Public Petitions Committee – a template for public petitions

Should you wish to submit a public petition for consideration by the Public Petitions Committee please complete the template below. Please refer to the Guidance on submission of public petitions for advice on issues of admissibility before completing the template. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

**Details of principal petitioner:**

*Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available.*

Paul Macdonald
Macdonald Armouries

**Text of petition:**

*The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.*

The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Paul Macdonald, on behalf of the Save our Swords Campaign, calling for the Scottish Parliament to oppose the introduction of any ban on the sale or possession of swords in Scotland which are used for legitimate historical, cultural, artistic, sporting, economic and religious purposes.

**Additional information:**

*Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition.*

Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
Action taken to resolve issues of concern before submitting the petition:

Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern by, for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Please enter details of those approached below and append copies of relevant correspondence, which will be made available to the Public Petitions Committee prior to its consideration of your petition.

Requests were made for individual representations to be made to a wide public audience of the various groups affected by the proposals before the consultation process began and again once this was underway.

Petitioners appearing before the Committee

The Convener of the Committee may invite petitioners to appear before the Public Petitions Committee to speak in support of their petition. Such an invitation will only be made if the Convener considers this would be useful in facilitating the Committee's consideration of the petition. It should be noted that due to the large volume of petitions it has to consider, the Committee is not able to invite all petitioners to appear before the Committee to speak in support of their petition.

Please indicate below if you do NOT wish to make a brief statement before the Committee when it comes to consider your petition.

I do NOT wish to make a brief statement before the Committee

Signature of principal petitioner:

When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature
Macdonald...

Date
06/10/05

Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186 Fax: 0131 348 5088
Additional Information

The online version of the petition can be seen at the following address: http://www.petitiononline.com/Swords/petition.html

The petition was created in response to the proposals to ban the sale of swords in Scotland, potential measures that would seriously affect the law-abiding and long standing traditional practices of many different areas in Scottish public life such as collectors, martial artists, sports fencers, historical fencers, re-enactors, antique dealers, museums, highland dancers, fight directors, swordmakers, theatrical companies and thousands of Scottish history and clan heritage enthusiasts nationwide.

The main reasoning for the petition was also to highlight the fact that a ban on the sale of swords would effectively do nothing to reduce crime figures in Scotland, what little there are with swords annually (around 1% of all knife-related crimes per year) and that such measures would impact only on thousands of Scottish law-abiding citizens.
SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE:
CONSIDERATION PE893

Thank you for your letter of 3 November in which you sought comments on the issues raised in the above petition.

The Executive remains deeply concerned about the continuing high incidence of knife crime and its contribution to violent crime. The homicide figures for Scotland, year on year, show that the use of a sharp instrument or bladed weapon was the most common method of killing. The role of knives and other bladed weapons in homicides and assaults needs urgent and effective action. Accordingly the Executive has been undertaking a review of knife crime law and enforcement, as promised in the Partnership Agreement.

The First Minister in his statement on 22 November 2004 set out a programme of measures to address the unacceptably high level of knife crime in Scotland. This 5 point plan proposed:

- an increase in the age for the purchase of knives from 16 to 18.
- the police to make more use of stop and search powers, and be given the power of arrest on suspicion of carrying a knife or an offensive weapon.
- double the sentence for possession of a knife or offensive weapon from two years to four years.
- a licensing scheme on the sale of domestic knives and similar instruments.
- a ban on swords.

Measures to implement the first three of First Minister's 5 point plan, which were subject to consultation earlier this year in the consultation paper 'Supporting Police, Protecting Communities', http://www.scotland.gov.uk/consultations/justice/spcc.pdf have been included in the Police, Public Order and Criminal Justice (Scotland) Bill that is now before the Scottish Parliament.
The remaining 2 proposals set out in the First Minister’s five-point plan (on restrictions on the sale of non-domestic knives and swords, including by means of a licensing scheme) are the subject of Mr Macdonald’s Petition. These proposals have been the subject of separate consultation in ‘Tackling Knife Crime – A Consultation’, http://www.scotland.gov.uk/Publications/2005/06/27110147/01518. The closing date for comments on this paper was 30 September. Some 176 responses were received, including comments from Mr Macdonald along similar lines to what is set out in PE893. The Committee will wish to be aware that the responses to the consultation also included 3 separate petitions supporting the Executive’s proposals on knife crime, with 2,284 signatures in total.

The Executive is currently collating and analysing these responses and Ministers will consider this carefully before deciding on the way forward with the proposals to introduce a restriction on the general sale of non-domestic knives and a possible licensing scheme for such items. Any legislative measures that emerge from this consultation will not be included in the Police, Public Order and Criminal Justice (Scotland) Bill that is already with the Parliament but will be brought forward in separate legislation to be introduced at a later date.

The Executive acknowledge that a large number of respondents have expressed concern about the possible implications for historic and cultural activities arising from the possible introduction of restrictions on the general sale of non-domestic knives and licensing scheme. Existing legislation on knives and swords already provides for exclusions or exemptions for antique weapons and weapons with blades for religious, cultural or historic purposes and the Executive has no plans to remove such exemptions. The Executive has also made clear that, in bringing forward proposals to strengthen legislation on bladed weapons, it has no wish unnecessarily to restrict or adversely impact on cultural, sporting or dramatic activities.

The Executive therefore values the many traditions and pursuits that contribute towards our country’s heritage and diversity. However, the culture of violence in Scotland, especially knife-related crime, is enduring, widespread and deep-rooted. It is an ugly and contemptible aspect of our society and one which blights too many lives in our communities. There are no simple, one off solutions to violence and its many causes but the Executive is committed to exploring ways of strengthening current laws. Ministers have listened to what the police and others have said about the gaps in current legislation and are working to address those issues through the Police Bill and by exploring further measures.

The format of any proposed legislative measures on the introduction of a licensing scheme and any further restrictions on the general sale of non-domestic knives and swords will take account of the responses we have received to our recent consultation. The views expressed by Mr Macdonald in his Petition, as well as the views of others who responded, will therefore assist us in determining the way forward with these measures.

Yours sincerely

Gery McLaughlin
Dear Dr Johnston

Scottish Parliament Public Petitions Committee – Consideration PE893

With regard to your letter dated 3 November 2005, the following information is provided and represents the views of the Strathclyde Police Violence Reduction Unit:

In a pro-active effort to reduce the levels of violence in Strathclyde and in particular numbers of incidents that involve the use of knives, Strathclyde Police force established the Violence Reduction Unit in January 2005.

The first of its kind in the United Kingdom, the unit is developing practical solutions to deal with the whole continuum of violence, differing types of violence and the root causes.

The unit has already undertaken much analytical research. This work confirms that although the use of knives is a very serious issue in the west of Scotland, at this time the same cannot be said about swords. It is accepted that any use of a sword during an act of violence normally results in very serious injury, not to mention widespread media attention, however in the west of Scotland it is not the weapon of choice. During the past year (2004 – 2005) the use of a sword accounted for 0.59% of recorded violent incidents in Strathclyde. This figure includes Murder, Attempt Murder and Serious Assault. As a comparison, in some cases the use of knives can account for up to 50% of particular serious assaults on the person. In real terms, our records indicate that a sword was used in one murder, four attempted murders and 23 serious assaults.

Accident and Emergency Departments in Hospitals across the country are actually treating many more victims of violence than that which is being reported and recorded by the police service (some Health Boards estimate that between 50 - 70% of violence related admissions are not being reported). In the absence of all this data a true reflection of violent incidents involving swords cannot be established, however it is considered that the use of swords in Strathclyde accounts for levels greater than the above figure.
Earlier this year, the unit submitted its response to the Scottish Executive consultation; Tackling Knife Crime. Particularly in relation to swords, the views of the department remain the same.

A sword should be treated in the same terms as a non-domestic knife and although the numbers of incidents are few, it can be used and on occasions is to cause physical harm. It should therefore be subject to the same controls and on this basis the recommendation that shops will require to be licensed is supported.

We need to reduce the likelihood that swords will fall into the wrong hands and be used for illegal purposes. By ensuring that shops only sell swords to approved organisations will provide a second line of scrutiny to the selling process. While it is accepted that the introduction and maintenance of such a system will place an additional responsibility on to those who sell swords, this recommendation is supported.

There is no reason for an outright ban on the sale of swords. There are many circumstances when persons would have possession of swords for legitimate purposes, similar to the use of knives. The controls being suggested for non-domestic knives should also extend to swords.

If, by limiting access to knives and swords, one murder is prevented then we consider this worthwhile.

I hope that this information is of some assistance to you. Should you require any further information please do not hesitate to make contact with Inspector Tom Halbert of my unit. He can be contacted at tom.halbert@strathclyde.pnn.police.uk or by telephoning 0141 532 5873.

Yours sincerely

John Carnochan
Detective Chief Superintendent
Public Petitions Committee – a template for public petitions

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Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to, email address and phone number if available

Mr Chris Daly

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g.
The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Chris Daly calling on the Scottish Parliament to urge the Scottish Executive, in the interests of those who have suffered institutional child abuse, to (a) reform Court of Session rules to allow "fast-track" court hearings in personal injury cases; (b) review the implementation of the Prescription and Limitation (Scotland) Act 1973; and (c) to implement the recommendations of the Law Commission report on the Limitation of Actions.

Additional information:
Any additional information in relation to your petition, including reasons why the action requested is necessary, should not be included here. However, it may be appended to the petition and will be made available to the Public Petitions Committee prior to its consideration of your petition. Please note that you should limit the amount of any additional information which you may wish to provide in support of your petition to no more than 4 sides of A4.
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1. LETTER TO THOMAS MACAVOY MP, RESPONSE: TELEPHONE CALL FROM MR MACAVOY SAYING, "THE ISSUES RAISED IN THE PETITION WERE A MATTER FOR THE JUSTICE DEPT AND CATHY JAMIESON." MR MACAVOY ALSO STATED THIS WAS A DEVOLVED ISSUE.

2. LETTER TO JAN'S HUGHES HSP, NO RESPONSE.

3. LETTER TO ANNABEL GOLDS HSP JUSTICE 2 COMMITTEE CONVENOR, LETTER FROM HER SAYING JUSTICE 2 COMMITTEE COULD NOT FIND TIME TO DEAL WITH ISSUES RAISED.

4. LETTER TO CATHY JAMIESON JUSTICE MINISTER, NO RESPONSE.

Petitioners appearing before the Committee

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| I do NOT wish to make a brief statement before the Committee | |

Signature of principal petitioner:

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| Signature |

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Please note that any additional information, copies of relevant correspondence and additional signatures should be appended to this form and submitted to:

The Clerk to the Public Petitions Committee,
The Scottish Parliament,
Edinburgh
EH99 1SP
Tel: 0131 348 5186     Fax: 0131 348 5088
e-mail: petitions@scottish.parliament.uk
Dear Michael,

Thank you for your letter of 27 October to Peter Peacock, in which you sought the Scottish Executive’s comments on petition PE888 by Chris Daly. My apologies for the delay in responding. I am replying because the matters mentioned in the petition fall within the Justice portfolio.

The first point in the petition calls for reform of Court of Session rules to allow “fast-track” court hearings in personal injury cases. In response, I confirm that all cases raised in the Court of Session in connection with any kind of personal injury are now raised under the so-called fast track procedure in terms of the new Chapter 43 of the Rules of the Court of Session. This includes those actions described as relating to ‘institutional child abuse’. Following the lodging of defences, a proof date within 12 months of the lodging of defences is allocated. Business in the Court of Session is allocated by the Keeper of the Rolls, under the authority of the Lord President. All judges of the Court of Session have wide experience of dealing with personal injury cases.

Secondly, the petition calls for review of the implementation of the Prescription and Limitation (Scotland) Act 1973. As the Committee will be aware from previous correspondence in connection with petition PE535, most recently Cathy Jamieson’s letter to you of 17 October 2005, we have already asked the Scottish Law Commission to review the law in this area. The SLC began in 2004 a review of sections 17(2)(b), 18(2)(b) and 19A of the 1973 Act, which set out the circumstances in which the commencement of the 3-year period for bring a personal injury claim can be postponed. (Sections 17(2)(b) and 18(2)(b) are aimed at protecting victims of latent damage; while section 19A gives the court discretion to override time limits in actions for personal injury, defamation and harassment where it seems equitable to do so.). That review has since been supplemented by a further review, again at the request of Ministers, to consider “the position of claims for damages in respect of personal injury which were extinguished by operation of the long negative prescription prior to 26 September 1964”. These two reviews are being conducted in parallel.
In her letter of 17 October Cathy Jamieson advised that the previously announced timescale for the limitation review had been for the SLC to publish a discussion paper for public consultation by the end of 2005 and to report to Ministers with recommendations by the end of 2006. However, she went on to say that in view of the additional work required in relation to the second review there might need to be some adjustment to that timescale, although the SLC had said that it would do all it could to minimise any delay.

That has indeed proved to be the case. In his letter of 4 November to the Clerk to the Public Petitions Committee, the Chief Executive of the SLC said that the SLC expected to publish its Discussion Paper in the early part of 2006 and to submit its Report to the Scottish Ministers early in 2007. The first part of that schedule has since been achieved by the SLC having published its Discussion Paper on 27 February. The SLC has asked for comments on the Discussion Paper to be submitted by 31 May, after which it will proceed with production of its Report. I believe this slight extension to the timescale for the reviews to be reasonable given the extra work that we have asked the SLC to undertake, and worthwhile in that it will allow the SLC properly to consider the issues around claims arising from pre-1964 injuries in addition to the subject of the original reference from Ministers. We will of course consider carefully any recommendations that the SLC may make in its Report.

Finally, the petition seeks implementation of the Law Commission report on the Limitation of Actions. It is not clear from the petition which report is meant; the SLC has published 3 reports relating to prescription and limitation since its creation, including its report in 1970 that led to enactment of the 1973 Act. However, the SLC’s most recent report on the subject was in 1989. Since the SLC is now looking afresh at issues around claims for personal injury through the reviews referred to above, it would seem right to await its recommendations before taking any decisions.

**HUGH HENRY**
4 November 2005

Dr James Johnston
Clerk to the Public Petitions Committee
TG.01
Parliamentary Headquarters
EDINBURGH
EH99 1SP

Scottish Law Commission
promoting law reform

Your ref:
Cr ref: J2/7/10

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION PE888

Thank you for your letter of 26 October.

As the Committee is already aware, the Commission received a reference from Scottish Ministers to "examine the operation of sections 17(2)(b), 18(2)(b) and 19A of the Prescription and Limitation (Scotland) Act 1973 and to make any appropriate recommendations for reform of the law."

In her letter to the Committee of 10 June 2005, my predecessor Jane McLeod confirmed that the Commission was aiming to publish a Discussion Paper in the second half of 2005 and a Report to Scottish Ministers by the end of 2006.

Since that letter, the Commission has received a second reference from Scottish Ministers, the terms of which are to "consider the position of claims for damages in respect of personal injury which were extinguished by operation of the long negative prescription prior to 26 September 1984 and to report."

Both references relate to the general area of personal injury claims and for that reason the Commission has decided to work on them as one project and produce one Discussion Paper covering both topics.

In view of the additional work arising from the second reference, we have had to make a slight adjustment to the timetable. We are now aiming to publish a Discussion Paper in the early part of 2006 and a Report to Scottish Ministers early in 2007.

Michael Lugton
Public Petition
The Scottish Parliament

INQUIRY AND APOLOGY
FOR ADULT SURVIVORS OF INSTITUTIONAL ABUSE IN SCOTLAND

Steve Farrell
Clerk to the Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

We the undersigned petitioners ask the Scottish Parliament to urge the Scottish Executive to commence an inquiry into past institutional child abuse. Survivors were subjected to systematic abuse including, sexual assaults, physical and emotional abuse, while they were as children resident in an institution in respect of which State bodies had regulatory or supervisory functions. In particular those in the care of the State under the supervision of religious orders.

We also ask the Scottish Parliament to make an unreserved apology for said State bodies. And to urge the religious orders to apologize unconditionally.

Terms of Reference for the Scottish Parliament / Scottish Executive.

*To afford victims of institutional child abuse in Scotland an opportunity to tell of the abuse they suffered to a sympathetic experienced forum.

*To establish a picture of causes, nature and extent of physical sexual and emotional abuse of children in institutions from around 1940 or before until the present, including the antecedents, circumstances, factors and context of such abuse, the perspectives of the victims and motives and perspectives of the persons responsible for committing the abuse.

*To compile a report and make public, on the activities and findings of the inquiry, containing such recommendations as the inquiry considers appropriate including actions which should be taken to address the continuing effects of the abuse examined by the inquiry.

*To appoint specialist advisers supply information or elucidate areas of complexity, to conduct investigations, hold hearings, both private and public and conduct or commission research for the purpose of carrying out these terms of reference.

Principal Petitioners
HISTORIC ABUSE IN CHILDREN’S HOMES AND RESIDENTIAL SCHOOLS

I am writing to update you on the progress we have made in taking forward the package of measures I announced at the debate on 1 December.

As you will know the relevant files held by the Scottish Executive are now available for public inspection. A webpage giving advice on how to access these files has been set up and can be found at http://www.scotland.gov.uk/topics/education/accessstoinfo/residentialestablishments.

The Scottish Information Commissioner has completed his examination of the procedures for the identification and provision of access to records carried out by my officials. His report has now been published and I am pleased that his findings show that the Executive has taken all reasonable steps to trace and open all historical records that it holds relating to institutional children’s homes and residential schools in Scotland.

The helpline service operated by Who Cares? Scotland to assist people who want information about how to access information held by the Executive and to provide a referral service for people who want to access services such as counselling and legal services went live on 8 February.

We are currently considering the remit and membership of the proposed Short Life Working Group with INCAS to ensure that it fits with other work being taken forward to provide support to survivors of childhood sexual abuse.
On the Independent Expert, my officials consulted with INCAS to draw a shortlist of suitable candidates. From that list, Tom Shaw, formerly Chief Inspector of Education and Training in Northern Ireland emerged as the strongest option. We now need to reach agreement with Mr Shaw on his remit and start date.

My officials have met regularly with INCAS and in addition to providing funding to enable them to circulate information more widely amongst their membership we are working with them to identify other ways in which we might provide support; including how we might fund a research post to assist INCAS members further in their search for information held by us or other organisations. We await the decision of INCAS as to how best to structure the organisation to allow it to employ staff. That will then enable us to agree priorities for financial support to allow them to develop their work. My officials are next meeting INCAS on 13 July.

I hope you find this update helpful; I will, of course keep you informed as work progresses.

PETER J PEACOCK
SCOTTISH EXECUTIVE

Minister for Education & Young People
Peter Peacock MSP

Michael McMahon
Convener
Public Petitions Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Our ref: KNX/1/56

August 2005

SCOTTISH PARLIAMENT PUBLIC PETITIONS COMMITTEE – CONSIDERATION PE535

Thank you for your letter of 14th June re the above in which you raised the difficulties experienced by some survivors of abuse in gaining access to records relevant to the residential establishments in which they lived and individual case files. You also sought an update on progress of a more general nature made by the Executive since the debate in Parliament on 1st December 2004.

My letter of 8th July 2005 provided an update on progress made. Since then:

- we have improved the search function on the Scottish Executive internet site to ensure that those seeking advice on how to access relevant files held by the Executive can find the relevant web page more easily and are continuing our work with Who Cares? Scotland to identify other useful contacts regarding access to information held by local authorities and other organisations with a view to providing more comprehensive information on our webpage;

- after a period of monitoring of uptake officials decided that the helpline service operated by Who Cares? Scotland to assist people who want information about how to access information held by the Executive be discontinued. This decision was taken in light of the limited uptake of this service in recent months - only one call was received in the last 3 months of operation. The service ended as of 9th August 2005 after 6 months in operation;
I have written to Mr Tom Shaw confirming his appointment as independent expert to investigate and report on the abuse that took place in children’s homes and residential schools in Scotland. A copy of his remit is attached.

My officials continue to meet regularly with INCAS; as indicated in my letter of 5th July we have been working with them to identify other ways in which we might provide support, including how we might fund a research post to assist INCAS members further in their search for information held by us or other organisations. We await the decision of INCAS as to how best to structure the organisation to allow it to employ staff. That will enable us to agree priorities for financial support to allow them to develop their work. In the meantime, our discussions with Who Cares? Scotland have resulted in their offering to assist INCAS by arranging and facilitating a series of meetings to assist them in formulating their business plan etc. Should INCAS take up this offer this will hopefully enable them to make the necessary progress to allow us to provide financial support.

A first meeting of the Scottish Executive Reference group on Adult Survivors of Childhood Sexual Abuse is due to take place on 6th September. This group has emerged from both the work of the Cross Party Group on Survivors of Childhood Sexual Abuse which was set up in 2001 and my commitment during the debate to set up a short life working group to look at support services for survivors of in care abuse. The remit of the group will be discussed at its first meeting but the intention is that it will go beyond consideration of support services for survivors of childhood sexual abuse and will instead look at support services for those who have suffered abuse of any kind. Both the petitioner, Chris Daly, and the vice-Chair of INCAS, Helen Holland, have been invited to join this group.

Your letter also raises the difficulties experienced by some survivors of abuse in gaining access to records relevant to the residential establishments in which they lived and individual case files. In this regard my officials met with representatives of Barnardos, Quarriers, CoSLA, the Church of Scotland, the Catholic Church and the Sisters of Nazareth on Monday 22nd August to update them on action taken by us and to explore with them how their organisations make available information held. All the organisations represented at the meeting agreed to provide details of a single point of contact for each organisation that could be published on the Scottish Executive website to assist those seeking to access their personal files.

I hope you find this update helpful; I will, of course, keep you informed as work progresses.

PETER J PEACOCK
REMIT OF INDEPENDENT EXPERT

1. Against the background of the abuse suffered by children up to the age of 16 in residential schools and children’s homes in Scotland over the period from 1950 to 1995 the Independent Expert is instructed to carry out an investigation and, as soon as may be practicable, to present a report for consideration and for publication by Scottish Ministers with the following objectives:

(1) to identify what regulatory requirements and powers were in place from time to time over that period and which provided for the provision, regulation and inspection of such schools and homes and for the welfare and protection from abuse of children resident in them;

(2) to identify, and review the adequacy of any systems, whether at national, local or organisational levels, intended to ensure compliance with those requirements and with any prescribed procedures and standards from time to time including systems of monitoring and inspection;

(3) to review the practical operation and effectiveness of such systems.

2. While the remit is primarily concerned with the period 1950 to 1995 the Independent Expert should not regard himself as precluded from considering material from outwith that period which he considers to be of relevance.

3. So as not to prejudice either any possible criminal proceedings or any litigation at the instance of the survivors of abuse the Independent Expert is not to report on the facts or circumstances of any individual cases of abuse.

4. For the purposes of his investigation the Independent Expert will, in addition to information that is publicly available:

(1) have access to all documentary records of the former Scottish Office in so far as in the possession of Scottish Ministers from the period under consideration and in so far as relating to residential schools and children’s homes which will be subject to redaction to ensure that no individual can be identified;
(2) be expected to seek the cooperation of local authorities and other organisations with responsibility for the management and administration of residential schools and children's homes in making available to him such documentary records and explanation of such records as he considers to be necessary for his purposes.

5. Except in so far as provided above the Independent Expert is not expected to consider material or submissions from individuals or from local authorities or such organisations except to the extent that he may consider it necessary for the purposes of his investigation to obtain information from organisations representing the interests of the survivors of abuse.
Dear Michael

I refer to the Committee’s consideration of petition PE535 from Mr Chris Daly, which called for an inquiry into past child abuse in care institutions. I am writing to update you on recent developments on one of the issues raised during consideration of the petition, namely how the law relating to prescription ("time bar") prevents claims being raised for injuries arising from such abuse that were sustained before September 1964.

I very much understand the concerns that have been expressed about this issue. During the debate in the Parliament on the petition on 1 December 2004, and in a subsequent letter to the Committee, Peter Peacock referred to the review of the law on limitation in respect of personal injury claims currently being undertaken by the Scottish Law Commission and undertook to inquire whether the timescale for that review could be brought forward.

Since then I and my officials have had extensive discussions with the SLC. The Commission's current reference concerns the current provisions of the Prescription and Limitation (Scotland) Act 1973 relating to limitation in personal injury actions. The position of claims for personal injury which prescribed as a result of prescription prior to September 1984 is not a matter of the current law but a review of the consequences of the operation of prescription which was abolished as far as personal injury actions are concerned in 1984. We have therefore decided that this topic should be the subject of a separate reference to the SLC, the terms of which I have now agreed with the Commission. The second reference covers claims for pre-1964 personal injuries in general and not just child abuse cases. However, I have asked the SLC to bear the child abuse issues particularly in mind in its review.

The SLC will conduct its review in parallel with its existing review of limitation and its intention is that the discussion paper and final report will now cover both references. The SLC had been aiming to publish a discussion paper for public consultation by the end of this year and to report to Ministers with recommendations by the end of 2006. However, in view of the additional work required in relation to the second reference there may need to be some adjustment to that timescale, although the SLC has said that it will do all it can to minimise any delay. I am continuing to keep in touch with the SLC on this point.
I note that Mr Daly recently lodged another petition to the Parliament (PE888) that refers to the issue of time bar (as well as other issues), and I understand that the Committee will be writing to the Scottish Executive and the Scottish Law Commission to seek comments on that petition. We are already considering the issues raised in the petition, and should therefore be able to reply reasonably quickly to the Committee’s letter once that has been received.

I hope this is helpful. I will of course continue to keep you advised of developments.

CATHY JAMIESON
To the Scottish Parliament:

We the undersigned support UNISON Scotland's NHS Food for Good Charter and call on the Scottish Parliament to endorse it. Diet and food production have become major social, ethical and environmental issues and we believe the NHS in Scotland should become a beacon of good practice. By adopting the principles behind the 10 point charter covering Organic Food; Animal Welfare; Meat Quality; Fair Trade; 5 Portions a Day; Recycling/Composting; Patients not Profit; Resources; Real Food; and Fair Pay the NHS in Scotland will not only improve patients and employees' diet, but significantly improve the health of the nation as a whole, enhance the food economy and improve standards of produce and welfare. Central to our support for the charter is the call for fair pay for Chefs and associated staff who provide meals to patients and staff in the NHS, be they employed by the NHS or private contractors and the end to gender discrimination.

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<td>JOSIE HEISKELL</td>
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<td>ALISON NEVY</td>
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<td>WILMA NELLIE</td>
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