland on 29 April 2001. These differ from the forms included in the earlier Regulations to the extent of including a more detailed question on ethnicity and two questions on religion. The Regulations also make minor technical and drafting amendments to the form.

This instrument was laid on 16th June and comes into force on 7 July. The Subordinate Legislation Committee considered the instrument on 27 June, and has no comments to make.

Procedure

The Regulations are subject to negative procedure – which means that they come into force and remain in force unless the Parliament passes a resolution, not later than 40 days after the instrument is laid, calling for their annulment.

Any MSP may lodge a motion seeking to annul such an instrument and, if such a motion is lodged, there must be a debate on the instrument at a meeting of the Committee. However, as there appears to be nothing controversial in these Regulations, it seems unlikely that any MSP will lodge such a motion. In that event, no further action by the Committee is required.

28 JUNE 2000

ALISON TAYLOR

JUSTICE AND HOME AFFAIRS COMMITTEE

The Discontinuance of Prisons (Scotland) Order 2000 (SSI 2000/186)

Note by the Senior Assistant Clerk

Background

This instrument provides for the closure of 3 prisons. Penninghame and Longriggend prisons will close on 7 July, and Dungavel prison on 28 July. This order is made by the Scottish Ministers in exercise of the power conferred upon them by section 37(1) of the Prisons (Scotland) Act 1989.

When these closures were announced in October last year, the Committee decided to conduct a general inquiry on the future of the prison service. This included a visit to Longriggend prison. Having witnessed the conditions of the prison at first hand, the Committee welcomed the decision to close the institution. At that time, however, the Committee was of the view that there was much to commend in the work of Penninghame, and Dungavel. Members may wish to note that the Scottish Prison Service estates review team is continuing to consider possible options for further restructuring of the prison estate. A report on the estates review is expected to be published shortly. The Committee will have the opportunity to discuss such issues with Clive Fairweather, HM Chief Inspector of Prisons in Scotland, when he appears before the Committee in September.

This instrument was laid on 16 June and comes into force on 7 July and 28 July. The Subordinate Legislation Committee considered the instrument on 27 June, and has no comments to make.

Procedure

The Discontinuance of Prisons (Scotland) Order 2000 is subject to negative procedure – which means that it comes into force and remains in force unless the Parliament passes a resolution, not later than 40 days after the instrument is laid, calling for its annulment.

Any MSP may lodge a motion seeking to annul such an instrument and, if such a motion is lodged, there must be a debate on the instrument at a meeting of the Committee. Given that this is the last meeting of the Committee before this instrument comes into force, any member who wishes to lodge such a motion is advised to do so as soon as possible. If such a motion is lodged before next week's meeting, it could be debated then. If no such motion is lodged, no further action by the Committee is required.

28 JUNE 2000

ALISON TAYLOR

JUSTICE AND HOME AFFAIRS COMMITTEE

The Debtors (Scotland) Act 1987 (Amendment) Regulations 2000 (SSI 2000/189)

Note by the Assistant Clerk

Background

In a statement on diligence on 8 June, the Minister for Justice said—

“I am taking immediate steps, by way of secondary legislation, to extend the list of goods exempt from poinding, largely in line with the recommendations of the Scottish Law Commission in its recent publication, "Report on Poinding and Warrant Sale". New items to be added to the list include televisions, radios, microwave ovens, telephones and computers. (Official Report, col 108)”

These Regulations give effect to that commitment.

The Regulations amend the Debtors (Scotland) Act 1987 in the following ways—

1. *Increase the upper limit of money on which a court can make a time to pay direction or order to £25,000.*

At present, it is not competent for a sheriff to make a time to pay order or a court to make a time to pay direction where the debt exceeds £10,000. At paragraph 5.18 of its report (SLC No. 177), the Scottish Law Commission (SLC) recommended this upper level be increased to £25,000, in line with time orders under the Consumer Credit Act 1974.

2. *Increase from the aggregate values of articles exempt from poinding under section 16 (1)(b) and (d) to £1,000.*

At present, under 16(1)(b), debtors' equipment used for business or trade is exempt to the value of £500. At paragraph 3.54, the SLC recommended that the former category should include a car, van or other vehicle required and that the limit should be increased to £1,000. Under section 16(1)(d), debtors' books or other articles required for education or training are exempt to the value of £500. The SLC again recommended this category be expanded to include computer and accessory equipment, and that the limit be increased to £1,000.

3. *Adds computers and accessories, microwave ovens, radios, telephones and televisions to the list of goods exempted from poinding.*

At present, the list of exempted articles includes items such as bedding, household items or tools, furniture and fittings, food and clothing. At paragraph 3.54 the SLC recommended the list of exempted items should be added to so as to include one of each of the above items in so far as the item was of modest value. At paragraph 3.47, the Commission thought “articles should be exempt if they are reasonably required, having regard to current social standards, to allow debtors and their families

to enjoy a modest standard of living". Detailed comments on this issue are made at paragraphs 3.41-3.58 of the Report (attached).

Procedure

The Regulations are subject to negative procedure – which means that they come into force and remain in force unless the Parliament passes a resolution, not later than 40 days after the instrument is laid, calling for their annulment. Any MSP may lodge a motion seeking to annul such an instrument and, if such a motion is lodged, there must be a debate on the instrument at a meeting of the Committee.

Options

These Regulations will come into force on 10 July, although the period within which they may be annulled extends to September.

Any MSP may lodge a motion to annul and, if such a motion was lodged within the 40-day period, the SSI would need to be debated at a meeting of the Committee.

28 JUNE 2000

FIONA GROVES

JUSTICE AND HOME AFFAIRS COMMITTEE

**The Advice and Assistance (Scotland) Amendment Regulations 2000 (SSI
2000/181)**

The Civil Legal Aid (Scotland)(Amendment) Regulations 2000 (SSI 2000/182)

Note by the Assistant Clerk

Background

As the Executive Notes (attached) explain, these two sets of Regulations each make only technical and drafting amendments to the respective principal Regulations.

Procedure

The Regulations are subject to negative procedure – which means that they come into force and remain in force unless the Parliament passes a resolution, not later than 40 days after the instrument is laid, calling for their annulment. Any MSP may lodge a motion seeking to annul such an instrument and, if such a motion is lodged, there must be a debate on the instrument at a meeting of the Committee.

Options

As with other negative instruments, any MSP may lodge a motion to annul either instrument. However, given the uncontroversial nature of these instruments, this does not appear to be likely. No further action from the Committee is therefore required.

Although the 40-day period within which they may be annulled extends until 18 September, both instruments will come into force on 7 July.

28 JUNE 2000

FIONA GROVES

JUSTICE AND HOME AFFAIRS COMMITTEE

**The Prisons and Young Offenders Institutions (Scotland) Amendment Rules
2000 (SSI 2000/187)**

Note by the Senior Assistant Clerk

Background

This instrument provides for changes to the Prisons and Young Offenders Institutions (Scotland) Rules 1994, and was made by the Scottish Ministers in exercise of the powers conferred by section 39(1) of the Prisons Scotland Act 1989. These rules set out the legal framework for the treatment of prisoners. The Executive aims to review the Rules every year, and these amendments are the product of its most recent review. The Executive note attached explains substantive amendments made to the Rules.

This instrument was laid on 16 June and comes into force on 28 July. The Subordinate Legislation Committee considered the instrument on 27 June, and has no comments to make.

Procedure

The Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2000 (SSI 2000/187) are subject to negative procedure – which means that they come into force and remain in force unless the Parliament passes a resolution, not later than 40 days after the instrument is laid, calling for its annulment.

Any MSP may lodge a motion seeking to annul such an instrument and, if such a motion is lodged, there must be a debate on the instrument at a meeting of the Committee. Given that this is the last meeting of the Committee before this instrument comes into force, any member who wishes to lodge such a motion is advised to do so as soon as possible. If such a motion is lodged before next week's meeting, it could be debated then. If no such motion is lodged, no further action by the Committee is required.

28 JUNE 2000

ALISON TAYLOR

JUSTICE AND HOME AFFAIRS COMMITTEE

Judicial Appointments Consultation Paper

Note by the Assistant Clerk

The Scottish Executive issued a consultation paper on Judicial Appointments on 20 April, inviting responses to be submitted by 31 July. At its meeting on 26 April, the Committee agreed to appoint Michael Matheson as Reporter to consider the issues raised in the consultation paper.

The Reporter has met representatives of the Sheriff Court Users' Group, the Scottish Human Rights Centre and the Faculty of Advocates. (Notes of those meetings will be circulated separately). The focus of those meetings was to discuss the specific questions raised in Chapter 8 of the paper on which the views of consultees are being sought

This note sets out the main issues on which views are particularly requested—

1. Criteria for appointment - qualifications and qualities of candidates for the judiciary; equal opportunities.
2. Recruitment process – transparency; confidentiality; advertisements; nominations; ad hoc basis or periodic; differences for recruitment of sheriffs and judges.
3. Judicial Appointments Board – establishment; size; composition; lay representation; remit and responsibilities.
4. Management issues – role of the Lord President and Sheriffs Principal.
5. Code of Judicial Conduct.
6. Part-time Sheriffs and Temporary Judges – appointments system.
7. Any relevant international comparisons.

The Reporter suggests that, on the basis of the discussion at the meeting on 4 July, he will prepare with the assistance of the clerks, a draft response to be circulated by post for comments in the first week of the recess.

29 June 2000

FIONA GROVES

JUSTICE AND HOME AFFAIRS COMMITTEE

Judicial Appointments Consultation

Meeting between the Reporter and Sheriff Court Users' Group, 30 May 2000

Note by the Assistant Clerk

Present:

Neil McLeod, Scottish Sheriff Court Users Group
Michael Matheson MSP
Fiona Groves, Assistant Clerk

Introduction

The Scottish Executive issued a consultation paper on *Judicial Appointments* on 20 April 2000, inviting responses to be submitted by 31 July 2000. At its meeting on 26 April, the Committee agreed to appoint Michael Matheson as Reporter to consider the issues raised in the consultation paper. This note gives a summary of points made by Neil McLeod, who was representing the views of the Sheriff Courts Users' Group (the Group).

The Group is an independent organisation, established on the initiative of the Scottish Consumer Council. The Group exists to ensure that those providing services and reviewing procedures in the sheriff courts take the needs of litigants involved in civil cases into account. Group members are actively involved in advising and/or representing individuals in court, particularly in small claims, eviction cases and time to pay applications under the Debtors (Scotland) Act 1987.

Comments on Scottish Executive Consultation Paper

In general, Mr McLeod welcomed a new, more transparent appointments system. Two crucial aspects would be training and the complaints procedure. Mr McLeod wanted judges to have specialisms as a result of inconsistency of sheriffs' handling of eviction cases, time to pay applications and small claims.

An "in court advice project" in Edinburgh Sheriff Court employs one in-court advisor who is available to offer advice and support to unrepresented litigants involved in small claims, heritable and time to pay cases. The presence of the advisor has been of benefit in supporting and informing litigants of their rights and raising awareness among sheriffs of civil-court related issues that may not otherwise have been brought to their attention. This could be seen as a form of training for sheriffs.

Chapter 3 – What we require of our Judiciary

In addition to any necessary legal qualifications, Mr McLeod said that there should be more judges appointed from ethnic minority backgrounds. Sensitivity of the judiciary to those from minority or disabled groups or to those who are

unrepresented in court varied enormously across Scotland. Guidance and training on these issues was essential. A statement of the criteria should be published.

Lay involvement would assist in these issues being more fully taken into account. Mr McLeod pointed out it was quite likely a lay person might be legally qualified but not be representing the 'legal establishment'.

Chapter 4 – Aims of any alteration to the present procedures

Mr McLeod acknowledged it would be very difficult to narrow down lay involvement to just one or two representatives to encapsulate different views. There could be an informal advisory group or forum on which subject matter experts and interest groups sat and one of those experts could link into the process by being the 'lay' representative on the Judicial Appointments Board. At present, two lay members of the Sheriff Court Rules Council attend the Sheriff Court Users Group as observers. Through this mechanism, they are able to gain a broader understanding of non-legally qualified court users. An advisory group could act in an analogous manner to the judicial Appointments Board.

Mr McLeod suggested the Group could itself play a central role (from the civil law sector viewpoint) in the membership of such a forum alongside other organisation such as the Scottish Consumer Council, Scottish Human Rights Centre, Citizens' Advice Scotland and Money Advice Scotland. Nomination of the 'lay' person to sit on the Board could be decided by the Forum. There could be a criminal and civil law lay representative on the Board.

Whether or not a forum was established, Mr McLeod thought the lay positions on the Board should be advertised in the national press, and not just specialist legal journals. Mr McLeod did not see why judicial appointments should not be advertised. A pool of approved candidates could be available for the Board to consider when specific vacancies appeared.

Mr McLeod agreed, in principle, with the proposal to establish a Judicial Appointments Board and thought it should be established by statute.

Mr McLeod had no strong views on the size of the Board and acknowledged its membership would require to be weighted towards those legally qualified, provided there was some lay representation. Mr McLeod agreed with Mr Matheson's suggestion that there should be a percentage, perhaps 20%, of lay persons on the Board. Regardless of the total membership of the Board, it would guarantee a balance. Mr McLeod did not think that Ministers should be able to recommend an appointment of a person not initially considered by the Board.

Mr McLeod did not see why the Board should not present an annual as opposed to the proposed triennial report to Scottish Ministers, which would be presented to the Parliament.

Mr McLeod thought that the Board should be required to tell candidates whether or not they had been assessed as meeting the standard required to be appointed as a judge. If assessed as below that standard, candidates would have the opportunity to train in order to meet that standard. Mr McLeod saw it as important that training was

undertaken prior to appointment anyway. For example, criminal lawyers, suited to be appointed as a sheriff but with no civil practice experience, could receive appropriate training. Agencies within the Group would be happy to assist in that training.

Chapter 5 – Appointments of Sheriff Principals and Sheriffs

Mr McLeod thought that the Board should mount periodic recruitment exercises rather than on an ad hoc basis.

Candidates approved by the Board should remain eligible for appointment for a period no longer than 3 years, possibly only 1 year. This would depend on the frequency of recruitment exercises and take into account possible changing skills and experiences over time.

Chapter 6 – Management of Judicial Resources

In theory, Mr McLeod thought there should be a specific line management role for Sheriff Principals with the Sheriffs in their sherrifdom. In practice, this might be hard to achieve given the existing demands on sherriff principal's time and the logistical problems in sherrifdoms that cover a large geographical area.

He recommended a transparent complaints structure be introduced where it would be known who to go to in the event of a grievance. It would be wise if this was a named individual or body commonly known (possibly an individual within the Scottish Courts Service). The process for complaints would have to be two way, including feedback, otherwise it would be pointless.

There would be merit in introducing a Code of Judicial Conduct, provided there was some practical method of gauging whether or not criteria was being met. For example, the Sheriff Court Users' Charter was vague in parts, and although had good sounding concepts, required to be more specific and measurable. A public consultation period to consider a draft Code would be a good idea.

Chapter 7 – Temporary Judicial Appointments

Mr McLeod considered it desirable that the Board's role should extend to involvement in part-time shrieval appointments, as those appointed on a part time basis would be making decisions with the same implications as those appointed on a full time basis.

In relation to the use of retired judges, Mr McLeod saw this more as a training issue. If the system operated efficiently, there would no need for retired judges who have specific expertise to be recalled.

29 June 2000

FIONA GROVES

Justice and Home Affairs Committee
Scottish Parliament
Room 3.9
Committee Chambers
George IV Bridge
EDINBURGH EH99 1SP



Stalking and Harassment : Evidence of 7th June 2000

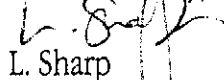
We were most interested to read the Official Report of the above meeting. At several points in the report there are references to consultation with Scottish Women's Aid (SWA). We have not, in fact, been consulted, nor had the opportunity to put our views to any Parliamentary Committee specifically on the matter of stalking and harassment.

This is something of an oversight in our view given the prevalence of harassment and stalking in relation to victims of domestic abuse; indeed the very nature of domestic abuse includes the continuing harassment of the victim. Scottish Women's Aid is the sole organisation in Scotland providing a unique service to those victims who most frequently experience harassment or stalking i.e. former partners. Moreover, the majority of non-harassment orders sought in Scotland since 1997 have been sought by victims of domestic abuse against their current or former partners. Further, over half the women murdered in Scotland are killed by their partners, many as we know, following a campaign of harassment or stalking. We believe the evidence taken by the Committee to date is incomplete and not representative of the views of other frontline organisations working directly with victims who have experienced harassment.

SWA would like to echo the concern expressed by Christine Graham during the proceedings (at Col.1359) about the necessity to take more evidence and give this area of law the consideration it merits. SWA (i.e. the network of 39 Women's Aid groups in Scotland) have clear views on the solution to the problem of stalking and this is based on the introduction of an explicit, but widely drawn, statutory offence. On this, we have the support of a number of organisations including the STUC, Rape Crisis Network, Zero Tolerance, EVA Project, Women's Aid Federations in England and Wales. Clearly these views are in opposition to the views expressed to the Committee so far which cannot, therefore, be taken to be widely representative.

We enclose our response to the recent consultation and a briefing provided to the Committee in September last year to inform a crime prevention debate. We trust this will give a sense of our views on the subject. However, this is not a replacement for giving evidence directly to the Committee.

Yours sincerely,



L. Sharp

National Legal Issues Worker

Norton Park, 57 Albion Road, Edinburgh EH7 5QY Tel: 0131 475 2372 Fax: 0131 475 2384

Scottish Women's Aid Company No. 128433. Registered in Edinburgh at Norton Park, 57 Albion Road, Edinburgh EH7 5QY
Recognised by the Inland Revenue in Scotland as an organisation with charitable status, which offers information, support and refuge to abused women and their children.

Scottish Women's Aid is the national office for Women's Aid in Scotland. We are a feminist organisation and we aim to end violence against women. With all affiliated local Women's Aid groups in Scotland, we exist to promote the interests of abused women and their children and provide an accessible and effective network and service. If you are not already a supporter, please help us by making a donation, or contact us for information about other ways of supporting our work.

Monday, June 19, 2000

Ms Roseanna Cunningham MSP
Convenor, Justice and Home Affairs Committee
The Scottish Parliament
George IV Bridge
EDINBURGH
EH99 1SP

Dear Ms Cunningham

Regulation of Investigatory Powers (Scotland) Bill
Regulation of Investigatory Powers Bill

I am writing to you in connection with these two pieces of legislation, which are currently being considered by the Justice and Home Affairs Committee of the Scottish Parliament and by the Westminster Parliament (House of Lords Committee Stage).

Of course I realise that the Scottish Bill is the only one which is directly being considered by your Committee, and that the Scottish Bill is similar in its terms and scope only to Part II of the UK legislation, dealing with provisions on surveillance and use of covert human intelligence sources. We are not primarily concerned with those provisions but Vodafone thought that it might be useful for your Committee if we highlighted some of the concerns that Vodafone has about the provisions contained in the UK legislation. It might be useful for your committee to be aware of some of the issues that are being debated in Westminster in relation to the UK legislation.

Our chief concerns about the UK Bill relate to Part I (Interception of Communications and the Acquisition and Disclosure of Communications Data) and Part III (Investigation of Electronic Data Protected by Encryption).

Part III of the UK Bill, contains provision for the introduction of a general power to require individuals or bodies to surrender information such as a decryption key. We have grave concerns about the potential harm of the key falling into the wrong hands. In our opinion, disclosure of the key in the first instance would make most industries feel their security has been compromised and this has implications for e-commerce, an environment where consumers require complete confidence in the security of service providers.

The disclosure of the decryption key was partially addressed in the House of Commons in Westminster by a requirement that there must be "special circumstances of the case"

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requiring disclosure of the key. However, it is not clear what these special circumstances will be.

In addition, Part I of the UK Bill, as presently worded, gives the UK Government powers to require interception of data and other communications which will require the commitment by communications service providers of a high level of expenditure on hardware, software and personnel.

The UK Government intends, once it has the powers in the Bill, to set out in secondary legislation what it believes to be a reasonable intercept capacity and to provide a detailed assessment of compliance costs based on those requirements and "will explain what contribution Government propose to make to these costs". Thus, the contribution to be offered by the Government to the costs remain unspecified.

By leaving the consideration of costs and industry views until after the Bill has been brought into force, the UK Government is failing to address whether the powers set out in the Bill are the most appropriate ones to achieve its purposes. Industry views on costs and the establishment of a reasonable intercept capability need to be taken into account before the Bill is implemented.

Therefore, in summary, in order to avoid stifling e-commerce in all parts of the UK including Scotland, and placing an unreasonable burden on industry, we consider it is essential that before the RIP is introduced:

- the UK Government takes into account the views of industry in relation to establishing what a reasonable intercept capability is and how much it should cost; and
- the UK Government makes a strong commitment to the aims of the RIP Bill by specifying in consultation with industry the amount of the contribution to be made by the Government towards these costs.

There are clear repercussions for commerce in Scotland in consequence of this legislation and while I realise that the matters raise questions concerning reserved powers, no doubt the Scottish Executive will be involved in the implementation, through executive devolution, of some of the provisions of the UK Bill about which we have concerns.

I have written to the Minister for Justice, Mr Jim Wallace, to ask if the Scottish Executive can raise these concerns with the UK Government.

In view of the fact that your Committee will be beginning its Stage 2 consideration of the Scottish Bill on 21 June, I thought it might be useful for you, as Convenor, and the other members of the Committee to be informed of one aspect of the wider debate taking place on the UK legislation. I have written to the other Committee members in similar terms.

I also attach, for your information only, the text of the speech by Lord McNally from the Lords Hansard on 12 June.



If you would like to explore any aspect of this letter in further detail, then please do not hesitate to contact me on 01635 676756.

Yours sincerely,

A handwritten signature in black ink that reads 'Claire Thwaites'. The signature is written in a cursive, flowing style.

Claire Thwaites
Government Relations Manager

Lord McNally: My Lords, I apologise for entering the Chamber a little late for what was obviously a well-prepared response to the opening remarks of the noble Lord, Lord Cope. This Bill seemed to start off as something of a "sleeper" in terms of public concern in that it went through the Commons stages without a great deal of public debate, although it was thoroughly dealt with in Committee in the other place. However, judging by my postbag and--dare I say it?--my e-mails, as well as comments in the editorial columns of the newspapers, there has been a growing concern since our Second Reading debate not just from civil rights lobbies, but increasingly from industry that this Bill is not good enough.

The Minister said that the Bill was "uncontroversial". That is a very generous comment for a Bill about which there is growing doubt as to whether it covers the relevant areas of technology. As I said, there is also increasing concern on the part of both industry and civil rights lobbies. The noble Lord, Lord Cope, was courteous enough to tell me what he planned to do; indeed, judging by the thoroughness of the Minister's reply, I think that the noble Lord may even have given him a nod and a wink in that respect.

Rather than go through the toil and the turmoil of a Committee stage which, if the Government's complacency remains, I fear will result in some defeats for them, would it not be better to take away the Bill and perhaps hold some public hearings and obtain some more expert advice on it? I believe that the Government are heading for the rocks if they do not realise that the warnings that have been given from some responsible quarters are valid. These are warnings from people who want pornographers, drug smugglers and others to be apprehended but who do not believe that some of the provisions in the Bill address those problems and, where they do, that they give the authorities far too many powers. There are real problems with the Bill. The Government should listen carefully to the wise advice of the noble Lord, Lord Cope, before we become embroiled in a Committee stage where I do not believe that we shall make much progress.



Justice Department
Criminal Justice Division

Saughton House
Broomhouse Drive
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Telephone: 0131-244 2832
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Your ref:
Our ref:

Date: 27 June 2000

Dear Consultee

THE REPORT OF THE MACLEAN COMMITTEE ON SERIOUS VIOLENT AND SEXUAL OFFENDERS

The MacLean Committee on Serious Violent and Sexual Offenders has presented its final report to Scottish Ministers. I am writing to invite your comments on the Committee's Recommendations. A copy of the Report is enclosed with this letter.

The MacLean Committee's Report

The Committee, chaired by the High Court Judge, Lord MacLean was a body of experts comprising members of the judiciary and representatives of the legal profession; the prison service; the police; social work; forensic psychiatry; clinical psychology; psychotherapy and the voluntary sector. It was appointed on 19 March 1999, by the then Scottish Office Home Affairs Minister, Henry McLeish. Its remit was:

"To consider experience in Scotland and elsewhere and to make proposals for the sentencing disposals for, and the future management and treatment of serious sexual and violent offenders who may present a continuing danger to the public, in particular:

- to consider whether the current legislative framework matches the present level of knowledge of the subject, provides the courts with an appropriate range of options and affords the general public adequate protection from these offenders;
- to compare practice, diagnosis and treatment with that elsewhere, to build on current expertise and research to inform the development of a medical protocol to respond to the needs of personality disordered offenders;
- to specify the services required by this group of offenders and the means of delivery;
- to consider the question of release/discharge into the community and service needs in the community for supervising those offenders."

JR00126.006



WORK IN PEOPLE



The MacLean Committee has therefore been working for the past 15 months to establish the best way to deal with the relatively small but very difficult group of serious violent and sexual offenders who present a continuing risk to the public.

The Consultation Process

The Scottish Executive is committed to public safety and to effective controls on those offenders who pose an ongoing danger to others. Scottish Ministers warmly welcome the Committee's Report and now want to consider the recommendations in detail and move promptly towards implementation. As part of this process, Scottish Ministers would welcome the views of all other interested parties. The Report is also being brought to the attention of the Millan Committee which is currently reviewing mental health legislation.

The Committee's report proposes a new framework for the sentencing and treatment of such offenders. The MacLean Committee's recommendations, if implemented in full, would fundamentally change the way in which we in Scotland manage serious violent and sexual offenders. Scottish Ministers would welcome your views both on the broad proposals and on the individual recommendations. In particular they would be interested in your views on:

- The general approach to the sentencing and treatment of serious violent and sexual offenders. In particular, the focus on "risk" as the key factor in determining whether someone should be managed under the scope of its recommendations;
- The recommendation for a new sentence of an Order for Lifelong Restriction;
- The recommendations for a new authority for the management of serious offenders, the Risk Management Authority;
- The recommendations on risk assessment;
- The recommendations on the management of offenders in the prison system and the community
- The recommendations on personality disorder;
- The recommendations on mentally disordered offenders;
- The resource implications of the new proposals.

Please send comments by Friday, 29 September 2000:

The MacLean Committee Consultation
Alison Bell
Criminal Justice Branch 1 Spur W1(D)
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

Or email to: macleancommittee@scotland.gov.uk

The Scottish Executive will adopt its normal practice and make comments available publicly unless commentators request otherwise.

JR00126.006



• This letter, and the report, are available on the MacLean Committee website:
www.scotland.gov.uk/maclean

Yours sincerely,

JANE RICHARDSON

JR00126.006



The
**Scottish
Parliament**

Justice and Home Affairs Committee
From: the Convener, Roseanna Cunningham MSP

Committee Chambers
George IV Bridge
EDINBURGH EH99 1SP
Tel (clerk): 0131 348 5206
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Louise Sharp
National Legal Issues Worker
Scottish Women's Aid
Norton Park
57 Albion Road
EDINBURGH
EH7 5QY

28 June 2000

Dear Ms Sharp,

Stalking and Harassment consultation

Thank you for your letter of 15 June, in which you express concern about the fact that the Committee did not take evidence from your organisation in preparing its response to the above.

As you may be aware, the Justice and Home Affairs Committee has been extremely busy during the past few months, mostly with Executive legislation. It has not been easy, therefore, for it to make time available for consideration of issues considered to be important by members, such as stalking and harassment. Recognising this, the Committee agreed at its meeting on 29 March to appoint Pauline McNeill as Reporter to develop a response on behalf of the Committee to the Executive consultation paper. Although the Committee would have preferred to invite witnesses to address the whole Committee on the subject, there was insufficient time available during Committee meetings to make this possible. In the circumstances, therefore, appointing a Reporter was the only practical option available. This approach has also been adopted in relation to the Executive's consultation on judicial appointments.

The Reporter held meetings with the Law Society of Scotland, Greater Easterhouse Women's Aid, and the Scottish Police Federation (SPF). When additional time became available at its meeting on 7 June, the Committee was able to take evidence from Victim Support Scotland.

In your letter, you note that, in the Official Report of that meeting, there are various references to consultation with Scottish Women's Aid. These references were in fact to the meeting the Reporter held with Greater Easterhouse Women's Aid. I understand that Pauline did try to set up a meeting with your organisation, but

unfortunately this could not be arranged within the time-scales available. It was, however, very useful to receive a copy of your consultation response, a copy of which was available to members at the time they considered their draft response.

I think the whole Committee would have preferred to have had more time to consider this important issue, and to take evidence from a wider range of witnesses. However, as I have explained, this was not possible in the circumstances. In any case, it must always be, at the end of the day, for the Committee decide whom to invite on any particular subject.

I enclose a copy of the Committee's response to the consultation for your information.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Roseanna Cunningham', written in a cursive style.

ROSEANNA CUNNINGHAM MSP
Convener



JUSTICE AND HOME AFFAIRS COMMITTEE

MINUTES

24th Meeting, 2000 (Session 1)

Tuesday 27 June 2000

Present:

Scott Barrie
Phil Gallie
Maureen Macmillan
Mrs Lyndsay McIntosh
Euan Robson

Roseanna Cunningham (Convener)
Gordon Jackson (Deputy Convener)
Michael Matheson
Pauline McNeill

Also present: Angus MacKay, Deputy Minister for Justice.

The meeting opened at 9.32 am.

1. **Item in private:** The Committee agreed to take item 3 in private.
2. **Bail, Judicial Appointments etc. (Scotland) Bill:** The Committee considered the Bill at Stage 2.

The following amendments were agreed to (without division): 4, 13, 17, 18, 19, 20, 23, 27, 37, 38, 39, 42, 50, 55, 57, 59, 60 and 62.

The following amendments were disagreed to (by division)—

2 (For 1, Against 7, Abstentions 0)

3 (For 2, Against 7, Abstentions 0)

5 (For 4, Against 5, Abstentions 0)

Amendments 1, 7, 8, 11, 12, 15, 16, 26 and 47 were moved, and with the agreement of the Committee, withdrawn.

Other amendments were not moved or pre-empted.

Sections 1, 2, 3, 4, 5, 9, 10, 11 and 12 were agreed to without amendment.

Sections 6, 7 and 8, the schedule and the long title were agreed to as amended.

3. **Annual Report (in private):** The Committee considered and agreed to a draft Committee Annual Report.

The meeting was closed at 11.38 am.

Andrew Mylne
Clerk to the Committee

JUSTICE AND HOME AFFAIRS COMMITTEE

Judicial Appointments Consultation

Meeting between the Reporter and Scottish Human Rights Centre, 13 June 2000

Note by the Assistant Clerk

Present:

John Scott, Solicitor, Chair of Scottish Human Rights Centre
Michael Matheson MSP
Fiona Groves, Assistant Clerk

Introduction

The Scottish Executive issued a consultation paper on *Judicial Appointments* on 20 April 2000, inviting responses to be submitted by 31 July 2000. At its meeting on 26 April, the Committee agreed to appoint Michael Matheson as Reporter to consider the issues raised in the consultation paper. This note gives a summary of points made by John Scott, who was representing the views of the Scottish Human Rights Centre.

The Scottish Human Rights Centre is a campaigning organisation, membership of which includes affiliated organisations. The Centre operates through an Executive Committee.

Comments on Scottish Executive Consultation Paper

Chapter 2 – Present arrangements

Mr Scott thought that, even if the changes proposed were put in place, the composition of the judiciary would not be altered to any significant degree in the near future. The biggest problem was the low proportion of women and members of ethnic minorities.

Although the legal profession and law students were becoming more representative of society in general, it would inevitably still be a considerable time before this was reflected in the judiciary. The consultation paper would miss an important point if it neglected those who would become the judiciary of the future.

Mr Scott recognised that people should not be appointed in order to make the judiciary more representative of society, but believed progress towards that goal could be accelerated, without positive discrimination, by ensuring that sufficiently able women QCs were appointed as judges.

An example that could be considered was the system in the Netherlands, where 50% of the judiciary was now recruited from recent graduates. This could allow an earlier increase in the number of women on the bench.

Chapter 3 – What we require of our judiciary

As most members of the judiciary did not have an academic background, Mr Scott was concerned about judges remaining up-to-date in their knowledge of the law. This was especially important at present, given the need to consider law from other jurisdictions.

The criteria for appointment other than legal qualifications should be published.

Chapter 4 – Aims of any alteration to present procedures

Mr Scott thought that vacancies for Supreme Court judges should be advertised.

He wanted to see a Board established on a statutory basis. The actual size of the Board was less important so long as its membership commanded respect and authority. He thought that the Board should be larger when appointing sheriffs, as there would inevitably be more shrieval appointments to make. Membership of the Board should be for a fixed term of 3-5 years, perhaps to fit in with the life of the Parliament.

In appointing lay members of the Board, consideration should be given to female applicants and those from ethnic minorities. An example of an appropriate lay member could be the Commissioner for Racial Equality. A lawyer from an academic background would be useful to assess the up-to-date legal knowledge of candidates.

The most convincing and effective route of appointment would be for the Board to recommend appointments to Ministers who would then have to submit them to the Parliament for approval. Ministers should not be able to recommend appointment of a person not initially considered by the Board. A report by the Board should be laid before the Parliament at least every three years.

A recruitment process that was completely confidential would not, in Mr Scott's view, be sufficiently open or transparent. The Board should tell candidates whether or not they had been assessed as meeting the required standard, and publish the list of results to ensure credibility of the process. Each candidate could be told (confidentially) why they did not meet the required standard. The general criteria expected could be published in reports by the Board.

Chapter 5 – Appointment of sheriffs principal and sheriffs

Mr Scott thought there should be a recruitment process perhaps every 3 years to establish a pool of approved candidates for shrieval appointments for when vacancies arose. This would provide cover for when there were many vacancies arising at one time and allow for other periods where there were few vacancies.

Chapter 6 – Management of judicial resources

Mr Scott thought sheriffs principal should take a bigger managerial role. Across Scotland, different sheriffs principal took different approaches to such matters, some having a more proactive managerial role than others.

There would be merit in preparing a Code of Judicial Conduct. Such a Code would be of particular use to sheriffs principal who had managerial problems with individual sheriffs. At present, there was little to be done where sheriffs, for example, refused to sit on the bench before 11 am or refused to produce reports timeously.

The Code should include reference to attitude. Through professional development training, the judiciary should be made more aware of the importance of attitude – for example, the need to intervene in a case where special facilities were required but had not been provided. Members of the judiciary should also be required to register relevant interests, for example their membership of organisations. Mr Scott did not wish to see such interests necessarily preventing a judge or sheriff hearing cases to which those interests might be relevant, but registration would help prevent any suggestion being made of judicial bias. The courts were required to recognise human rights issues, including the perceived impartiality of the judiciary. In the light of the Pinochet case, it would probably be wise for judges to declare interests.

Chapter 7 – Temporary judicial appointments

If the reasons why appointments were made was specified openly, Mr Scott saw no reason why temporary appointments to the judiciary should not occasionally be made. It would be important to be able to assess whether or not permanent appointments were required. Retired judges were a useful resource in this context.

30 June 2000

FIONA GROVES

JUSTICE AND HOME AFFAIRS COMMITTEE

Judicial Appointments Consultation

Meeting between the Reporter and the Faculty of Advocates, 20 June 2000

Note by the Assistant Clerk

Present:

Neil Brailsford, Treasurer, Faculty of Advocates
Michael Matheson MSP
Fiona Groves, Assistant Clerk

Introduction

The Scottish Executive issued a consultation paper on *Judicial Appointments* on 20 April 2000, inviting responses to be submitted by 31 July 2000. At its meeting on 26 April, the Committee agreed to appoint Michael Matheson as Reporter to consider the issues raised in the consultation paper. This note gives a summary of points made by Neil Brailsford, who spoke in his capacity as the Convener of the relevant Faculty of Advocates' Committee established to examine the Consultation Paper. However, Mr Brailsford stated that his views were not necessarily those of either the Committee or Faculty, as the Committee's response had not yet been formalised and thereafter had to be approved by the Faculty's Council.

Comments on Scottish Executive Consultation Paper

Chapter 2 – Present arrangements

Mr Brailsford had no objection to changes to the system in principle although believed the judiciary had served Scotland well.

Chapter 3 – What we require of our judiciary

It was hoped the high quality of the judiciary and the status in which it is held in Scotland would be preserved by any changes.

In addition to appropriate legal qualifications, criteria for appointment should include integrity, independence and impartiality. A statement of such criteria should be published.

Issues of gender and ethnic minorities had not been specifically addressed by the Faculty Committee. Mr Brailsford saw these factors as political problems and, provided judges had the requisite capacities and personal qualities, their background should not be a determining factor either way. Mr Brailsford pointed out that within 10 years or so, the gender issue would not be a concern as the legal profession was now at least 50% female. In order to be truly representative of society, there would require to be a quota system, which would be contrary to appointment solely on the basis of ability.

Chapter 4 – Aims of any alteration to present procedures

Mr Brailsford thought there should be absolute privacy at all stages of the appointments process as otherwise applicants' legal practice might be adversely affected. Candidates might not wish their practice/chambers to know they were interested in becoming members of the judiciary.

In relation to recruitment to the Court of Session, Mr Brailsford said that the Faculty Committee had not reached a consensus about the process of application. It was recognised that advertising in a professional journal was the most transparent way of seeking applicants, provided applications were private. However, having this procedure alone might deter certain candidates coming forward on their own initiative. Some candidates would not wish it to be known they had put their names forward and being found unsuitable would be detrimental to their legal practice. Thus, it would be desirable also to allow for persons to be nominated by the Faculty, the Law Society of Scotland, the current judiciary or the Board itself. Mr Brailsford had no difficulty with the Scottish Ministers being given the ability to nominate persons but thought this might have ECHR implications.

At present, recruitment of sheriffs was routinely conducted through adverts in the national press. However, in addition, the Lord Advocate still had power to put names forward.

Mr Brailsford supported in principle the establishment of a Judicial Appointments Board. Such a Board should be established under statute but he recognised it was more difficult to adjust a statutory body than an administrative one.

Mr Brailsford agreed that candidates should not be subject to 'testing' by the Scottish Parliament prior to appointment.

The Board should be small in size but should include—

- a representative of the Court of Session bench – possibly the Lord President or Lord President's nominee;
- the Faculty of Advocates – the Dean or his nominee; and
- the Law Society of Scotland – the President or his nominee.

The legally qualified members should have experience of Court of Session work. Mr Brailsford believed legally qualified persons should form the majority of the Board's membership, as they would be required to assess the legal ability of candidates. He accepted that a lay person was required to promote transparency.

Irrespective of the actual size of the Board, there should be one or two lay members, who should be persons 'of standing in society'. A serving civil servant would be an inappropriate choice as there are many cases in court driven by the Executive. However, retired civil servants, former MPs or MSPs or chancellors of universities might be among those regarded as suitable. The Head of the Commission for Racial Equality could be a suitable lay person, not necessarily as a result of being representative of ethnic minorities but due to public service in Scotland.

The Board should meet in private. Mr Brailsford agreed the Board should present a triennial report to Ministers, which should be laid before the Scottish Parliament.

Mr Brailsford had no strong views about whether candidates should be told whether or not they had met the required standard. It might be helpful to allow candidates to know if they were never going to reach that standard and at the same time give able candidates the opportunity to address any issues which would enable them to meet the standard in the future.

He did not think the list of candidates assessed as meeting the required standard should be published, for reasons already given.

Chapter 5 – Appointment of Sheriffs Principal and Sheriffs

Mr Brailsford thought there was more merit in having periodic recruitment exercises for the shrieval bench than for judges. A pool of approved candidates would be useful for the former also as there were far more sheriffs appointed than judges annually. In relation to judges, a pool would not be necessary as there were fewer candidates and fewer judges required.

Chapter 6 – Management of Judicial Resources

Mr Brailsford had no strong views on the issue of management of the judiciary. In order to preserve judicial independence, any managerial involvement required sufficient flexibility to avoid sheriffs principal overstating any managerial role. However, it was right that sheriffs principal should have a mechanism to deal with sheriffs who were not performing adequately.

There would be merit in preparing a Code of Judicial Conduct as this would not affect judicial independence. Given that judicial appointments involve vesting people with considerable power and flexibility, there was no harm in making them aware of their responsibilities.

Chapter 7 – Temporary Judicial Appointments

There was no reason why the Board's role should not extend to consideration of applicants for any future part-time shrieval appointments.

The use of retired judges was useful on an 'as and when' basis, assuming that the retired judges in question had performed satisfactorily for a requisite number of years.

International comparisons

Mr Brailsford did not regard any of the judicial systems in Annexe D of the consultation paper as being directly comparable with Scotland. Scotland did not have a career judiciary as in the Netherlands. The United States and Canada were federal systems. In England, the Lord Chancellor's Department was different from the Lord Advocate's Department in Scotland. The most constructive comparison would be with the Republic of Ireland.

3 July 2000

FIONA GROVES

JUSTICE AND HOME AFFAIRS COMMITTEE

Provisional Forward Programme

Note by the Senior Assistant Clerk

Attached below is a list of items for consideration by the Committee after the summer recess, together with a suggested provisional programme. The list incorporates legislative work which the Committee is required to complete within certain timescales (set by the Parliament in Business Motions), as well as items which the Committee has identified as priorities for future business. Items have only been allocated to particular dates where there are particular reasons identifiable at this stage for doing so; the intention is to assign other items from the list to particular dates in due course.

The purpose of circulating this note now is to allow the Committee to consider options for its programme of meetings after the recess. On the basis of the decisions the Committee makes now, the clerks will be able to take forward, during the summer recess, further planning of agendas for meetings in September and October. The clerks' aim is to allow the Committee to plan its work further ahead than has been possible over the past few months. However, it is recognised that any future programme must include sufficient flexibility to allow for unforeseen circumstances and to permit the inclusion of new petitions, statutory instruments etc. as required.

Bills

The Committee is required to complete Stage 1 of the Leasehold Casualties (Scotland) Bill by the end of October, and Stage 2 of the Abolition of Poindings and Warrant Sales Bill by 29 September. The Committee is also required to report to the Rural Affairs Committee (which is the lead committee) on the law enforcement aspects of the Protection of Wild Mammals (Scotland) Bill. That Committee has not yet begun its substantive Stage 1 inquiry, and does not expect to finalise a Stage 1 report before the October recess.

The latest information from the Executive is that the Land Reform Bill and Title Conditions Bill are now not likely to be introduced until early 2001.

- Indications of likely Stage 1 witnesses on Leasehold Casualties would be useful. These should include Adam Ingram MSP (member in charge of the Bill), the Executive, and the Scottish Law Commission (which produced the report and draft Bill on which the present Bill is based). Other possible witnesses (none of whom has yet been approached) include Brian Hamilton (the so-called "raider of the lost titles"), and the Law Society of Scotland.
- Given the technical complexity of the Bill, the Committee might find it useful if an informal briefing was arranged – perhaps with Executive officials or other experts – on the background to the Bill, in advance of any formal meeting to take evidence on the policy. If that is agreed now, the clerks could try to arrange such a session during the recess.

- Indications of likely Stage 1 witnesses on the Protection of Wild Mammals Bill would be useful. Given the narrow remit the Committee has been given, these might be limited to the Countryside Alliance and the Scottish Campaign Against Hunting with Dogs, plus perhaps the Law Society of Scotland and/or the police. It would be explained to any such witness (and none has so far been approached) that evidence will be restricted to the issue of whether the penalties to be imposed and the enforcement procedures proposed by the Bill are appropriate and workable (it is not this Committee's role to consider the case for or against hunting as such).
- Only three amendments to the Abolition of Poindings and Warrant Sales Bill have so far been lodged. It is therefore anticipated that Stage 2 could be completed within one meeting.

Budget process

The Committee's work so far on the Executive's budget proposals for 2001-02 was the 1st stage in what is a 3-stage process. The 2nd stage also involves the subject committees and runs from 20 September to the end of November. At this stage, the committees are required to scrutinise Executive "draft Budget package" which should add more detailed breakdowns to the figures published in *Investing in You*. It is not expected that this will require more than one or two meetings of the Committee. Again, subject committees report to the Finance Committee, which reports to the Parliament. (The 3rd Stage, which takes place early in the New Year, involves consideration of the Executive's Budget Bill.)

Consultations

The report of the MacLean Committee on serious violent and sexual offenders has now been published and the Minister for Justice has invited the Committee to respond to the Executive's consultation on the report's conclusions (see separate letter in this circulation). Responses are invited by 29 September.

- The Committee is invited to indicate whether it would wish to respond to the consultation and, if so, how it would wish to take this forward. Given the other pressures on the Committee's time, one option would be to appoint a Reporter to meet interested individuals and bodies and prepare a draft consultation response for the Committee to consider. If that option is favoured, it would be useful if the Committee appointed a Reporter before the recess so that he or she could begin work during the recess.

The Millan Committee report on the review of the Mental Health (Scotland) Act 1984 is expected to report in July. The Committee may wish to find time after the recess to consider and perhaps take evidence on the Committee's conclusions.

- The consultation paper on the establishment of a Scottish Human Rights Commission is likely to be issued in early November. SPICe researchers have suggested that it would be useful to take evidence from the Chief Commissioner of the Northern Irish Human Rights Commission. The Committee is invited to consider whether it would wish to hear from other witnesses on this issue, or indeed, to appoint a reporter to investigate the issues.

The Executive is expected to publish a consultation paper on Family Law shortly after the summer recess.

New inquiries

The Committee's agreed first priority for its own inquiry is on legal aid and access to justice. As this is a large and complex subject, it will be necessary to establish an appropriate remit in order to ensure that the inquiry remains focussed and manageable.

- The Committee is invited to agree to have a discussion soon after the recess to consider the remit and likely witnesses for the inquiry. If this is agreed now, the clerks could conduct some initial research, together with SPICe, during the recess, into options for the Committee to consider at that meeting. It might also be possible to arrange an informal briefing session for members in advance of that meeting.

Meetings until the autumn recess

All details are provisional at this stage, but are included to give an indication of the likely pattern of business. Members are advised to note dates and times in their diaries.

Wednesday 6 September, 9.30 am (room to be confirmed)

Taking stock – evidence from the Minister for Justice

Consideration of a draft report on domestic violence

Legal Aid Inquiry – consideration of remit, possible witnesses, etc.

Monday 11 September, 2pm, **Glasgow, City Chambers (note venue)**

Leasehold Casualties Bill – Stage 1 evidence

Clive Fairweather, HM Chief Inspector of Prisons in Scotland – evidence on SPS Annual Report/Estates Review (agreed in principle)

Tuesday 19 September, 9.30am, Chamber

Abolition of Poidings and Warrant Sales Bill – Stage 2 (likely to take only 1 day)

Wednesday 27 September, 9.30am, CR3

Budget process 2001-02 (2nd Stage) – evidence from Minister and officials

Tuesday 3 October, 9.30am, Chamber

Leasehold Casualties Bill – Stage 1 evidence

Budget process 2001-02 (2nd Stage)

Autumn recess (9 October – 22 October)

Meetings after the autumn recess

Members are advised to note the following dates and times in their diaries.

Monday 23 October, 2pm, **Stirling (note venue)**

Draft Stage 1 report on Leasehold Casualties Bill

Tuesday 31 October, 9.30am, Chamber

Wednesday 8 November, 9.30am, CR3

Tuesday 14 November, 9.30am, Chamber

Wednesday 22 November, 9.30am, Chamber

Tuesday 28 November, 9.30am, Chamber

Wednesday 6 December, 9.30am, CR3

Tuesday 12 December, 9.30am, Chamber

Wednesday 20 December, 9.30am, Chamber

Winter recess (21 December – 7 January)