



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

28th Meeting, 2014 (Session 4)

Tuesday 11 November 2014

The Committee will meet at 9.30 am in the Mary Fairfax Somerville Room (CR2).

1. **Decision on taking business in private:** The Committee will decide whether to take item 4 in private.
2. **Draft Budget Scrutiny 2015-16:** The Committee will take evidence on the Scottish Government's Draft Budget 2015-16 from—

Calum Steele, General Secretary, Scottish Police Federation;

and then from—

Vic Emery, Chair, and John Foley, Chief Executive, Scottish Police Authority.

3. **Subordinate legislation:** The Committee will consider the following negative instrument—

Act of Sederunt (Commissary Business) (Amendment) 2014 (SSI 2014/265).

4. **Subordinate legislation (drink driving limit):** The Committee will consider a draft report.

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The papers for this meeting are as follows—

Agenda item 2

Paper by the clerk

J/S4/14/28/1

Private paper

J/S4/14/28/2 (P)

[SPICe Briefing: Draft Budget 2015-16: Justice](#)

[Scottish Government's Draft Budget 2015-16](#)

[Written submissions received on the Draft Budget 2015-16](#)

Agenda item 3

Paper by the clerk

J/S4/14/28/3

[Act of Sederunt \(Commissary Business\) \(Amendment\) 2014
\(SSI 2014/265\)](#)

Agenda item 4

Private paper

J/S4/14/28/4 (P)

Justice Committee

28th Meeting, 2014 (Session 4), Tuesday 11 November 2014

Draft Budget 2015-16

Note by the clerk

Background

1. The Scottish Government published its Draft Budget 2015-16¹ on 9 October 2014. The Justice Committee has agreed to focus this year's budget scrutiny on the police and courts² budgets. SPICe has produced a briefing on the Draft Budget 2015-16: Justice (14/75), which contains detailed information on the Justice and Crown Office and Procurator Fiscal Service budgets, with a particular focus on the two main areas of scrutiny identified by the Committee. This briefing was circulated to members with the meeting papers for the previous meeting.³

2. The Committee's first evidence session on the draft policing budget 2015-16 took place on 4 November, involving evidence sessions with HM Inspector of Constabulary in Scotland (HMICS), followed by the Association of Scottish Police Superintendents (ASPS) and Unison.⁴ The Committee continues its scrutiny of this budget at its meeting on 11 November, with evidence sessions involving the Scottish Police Federation (SPF) and Scottish Police Authority (SPA).⁵ The Chief Constable will give evidence on 25 November, followed by the Cabinet Secretary for Justice.

Police budget 2015-16

Issues explored during earlier evidence session

3. During the Committee's evidence with HMICS, ASPS and Unison on 4 November, the following key issues were explored:

- identifying savings in the third year of police reform (2015-16 budget) would be more challenging than in previous years and could impact on service levels;
- the need for a review to establish the most appropriate workforce balance;
- pressure on police staff and superintendents arising from reduced numbers, resulting in morale issues and inability to take annual leave and rest days;
- de-skilling of police staff posts;
- the level of backfilling of police staff (and officer) posts and whether this represents best value in the long term;
- the level to which budgets are devolved, including in relation to roads policing;
- local authority funding for police officers and staff;
- evidence of careful monitoring of Police Scotland's i6 ICT project and associated costs; and
- recovering costs for police support at public events;

¹ The Draft Budget 2015-16 is available at: <http://www.scotland.gov.uk/Resource/0046/00460440.pdf>

² The Committee is due to take evidence on the courts budget on 18 November.

³ SPICe briefing is available at:

http://www.scottish.parliament.uk/ResearchBriefingsAndFactsheets/S4/SB_14-75.pdf

⁴ The Official Report of 4 November meeting will be available from 10 November at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29847.aspx>

⁵ Written submissions from the Scottish Police Federation, the Scottish Police Authority, and others are available at: <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/83201.aspx>

Next steps

4. The Committee is invited to consider this information alongside the SPICe briefing on the Draft Budget 2015-16: Justice (14/75) and paper 2 from SPICe, in advance of taking evidence from the Scottish Police Federation and Scottish Police Authority at the meeting.

Justice Committee

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Subordinate legislation

Note by the clerk

Purpose

1. This paper invites the Committee to consider the following negative instrument:
 - Act of Sederunt (Commissary Business) (Amendment) 2014 (SSI 2014/265).
2. Further details on the procedure for negative instruments are set out in Annexe A.

Act of Sederunt (Commissary Business) (Amendment) 2014 (SSI 2014/265)

Introduction

3. The instrument was made under section 54 of the Sheriff Courts (Scotland) Act 1876(a) and all other enabling powers. The purpose of the instrument is to provide for commissary business (the winding up of deceased persons' estates) which has been commenced at Dingwall Sheriff Court to be continued at Inverness Sheriff Court (rather than Tain Sheriff Court) after the closure of Dingwall Sheriff Court on 31 January 2015.
4. The instrument comes into force on 1 December 2014.
5. An electronic copy of the instrument is available at:
<http://www.legislation.gov.uk/ssi/2014/265/contents/made>

Delegated Powers and Law Reform Committee consideration

6. The Delegated Powers and Law Reform (DPLR) Committee considered this instrument at its meeting on 28 October 2014 and agreed that it did not need to draw the attention of the Parliament to it on any grounds within its remit.

Justice Committee consideration

If the Committee agrees to report to the Parliament on this instrument, it is required to do so by 1 December 2014.

ANNEXE A**Negative instruments: procedure**

Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds).

Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument.

If the motion is agreed to by the lead committee, the Parliamentary Bureau must then lodge a motion to annul the instrument to be considered by the Parliament as a whole. If that motion is also agreed to, the Scottish Ministers must revoke the instrument.

Each negative instrument appears on the Justice Committee’s agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow the Committee to gather more information or to invite a Minister to give evidence on the instrument. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendations on it.

Guidance on subordinate legislation

Further guidance on subordinate legislation is available on the Delegated Powers and Law Reform Committee’s web page at:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/64215.aspx>