



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

MINUTES

24th Meeting, 2015 (Session 4)

Tuesday 8 September 2015

Present:

Christian Allard	Gavin Brown (Committee Substitute) (item 9)
Roderick Campbell	John Finnie
Christine Grahame (Convener)	Margaret McDougall
Alison McInnes	Margaret Mitchell
Elaine Murray (Deputy Convener)	Gil Paterson

Also present: Michael Matheson, Cabinet Secretary for Justice, Mary Fee and Michael McMahon (item 7).

The meeting opened at 10.00 am.

1. **Declaration of interests:** Margaret McDougall was invited to declare any relevant interests. Ms McDougall declared no relevant interests.

In relation to later items on the agenda, Roderick Campbell declared an interest as a member of the Faculty of Advocates.

2. **Decision on taking business in private:** The Committee agreed to take item 9 in private.

3. **Subordinate legislation:** The Committee took evidence on the Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 [draft] from—

Paul Wheelhouse, Minister for Community Safety and Legal Affairs,
Scottish Government.

4. **Subordinate legislation:** Paul Wheelhouse (Minister for Community Safety and Legal Affairs) moved—

S4M-14087—That the Justice Committee recommends that the Courts Reform (Scotland) Act 2014 (Consequential Provisions No. 2) Order 2015 [draft] be approved.

The motion was agreed to.

5. **Subordinate legislation:** The Committee took evidence on the Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Scotland) Regulations 2015 [draft] from—

Paul Wheelhouse, Minister for Community Safety and Legal Affairs, and Denise Swanson, Head of Access to Justice Unit, Scottish Government.

6. **Subordinate legislation:** The Committee considered the following instrument which was not subject to any parliamentary procedure—

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (No. 4) (Sheriff Appeal Court) 2015 (SSI 2015/245).

The Committee agreed to endorse the comments made by the Delegated Powers and Law Reform Committee and to note the instrument.

7. **Criminal Justice (Scotland) Bill:** The Committee considered the Bill at Stage 2 (Day 1).

The following amendments were agreed to (without division): 66, 67, 68 and 8.

The following amendments were agreed to (by division)—

- 1 (For 8, Against 0, Abstentions 1)
- 2 (For 8, Against 0, Abstentions 1)
- 3 (For 8, Against 0, Abstentions 1)
- 4 (For 8, Against 0, Abstentions 1)
- 5 (For 8, Against 0, Abstentions 1)
- 6 (For 8, Against 0, Abstentions 1)
- 7 (For 5, Against 3, Abstentions 1)
- 109 (For 5, Against 4, Abstentions 0).

The following amendments were disagreed to (by division)—

- 54 (For 4, Against 4, Abstentions 1; amendment disagreed to on casting vote)
- 107 (For 4, Against 4, Abstentions 1; amendment disagreed to on casting vote)
- 108 (For 3, Against 4, Abstentions 2).

The following amendments were moved and, no member having objected, withdrawn: 102 and 106.

The following amendments were not moved: 9, 103, 104 and 49.

The following provisions were agreed to without amendment: sections 62, 63, 64, 65, 67, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80 and 81.

The following provisions were agreed to as amended: sections 66 and 82.

The Committee ended consideration of the Bill for the day amendment 109 having been disposed of.

Margaret McDougall declared an interest as a member of the Cross-Party Group on Families Affected by Imprisonment. Gil Paterson declared an interest as a member of Rape Crisis Scotland.

8. **Declaration of interests:** Gavin Brown was invited to declare any relevant interests. Mr Brown declared an interest as he is retained on the Roll of Solicitors in Scotland.
9. **Apologies (Scotland) Bill (in private):** The Committee considered a draft Stage 1 report. Various changes were agreed to and the Committee agreed its report to the Parliament.

Margaret Mitchell did not participate in this item by virtue of Rule 9.13A.2(b).

The meeting closed at 12.23 pm.

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