



**JUSTICE AND HOME AFFAIRS COMMITTEE**

**AGENDA**

**27th Meeting, 2000 (Session 1)**

**Monday 11 September 2000**

The Committee will meet at 2.00 pm, Committee Room 8, City Chambers, George Square, Glasgow.

**1. Abolition of Poindings and Warrant Sales Bill – Order of consideration:** The Convener to move (S1M-1151)—That the Committee consider the Abolition of Poindings and Warrant Sales Bill at Stage 2 in the following order: section 1, the schedule, sections 2 and 3, long title.

**2. Scottish Prisons:** The Committee will take evidence on Her Majesty's Chief Inspector of Prisons for Scotland Report for 1999-2000 from—

Clive Fairweather, Chief Inspector of Prisons for Scotland; Eric Fairbairn, Deputy Chief Inspector, and Brian Henaghen, Staff Officer.

**3. Leasehold Casualties (Scotland) Bill:** The Committee will take evidence at Stage 1 from—

Adam Ingram MSP;

Professor Robert Rennie, Law Society of Scotland.

**4. Subordinate Legislation:** The Committee will consider the following negative instrument—

The Human Rights Act 1998 (Jurisdiction) (Scotland) Rules 2000 (SSI 2000/301)

Andrew Mylne  
Clerk to the Committee, Tel 85206

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

Agenda item 2

Opening statement by the Chief Inspector (private paper – members only)

JH/00/27/2

Agenda item 4

Note by the Senior Assistant Clerk (copy of SSI attached)

JH/00/27/1

**Papers not circulated:**

Members are reminded to bring with them:

- HM Chief Inspector of Prisons for Scotland Report for 1999-2000 (circulated for the 26th meeting)
- the Leasehold Casualties (Scotland) Bill (SP Bill 15) and accompanying documents (SP Bill 15-EN)

JUSTICE AND HOME AFFAIRS COMMITTEE

**Papers for information circulated for the 27th meeting, 2000**

Map of Glasgow City Centre showing location of Glasgow City Chambers

Extracts from the *Herald* and *Courier* on Scottish prisons and stalking

Minutes of the 26th Meeting, 2000

JH/00/26/M

**JUSTICE AND HOME AFFAIRS COMMITTEE**

**The Human Rights Act 1998 (Jurisdiction) (Scotland) Rules 2000, SSI 2000/301**

Note by the Senior Assistant Clerk

Background

The purpose of this instrument is to define, in so far as not already defined in the Human Rights Act 1998 and other primary legislation, the jurisdiction of the Scottish Civil Courts and tribunals to determine issues concerning Convention rights.

Section 7(1)(a) of the Act states that a person who claims that a public authority has acted (or proposes to act) in a way which is incompatible with a Convention right may bring proceedings against the authority under the Act in the appropriate court or tribunal. This instrument specifies that such issues may be determined by any civil court or tribunal which has jurisdiction to grant the remedy sought.

Section 9(1) of the Act states that proceedings under section 7(1)(a) in respect of a judicial act may be brought only (a) by exercising right of appeal; (b) on a petition for judicial review, or (c) in such other forum as may be prescribed by the rules. This instrument provides that, for the purposes of section 9(1)(c), proceedings in respect of a judicial act may be brought in the Court of Session where there is no recourse by appeal or judicial review.

Procedure

The Rules 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.

Unless a motion for annulment is lodged, no further action by the Committee is required.

30 AUGUST 2000

ALISON E TAYLOR



## JUSTICE AND HOME AFFAIRS COMMITTEE

### MINUTES

**26th Meeting, 2000 (Session 1)**

**Wednesday 6 September 2000**

Present:

Scott Barrie  
Phil Gallie  
Gordon Jackson (Deputy Convener)  
Maureen Macmillan  
Mrs Lyndsay McIntosh  
Euan Robson

Roseanna Cunningham (Convener)  
Christine Grahame  
Kate MacLean  
Michael Matheson  
Pauline McNeill

The meeting opened at 9.36 am.

- 1. Minister and Deputy Minister for Justice:** The Committee took evidence on progress to date and future plans of the Scottish Executive Justice Department from—

Jim Wallace MSP, Minister for Justice; and

Angus MacKay, Deputy Minister for Justice.

- 2. Domestic Violence:** The Reporter, Maureen Macmillan, recommended that the proposed Protection from Abuse Bill, rather than providing for the attachment of a power of arrest to an interdict granted to a victim of abuse, as the Committee had earlier agreed, should provide that breach of such an interdict should be a criminal offence. After debate, the Committee decided in favour of the earlier proposal. The Reporter would report to the Committee in due course on the outcome of her forthcoming meeting on the subject with the Minister for Justice.
- 3. Legal Aid Inquiry:** The Committee agreed in principle to appoint an Adviser to assist the Committee in its forthcoming inquiry into legal aid and access to justice, and agreed the specification for that appointment set out in paper JH/00/26/3.

- 4. Petition:** The Committee considered petition PE116 by Mr James Strang. It agreed to invite written evidence from the Scottish Human Rights Centre and then to refer any such evidence and the petition to the Crown Office.

The meeting closed at 12.07 pm.

Andrew Mylne, Clerk to the Committee