SOCIAL JUSTICE COMMITTEE

AGENDA

13th Meeting, 2002 (Session 1)

Wednesday 26 June 2002

The Committee will meet at 10.00 am in the Chamber, Assembly Hall, The Mound, Edinburgh

1. **Items in private:** The Committee will consider whether to take items 6, 7 and 8 in private

2. **Items in private:** The Committee will consider whether to take items at future meetings on the draft report at Stage 1 of the Debt Arrangement and Attachment (Scotland) Bill in private

3. **Debt Arrangement and Attachment (Scotland) Bill:** The Committee will consider issues arising from oral evidence

4. **Petition PE373:** The Committee will consider petition PE373 calling for the Scottish Parliament to amend the current legislation with regard to the issue of summary warrants by Sheriffs to local authorities, insofar as this relates to the rights of alleged debtors to reply or make comment before a warrant is issued

5. **Consultation on the Legislative proposals contained in the Homelessness Task Force final report:** The Committee will consider its approach

6. **Housing (Scotland) Act 2001 – Guidance on Homelessness Strategies and Homelessness Advice and Information:** The Committee will consider its response to the Scottish Executive consultation

7. **Draft Annual Report:** The Committee will consider its draft annual report for the Parliamentary year 12 May 2001 to 11 May 2002

8. **Communities Against Poverty (CAP) - Older People and Poverty:** The Committee will consider its response to the meeting held with CAP on 8 May 2002
The following papers relate to the meeting:

**Agenda Item 3**
SJ/02/13/3 - Paper by the Clerk

**Agenda Item 4**
SJ/02/13/4 - Petition PE373

**Agenda Item 5**
SJ/02/13/5 - Paper by the Clerk
SOCIAL JUSTICE COMMITTEE

DEBT ARRANGEMENT AND ATTACHMENT (SCOTLAND) BILL –
ISSUES ARISING FROM ORAL EVIDENCE

1. Members are invited to consider the following issues which have arisen in oral evidence and which the Committee may wish to address in its draft Stage 1 Report on the general principles of the Bill:

   **General:**
   - Context and scope of the Bill
   - ECHR implications (such as failing to provide legal aid in respect of attachment orders)
   - ‘Behind the Clock Syndrome’
   - Distinction between Can’t Pay and Won’t Pay
   - Adequacy of alternatives considered

   **Debt Arrangement Scheme:**
   - Impact on voluntary schemes
   - Impact on local authority debt collection
   - Benefits of local schemes versus national scheme
   - Cost and complexity of the scheme
   - When will it be introduced?
   - Will its usage be monitored?
   - Not enough information on the face of the Bill
   - Accessibility, e.g. is 3-5 years sufficient time to allow repayment?

   **Exceptional Attachment Orders:**
   - What is meant by ‘exceptional’?
   - Poindings and Warrant Sale by another name?
   - Are they necessary to achieve the aims of the Bill?
   - Is attachment harsher than current system?
   - Is attachment a likely effective enforcement measure?
   - Should individuals on certain benefits be exempt?
   - The role of sheriff officers e.g. need for training/consistency.
   - Reduction of debt by 10% or £50. Is this too low?

   **Money Advisers:**
   - Should money advice funding continue to be channelled through local authorities?
   - What is the appropriate role for money advisers?
   - Will they act solely in the interests of debtors?

   **Summary Warrant Procedure:**
   - Should summary warrants for dealing with debts be removed?
   - Should a charge be served beforehand?

2. The Committee is invited to consider the above issues and identify any other areas raised in the oral evidence sessions. The Committee has also
invited written evidence from interested parties and this will be circulated to members for their consideration after the closing date on 19 July.

Jim Johnston
Clerk to the Committee
SOCIAL JUSTICE COMMITTEE

PETITION PE 373

1. Petition PE 373 by Mr and Mrs Raymond Dorricott calls for the Scottish Parliament to amend the current legislation with regard to the issue of summary warrants by Sheriffs to local authorities, insofar as this relates to the rights of alleged debtors to reply or make comment before a warrant is issued.

2. Petition PE 373 was forwarded to the Social Justice Committee by the Christine Grahame MSP, Convener to the Justice 1 Committee on 15 May 2002.

3. Members will note that the Justice 1 Committee last considered PE 373 at its meeting on 21 November 2001 and that following the introduction of the Debt Arrangement and Attachment (Scotland) Bill requests that the Social Justice Committee considers the issues raised by the petitioners when examining the Bill at Stage 1.

4. The Committee is invited to consider whether it wishes the issues raised in the petition to be included as part of its consideration of the general principles of the Bill at Stage 1.

Jim Johnston
Clerk to the Committee
Social Justice Committee
26 June 2002


1. The Scottish Executive has asked for comment on the legislative proposals contained in the final report of the Housing Improvement Task Force published in February 2002 by 19 July.

2. The Scottish Executive intends that the legislative proposals contained in the consultation be taken forward in a Homelessness Bill to be introduced later this year. It is likely that the Social Justice Committee will be designated lead committee for consideration of this Bill.

3. Given the timescale for response to the consultation the Committee is invited, if designated as lead committee, to consider the issues covered by the consultation as part of its Stage 1 consideration of the Homelessness Bill when it is introduced.

Jim Johnston
Clerk to the Committee