



JUSTICE AND HOME AFFAIRS COMMITTEE

AGENDA

35th Meeting, 2000 (Session 1)

Tuesday 28 November 2000

The Committee will meet at 9.30 am in Committee Room 2, Committee Chambers, George IV Bridge, Edinburgh (**Note: change of venue**)

1. **Subordinate legislation:** Iain Gray (Deputy Minister for Justice) to move (S1M-1339)—

Mr Jim Wallace: The Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc. (No.2) Order 2000—That the Justice and Home Affairs Committee recommends that the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) (No. 2) Order 2000 be approved.

2. **European documents:** The Committee will consider the following European documents—

972: Initiative by the Federal Republic of Germany for a Framework Decision on criminal law protection against fraudulent or unfair anti-competitive conduct in relation to the award of public contracts in the common market;

1600: Revised draft Framework Decision on the standing of victims in criminal procedure (formerly 1190).

1224: Note from the incoming Presidency on a programme of measures to implement the principle of mutual recognition of decisions in criminal matters;

1259: Communication from Portugal, France, Sweden and Belgium seeking the adoption by the Council of a Decision setting up a provisional judicial co-operation unit (EUROJUST 5);

1260: Communication from Portugal, France, Sweden and Belgium seeking the adoption by the Council of two Decisions, one setting up a provisional co-operation unit and the other setting up EUROJUST with a view to reinforcing the fight against serious organised crime (EUROJUST 6);

1385: Communication from Portugal, France, Sweden and Belgium seeking the adoption by the Council of a Decisions to establish EUROJUST with a view to reinforcing the fight against serious organised crime (EUROJUST 8);

1300: Commission Communication on mutual recognition of final decisions in criminal matters;

1390: Proposed Council Regulation extending the programme of incentives and exchanges for legal practitioners in the area of civil law (Grotius – civil).

3. **Visit to courts in Glasgow:** Members will report on a visit to the courts in Glasgow organised by the Glasgow Bar Association.
4. **Delegate for European visit:** The Committee will choose a member to represent the Committee on a study visit to the European Parliament.

Andrew Mylne
Clerk to the Committee, Tel 85206

The following papers are attached for this meeting:

Agenda item 1

Note by the Assistant Clerk (SSI attached) JH/00/35/2

Agenda item 2

Response from the Law Society of Scotland re: European Draft Framework on Victims JH/00/35/1

Note by the Clerk to the European Committee – TO FOLLOW JH/00/35/4

Note by the Senior Assistant Clerk on document 972 JH/00/35/5

Note by the Senior Assistant Clerk on document 1600 (European document attached) JH/00/35/6

Note by the Senior Assistant Clerk on documents 1224, 1259, 1260, 1385, 1300 and 1390 – TO FOLLOW JH/00/35/7

Agenda item 3

Correspondence between the Convener and the Sheriff Principal of Glasgow and Strathkelvin about the visit (**private papers – members only**) JH/00/35/3

Agenda item 4

Note by the Clerk JH/00/35/8

Papers not circulated:Agenda item 2

Members should bring with them Notes by the Senior Assistant Clerk and European Documents 972 and 1190 which were circulated for the 34th meeting on 20 November (JH/00/34/2 and JH/00/34/3 – incorrectly numbered in that circulation as 33/2 and 33/3).

Legal Aid Briefing:

Members are reminded that there will be an informal briefing on legal aid immediately after the above Committee meeting. The briefing will not be part of the meeting, and no Minutes or Official Report of it will be produced.

The briefing will be attended by officials from the Scottish Legal Aid Board and the Scottish Executive Justice Department. The aim is to allow these officials to explain some of the relevant law and procedure associated with the legal aid system, and to allow members to ask questions on the structural and practical aspects of the system. There will be a separate opportunity to take oral evidence from SLAB and the Executive during the course of the inquiry.

The briefing will take place in Committee Room 2. It is expected to last for around an hour to an hour and a half, depending on when the Committee meeting ends.

JUSTICE AND HOME AFFAIRS COMMITTEE

Papers for information circulated for the 35th meeting, 2000

Note by the Clerk on changes to the clerking team (members only)

Note by the Clerk on possible meeting on 18 December (members only)

Written Answer (S1W-8474) on Scottish Courts budget

Extracts from the *Press and Journal* on prisons, from the *Scotsman* on legal aid for tribunals, from the *Daily Express* on the proposed Protection from Abuse Bill, and from the *Herald* on a proposed criminal law code

Minutes of the 34th Meeting, 2000

JH/00/34/M

Subordinate legislation:

The following SSIs have been referred to the Committee and are expected to be considered at the meeting on Tuesday 12 December:

- The draft Advice and Assistance (Assistance by Way of Representation) (Scotland) Amendment Regulations 2001;
- The Advice and Assistance (Scotland) Amendment (No 2) Regulations 2000 (SSI 2000/339)

Both instruments relate to the Executive's proposals to make "assistance by way of representation" (ABWOR) to be made available for employment tribunals.

Prisons

Copies of HM Prisons Inspectorate intermediate inspection of HMP Barlinnie (6-7 November 2000) have been sent to the Clerks. Copies will be sent to members who attended the visit. A further copy is available for consultation from the Clerks.

Executive documents:

Members may wish to note that a Statistical Bulletin (Criminal Justice Series) on Prison Statistics Scotland, 1999 (CrJ/2000/7) is now available from the Document Supply Centre.

The Clerk has received copies of the following publications of the Scottish Executive Central Research Unit:

- *Solicitor Advocates in Scotland: A Statistical Analysis*, research report;

- *Solicitor Advocates in Scotland: A Statistical Analysis*, Legal Studies Research Findings No. 32
- *Solicitor Advocates in Scotland: The Impact on Clients*, research report;
- *Solicitor Advocates in Scotland: The Impact on Clients*, Legal Studies Research Findings No. 33
- *Solicitor Advocates in Scotland: The Impact on the Legal Profession*, research report;
- *Solicitor Advocates in Scotland: The Impact on the Legal Profession*, Legal Studies Research Findings No. 34
- *Solicitor Advocates in Scotland: A Research Overview*, Legal Studies Research Findings No. 35

These documents are available for inspection in Room 3.2 CC. Copies may also be obtained on the Scottish Executive website (www.scotland.gov.uk) or from the Document Supply Centre.