

Wednesday 10 February 2016

SCOTTISH GOVERNMENT

Enterprise and Environment

Sarah Boyack (Lothian) (Scottish Labour): To ask the Scottish Government, in light of the restatement and amendment of the law relating to allotments in Part 9 of the Community Empowerment (Scotland) Act 2015, whether local authorities will retain the ability to compulsorily purchase land for the purpose of providing allotments.

Holding answer issued: 8 February 2016

(S4W-29463)

Aileen McLeod: Powers for compulsory purchase of land for the provision of allotments are not included within the Community Empowerment (Scotland) Act 2015 and local authorities will not be able to purchase land for allotments compulsorily once Part 9 of this Act has been implemented. Scottish Government officials are reviewing the position on the need and justification for compulsory purchase of land for allotments, using compulsory purchase orders, and this important work is currently underway.

Learning and Justice

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government what its response is to the report, *Equally Protected? A Review of the evidence on the physical punishment of children*, which was commissioned by Barnardo's Scotland, Children 1st, the Children and Young People's Commissioner and NSPCC Scotland.

Holding answer issued: 21 January 2016

(S4W-29200)

Aileen Campbell: The Scottish Government welcomes the publication of this report. The Scottish Government does not support the physical punishment of children and does not consider that physical punishment of children is effective. The Scottish Government has noted that the report outlines what research says on the consequences of physical punishment for children's health and development, as well as on their later life health and wellbeing.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government what its position is on whether children should have the same level of legal protection from violence as adults, and whether it considers that this is the case.

Holding answer issued: 21 January 2016

(S4W-29201)

Aileen Campbell: The Scottish Government considers that in many cases it is necessary to have specific provision to protect children from violence. For example, section 12 of the Children and Young Persons (Scotland) Act 1937 contains a specific criminal offence in relation to cruelty to persons under 16. The Scottish Government will continue to keep all legislation designed to protect children from violence under review.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government what its position is on removing the defence of reasonable chastisement and prohibiting the physical punishment of children.

Holding answer issued: 21 January 2016

(S4W-29202)

Aileen Campbell: The Scottish Government recognises that there are differing views on whether to change the law on physical punishment of children. As we would do with any proposal to change the law, we would want to consult widely. The Scottish Government continues to work with Children 1st and other partners on this important issue. We also wish to learn from the experience of other countries that have legislated to prohibit the physical punishment of children, such as Sweden, Ireland and New Zealand.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government what its position is on whether the physical punishment of children (a) represents a violation of their human rights, (b) damages their wellbeing, (c) risks escalating into physical abuse

and other forms of maltreatment and (d) can lead to the development of (i) aggression, (ii) antisocial behaviour, (iii) depression and (iv) anxiety that can have an effect through to adulthood.

Holding answer issued: 21 January 2016

(S4W-29203)

Aileen Campbell: The Scottish Government agrees that the physical punishment of children in any form can damage their wellbeing and is likely to be detrimental either physically or emotionally. The Scottish Government has noted that the *Equally Protected?* report says that "a link between physical punishment and child maltreatment was consistently supported in the reviewed literature". The Scottish Government has also noted that the report says that there "is strong and consistent evidence from good-quality research that physical punishment is associated with increased childhood aggression and antisocial behaviour". The report also says that "there is fairly consistent evidence for a link between childhood physical punishment and adult aggression or antisocial behaviour" and "there is good evidence that the experience of physical punishment is related to depressive symptoms and anxiety among children. Links with depressive symptoms and reduced self-esteem in later life were also reported, but were less consistent." Finally, the Scottish Government has noted that the report says that one of the key messages is that "physical punishment is not effective in achieving parenting goals" and that is why the national parenting strategy seeks to ensure that all parents are educated, informed and supported to care for their children using acceptable forms of boundary setting.

Graeme Pearson (South Scotland) (Scottish Labour): To ask the Scottish Government, further to the answer to question S4W-29322 by Michael Matheson on 27 January 2016, whether it will provide a full breakdown of the orders that are available to the Crown Office.

(S4W-29527)

Michael Matheson: I refer the member to the answer to question S4W-29322 on 27 January 2016. The court can make the following orders in relation to a person convicted of being involved in organized crime:

Confiscation order – an order requiring a person convicted of a criminal offence(s) to pay a sum of money representing their benefit from crime. Confiscation procedures are mandatory and the court must go through them when asked to do so by the prosecutor.

Restraint order – an order prohibiting a specific individual from dealing with any property that he or she holds which may be realized to pay any subsequent confiscation order, and can be made against the person accused, under investigation or any other person holding realizable property.

Compliance order – this order will come into force on 1 March 2016 by virtue of Scottish Statutory Instrument 2016-11. It is an order made by the court to ensure the payment of a confiscation order.

Financial reporting order (FRO) – an order that requires the individual to set out particulars of their financial affairs as specified by the order. The FRO regime will be subsumed into the SCPO as of 1 March 2016.

Serious crime prevention order (SCPO) – a civil order that allows the court to impose conditions or restrictions on an individual's movements and transactions to prevent their involvement in organized crime and to protect the public. It is expected that SCPOs will come into force in Scotland on 1 March 2016 subject to provisions in the Serious Crime Act 2015 being commenced by the Home Secretary on that date.

All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at:

<http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx>.

Graeme Pearson (South Scotland) (Scottish Labour): To ask the Scottish Government when it expects the Police Investigations and Review Commissioner to (a) complete and (b) submit its report into the deaths of John Yuill and Lamara Bell in July 2015, and when it will publish its response to the commissioner.

(S4W-29531)

Michael Matheson: The Police Investigations and Review Commissioner submitted an interim report to the Lord Advocate on 30 November 2015. It is a matter for the commissioner to complete and submit the final report.

Neil Findlay (Lothian) (Scottish Labour): To ask the Scottish Government whether it has received a reply from the Home Secretary regarding extending the Pitchford Inquiry to cover Scotland.

(S4W-29539)

Michael Matheson: Discussions with the Home Office are ongoing.

Neil Findlay (Lothian) (Scottish Labour): To ask the Scottish Government what legal recourse is available to victims in Scotland of any illegal undercover policing activity carried out by members of the Special Demonstration Squad.

(S4W-29540)

Michael Matheson: The options available to any individual will depend on the facts and circumstances of their case. Depending on the particular circumstances, individuals may seek redress via the Investigatory Powers Tribunal, which has jurisdiction to consider certain proceedings for actions which concern the use of investigatory powers, and additionally may seek redress through the courts, subject to the rules which determine the jurisdiction of the courts.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government what progress it is making in establishing the victim surcharge fund, and when it expects the fund to (a) be operational and (b) issue its first payment.

(S4W-29572)

Michael Matheson: Preparatory work for the establishment and administration of the victim surcharge fund is on-going. The timetable for the introduction of the fund has been influenced by a number of factors, including further detailed consideration of viable options for delivery and the potential role of third sector or other organisations in this process. To inform this consideration, I have asked my officials to engage with key victim support organisations and others with experience of administering similar schemes to determine how the fund can be most effectively managed and delivered to benefit the victims of crime.

These planned discussions will inform the timing of the establishment of the fund and first payments during the next Parliament. Further details of how the fund will operate must be set out in subordinate legislation, which will be subject to parliamentary approval in due course.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government, further to the answer to question S4W-27438 by Michael Matheson on 22 September 2015, whether it will provide an update on the progress of developing guidance on the use of restorative justice, and on what date the guidance will be published.

(S4W-29576)

Michael Matheson: The Scottish Government is currently considering draft guidance which was prepared by the Scottish Restorative Justice Forum in 2015, along with extensive and constructive feedback on that draft which was provided by key victim support organisations.

While the Scottish Government is keen to publish guidance as soon as possible, it is crucial to ensure that this takes into account the views of those with expertise in both restorative justice and victims' issues. A further draft of the guidance will be developed by the Scottish Government and circulated to the Scottish Restorative Justice Forum and victim support organisations by the end of March 2016 for comment and discussion, but the final guidance will not be published during the current parliamentary session.

Alison McInnes (North East Scotland) (Scottish Liberal Democrats): To ask the Scottish Government whether it has considered using alternative providers for the victim surcharge fund.

(S4W-29577)

Michael Matheson: I refer the member to the answer to question S4W-29572 on 10 February 2016. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx>.

Transport Scotland

Michael Russell (Argyll and Bute) (Scottish National Party): To ask the Scottish Government what obligations local authorities have to ensure safe usage of single track roads in their areas and whether such obligations include the erection and maintenance of signs identifying passing places.

(S4W-29596)

Derek Mackay: The Roads (Scotland) Act 1984 places the statutory responsibility for local roads, including traffic signs, improvement, maintenance and repair with local roads authorities. It is for the local authority to ensure its road network satisfies the requirements of relevant legislation and neither the Scottish Ministers nor the Scottish Government would become directly involved.

Michael Russell (Argyll and Bute) (Scottish National Party): To ask the Scottish Government what statutory requirements there are for the erection and maintenance of signs identifying passing places on single track roads.

(S4W-29597)

Derek Mackay: The Traffic Signs Regulations and General Directions 2002 sets out the legislation that roads authorities use surrounding the design and conditions of use of traffic signs and road markings that can be lawfully placed on or near roads in Scotland.

Michael Russell (Argyll and Bute) (Scottish National Party): To ask the Scottish Government what obligations local authorities have with regard to the erection and maintenance of signs identifying passing places on single track roads.

(S4W-29598)

Derek Mackay: I refer the member to the answer to question S4W-29597 on 10 February 2016. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx>.

Michael Russell (Argyll and Bute) (Scottish National Party): To ask the Scottish Government whether it is aware of a lack of maintenance to signs identifying passing places on single track roads and, if so, how it will ensure that such maintenance is carried out.

(S4W-29599)

Derek Mackay: I refer the member to the answer to question S4W-29596 on 10 February 2016. All answers to written parliamentary questions are available on the Parliament's website, the search facility for which can be found at <http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx>.

The following question received a holding answer:

S4W-29502