



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Justice Committee**

### **15th Report, 2014 (Session 4)**

# **Legislative Consent Memorandum on the Serious Crime Bill (LCM (S4) 33.1)**

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Pàrlamaid na h-Alba

## **Justice Committee**

### **Remit and membership**

#### **Remit:**

To consider and report on:

- a) the administration of criminal and civil justice, community safety and other matters falling within the responsibility of the Cabinet Secretary for Justice; and
- b) the functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.

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**Justice Committee**

**15th Report, 2014 (Session 4)**

**Legislative Consent Memorandum on the Serious Crime Bill (LCM (S4) 33.1)**

The Committee reports to the Parliament as follows—

**BACKGROUND**

1. The Serious Crime Bill was introduced in the House of Lords on 5 June 2014. Several provisions in the Bill, as amended in that House, apply to Scotland and relate to devolved matters.<sup>1</sup> As a result, a Legislative Consent Memorandum (LCM) was lodged in the Scottish Parliament on 23 October 2014.<sup>2</sup>
2. The Committee took evidence on the LCM from Paul Wheelhouse, Minister for Community Safety and Legal Affairs, on 2 December 2014.
3. Following the meeting, the Minister wrote to the Committee with further information on a number of issues that arose during the session.<sup>3</sup>

**POLICY INTENT OF THE LCM**

4. The Bill makes provisions in four main policy areas within the Committee's remit and this report covers each area in turn—
  - Proceeds of Crime;
  - Computer misuse;
  - Serious Crime Prevention Orders and Financial Reporting Orders; and
  - Female Genital Mutilation.

<sup>1</sup> Serious Crime Bill (as brought from the House of Lords on 7 November 2014). Available at: [http://www.publications.parliament.uk/pa/bills/cbill/2014-2015/0116/cbill\\_2014-20150116\\_en\\_1.htm](http://www.publications.parliament.uk/pa/bills/cbill/2014-2015/0116/cbill_2014-20150116_en_1.htm).

<sup>2</sup> Legislative Consent Memorandum on the Serious Crime Bill. Available at: <http://www.scottish.parliament.uk/LegislativeConsentMemoranda/SeriousCrimeBillLCM.pdf>.

<sup>3</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener. 4 December 2014. Available at: [http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

## Proceeds of Crime

### *Background*

5. Part 1 of the Bill makes provision in respect of the recovery of property derived from the proceeds of crime. The Proceeds of Crime Act 2002 (POCA) contains a complex mix of both reserved and devolved matters. The LCM states that it is therefore appropriate for the proposed amendments to be made through the UK Parliament. The amendments to POCA provided for by the Bill were requested by the Scottish Government and further align Scottish proceeds of crime legislation with UK proceeds of crime legislation.

6. The Minister advised the Committee during evidence that clauses 19 and 23 of the Bill “provide for measures that relate to Scotland that will close the gap with the rest of the UK for default sentences and the civil recovery of assets”.<sup>4</sup>

7. The Committee explored the following two issues in relation to POCA when taking evidence from the Minister:

### *Conditions for exercise of restraint order powers*

8. POCA currently provides for the making of a restraint order, the effect of which is to freeze assets to prevent them from being dissipated in advance of a confiscation order being made. A restraint order can be applied for as soon as a criminal investigation has commenced. The Bill will amend POCA by lowering the test for the granting of a restraint order at the pre-arrest stage of an investigation from “reasonable cause to believe” to “reasonable grounds to suspect” that an offender has benefited from the criminal conduct under investigation. The Scottish Government has stated that this will enable assets to be restrained more quickly and earlier in investigations, which will reduce the opportunity for the dissipation of assets.<sup>5</sup>

9. The amendment to POCA will also allow the court, when a restraint order is in place, to monitor progress with the investigation by imposing a reporting requirement on the applicant for the order. If proceedings for the offence(s) concerned are not initiated within a reasonable time, the court must then recall the restraint order.<sup>6</sup>

10. The Committee sought further clarification from the Scottish Government about the evidence base for lowering the test for granting a restraint order from “reasonable cause to believe” to “reasonable grounds to suspect”. Dr Lucy Smith, the Head of the Scottish Government’s Organised Crime Strategy, advised that it was her understanding this change would not make a significant difference with regard to what restraints may be made.<sup>7</sup>

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<sup>4</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 42.

<sup>5</sup> Legislative Consent Memorandum on the Serious Crime Bill, p10. Available at: <http://www.scottish.parliament.uk/LegislativeConsentMemoranda/SeriousCrimeBillLCM.pdf>.

<sup>6</sup> Legislative Consent Memorandum on the Serious Crime Bill, p10. Available at: <http://www.scottish.parliament.uk/LegislativeConsentMemoranda/SeriousCrimeBillLCM.pdf>.

<sup>7</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 44.

11. **The Committee notes the Scottish Government’s “understanding” that the lowering of the test will not make a significant difference in respect of restraints which may be made.**

*Impact on Crown Office and Procurator Fiscal Service*

12. The Minister advised the Committee that the Bill’s provisions would “reinforce the powers that are available to prosecutors and the civil recovery unit at the Crown Office by strengthening the existing legislation”.<sup>8</sup>

13. The Committee sought reassurances about the impact of these provisions on the workload of the Crown Office and Procurator Fiscal Service (COPFS). The Minister indicated that the Scottish Government was not aware of any particular issues that may arise but agreed to check with the COPFS whether there was any reason to believe that it would face an increased workload as a result of the provisions of the Bill<sup>9</sup>, adding that the COPFS is keen to have the powers set out in the Bill<sup>10</sup>.

14. In correspondence to the Committee provided following the meeting, the Minister highlighted that officials in the COPFS “have commented that there may be an initial increase in workload, but that they expect this to reduce in time”. He advised that, as criminal confiscation is dependent on the cases that come before the prosecutor and the courts, it is not possible at this point to quantify what the increased workload would look like. The Minister restated that the COPFS and the Civil Recovery Unit are fully supportive of the proposed amendments within the Bill, which were developed in full consultation with their operational and policy officials.<sup>11</sup>

15. **The Committee notes the Minister’s assurances that the COPFS and the Civil Recovery Unit are fully supportive of the POCA powers set out in the Bill. The Committee calls on the Scottish Government, in collaboration with the Crown Agent, to regularly review the impact of these provisions on COPFS workload.**

## **Computer misuse**

*Background*

16. The Computer Misuse Act 1990 (CMA) provides for the protection of computer material against unauthorised access or modification. It is a UK-wide Act.

17. The Serious Crime Bill seeks to amend that Act. This includes implementation of [EU Directive 2013/40/EU](#) on attacks against information systems. The Directive establishes a set of minimum rules on offences and sanctions relating to attacks against information systems, and aims to improve co-

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<sup>8</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 42.

<sup>9</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 43.

<sup>10</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 44.

<sup>11</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener, 4 December 2014. Available at:

[http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

operation between competent authorities in the Member States. The UK has until 4 September 2015 to transpose the Directive into UK Law.

18. The Bill amends the CMA in the following ways:

- by creating a new indictable offence of committing an unauthorised act in relation to a computer that results either directly or indirectly, in serious damage to the economy, the environment, national security or human welfare, or that creates a significant risk of such damage. The offence will carry a maximum sentence of life imprisonment where it causes or creates a significant risk of serious damage to human welfare (i.e. loss of life or illness or injury) or to national security;
- by providing for offences of making, supplying or obtaining articles for use in a CMA offence. Articles can be tools for illegally accessing or interfering with a computer system. Under the existing “obtaining for use” offence, the prosecution is required to show that the individual obtained the tool with a view to its being supplied for use to commit, or assist in the commission of, a CMA offence. To meet the requirements of the EU Directive, this clause extends the offence to include obtaining a tool for use in committing a CMA offence regardless of an intention to supply that tool for use in a CMA offence; and
- by extending the extra-territorial jurisdiction of the offences so that CMA offences committed outside the UK can be prosecuted in the UK, including Scotland, where there is a significant link with domestic jurisdiction.<sup>12</sup>

*Resource implications of the extra-territorial jurisdiction of the offences*

19. The Committee sought assurances from the Minister on the resource implications of the extension of the extra-territorial jurisdiction of the offences. The Minister advised the Committee that these issues should be considered in the wider context of the cyber strategy for Scotland that the Deputy First Minister and Cabinet Secretary for Finance, Constitution and Economy will be implementing. The Minister committed to “come back to the Committee in due course with any assessment of the financial resource impacts of policing these things beyond our borders and of how we work with our colleagues in the UK and across Europe”.<sup>13</sup>

20. In his follow-up letter to the Committee, the Minister advised that, “at this point in time, I am unable to provide detail about financial resource impacts of policing extra-territorial offences and of how we will work with colleagues in the UK and across Europe”. He added that he would “endeavour to respond on this over the next few days”<sup>14</sup>.

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<sup>12</sup> Legislative Consent Memorandum on the Serious Crime Bill, pp13-14. Available at: <http://www.scottish.parliament.uk/LegislativeConsentMemoranda/SeriousCrimeBillLCM.pdf>.

<sup>13</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 48.

<sup>14</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener, 4 December 2014. Available at: [http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

*Recommendation*

21. **The Committee welcomes the Minister's commitment to respond to the Committee with the Scottish Government's assessment of the financial resource impacts of policing computer misuse beyond Scotland and of how the Scottish Government will work with UK and European colleagues to address these issues. The Committee asks the Minister to do so prior to the legislative consent motion on the Bill being considered in the Chamber.**

*Scope of new CMA offences*

22. The Committee also sought clarification from the Minister on the new offences of committing an unauthorised act in relation to a computer that results, either directly or indirectly, in serious damage to the economy, the environment, national security or human welfare, and of obtaining a tool for use in committing a CMA offence regardless of an intention to supply that tool for use in a CMA offence. In particular, the Committee sought to clarify whether these offences might lead to someone who had committed an act that was not purposefully damaging and criminal being prosecuted as a result of unintended consequences. The Committee gave the example of someone who created software and then accidentally caused serious damage, or the software was altered by a third party which then resulted in serious damage.

23. Whilst accepting that there could be potential issues at the extreme end of the spectrum the Minister argued that—

“Many of the provisions deal with those who are illegally accessing or interfering with a computer system by hacking in or doing something of that nature rather than doing something completely accidental and designing something on their home computer that escapes and ends up in the wider system ... the measures are designed to deal with situations in which there is at least some intent to cause harm and victims of that harm”.<sup>15</sup>

24. The Minister did, however, agree to write to the Committee after seeking clarification on these matters.<sup>16</sup>

25. In his follow-up letter to the Committee, the Minister stated that—

“In the event of a person creating software that subsequently (accidentally) causes serious damage, then assuming that there has been no unauthorised act in relation to a computer ... then the offence would not apply. The offence does not cover genuine IT failures, which, depending on the source and cause, may be subject to other legislation and associated liabilities”.<sup>17</sup>

*Recommendation*

26. **The Committee broadly welcomes the provisions of the Bill and LCM in respect of computer misuse. The Committee had some concerns that the use of language in the Bill, such as the word “indirectly” and the phrase**

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<sup>15</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Cols 49-50.

<sup>16</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 50.

<sup>17</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener, 4 December 2014. Available at:

[http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

**“regardless of an intention to supply”, could inadvertently result in people engaged in legitimate activities being criminalised. The Committee therefore welcomes the reassurances from the Minister that the offence would not apply to a person creating software that subsequently accidentally causes serious damage.**

## **Serious Crime Prevention Orders and Financial Reporting Orders**

### *Background*

27. The Bill amends Part 1 of the Serious Crime Act 2007 (“the 2007 Act”), to extend Serious Crime Prevention Orders (SCPOs) to Scotland. This is at the request of the Scottish Government and is intended to strengthen legislation in Scotland to protect the public by preventing, restricting or disrupting involvement in serious organised crime in Scotland. The practical impact of SCPOs is that law enforcement agencies are afforded an additional tool for tackling serious organised crime.

28. SCPOs were introduced in England, Wales and Northern Ireland by the 2007 Act and are civil orders designed to prevent and detect serious crime. Their purpose is to place a restriction or obligation on an individual or organisation. Such restrictions or obligations may relate to travel or financial, property or business dealings, or to the means by which an individual communicates or associates with others, i.e. limited mobile phone usage.<sup>18</sup> The terms of an order can cover virtually any area of activity, and are designed to be “preventative rather than punitive”. For example, an order may require advanced notification of travel plans and purpose. SCPOs are not penalties but preventative measures to reduce criminal behaviour.<sup>19</sup>

29. During the passage of the 2007 Act, the then Scottish Executive opted out of making provision for SCPOs in Scotland. A decision was made at that time to wait and see the effectiveness of the Orders once implemented elsewhere in the UK.<sup>20</sup>

### *Consultation*

30. In September 2013, the Scottish Government issued a consultation seeking views on the proposal to introduce SCPOs in Scotland.<sup>21</sup> The consultation asked three questions which focussed on the kinds of conditions to be included in an SCPO; the situations in which they could be used; and the rights of third parties throughout the process and lifetime of an SCPO. The consultation received nine responses, including from the Law Society of Scotland, the Faculty of Advocates and Her Majesty’s Inspectorate of Constabulary in Scotland. In general, respondents were in favour of the proposal to introduce SCPOs, however, a common theme was that they must be proportionate and necessary for the prevention of crime.<sup>22</sup>

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<sup>18</sup> Legislative Consent Memorandum on the Serious Crime Bill, pp 4-5.

<sup>19</sup> Legislative Consent Memorandum on the Serious Crime Bill, p5.

<sup>20</sup> Legislative Consent Memorandum on the Serious Crime Bill, p5.

<sup>21</sup> Serious Crime Prevention Orders in Scotland – Summary of Consultation Responses: Scottish Government, April 2013. Available at: <http://www.scotland.gov.uk/Resource/0044/00447665.pdf>.

<sup>22</sup> A summary of consultation responses is available at: <http://www.scotland.gov.uk/Resource/0044/00447665.pdf>.

*Conditions to be attached to an SCPO*

31. All nine respondents agreed that any proposed condition to be attached to an SCPO should consider the potential disruptive effect on the individual to continue to undertake criminal activities linked to serious crime thus preventing further harm to the public. Respondents cited examples of situations where orders could make an impact, such as travel restrictions, by confiscating an individual's passport or restricting visits to certain locations; communications restrictions, such as limiting use of internet or limiting the number of mobile telephones allowed; and financial restrictions, such as limiting the number of bank accounts to be held or prohibiting possession of pre-loaded credit cards, etc.

*Use of SCPOs*

32. Schedule 1 amends the 2007 Act to provide that the Scottish civil courts, namely the Court of Session or a sheriff, may make or vary an SCPO and that only the Lord Advocate in Scotland may apply for one. The test for making or varying an order in Scotland is the mirror image of that applicable in the other parts of the UK, namely that the court making an SCPO is satisfied that a person has been involved in serious crime—whether in Scotland or elsewhere in the world—and it has reasonable grounds to believe that the making or varying of the order would protect the public by preventing, restricting or disrupting involvement by the person in serious crime in Scotland.

33. An SCPO may contain such prohibitions, restrictions, requirements or other terms as the court considers appropriate for that purpose.

34. The Minister advised that, according to the Director General of the National Crime Agency, SCPOs have been used effectively elsewhere in the UK, forcing individuals to “stay above the radar”, and leading to others in the criminal fraternity not associating with them, to avoid being caught themselves.<sup>23</sup>

35. The Minister stated that most appeals against SCPOs have been successfully dealt with by the authorities and that, in situations where an appeal has been lost, the authorities have been able to tighten the language of SCPOs to ensure that they are more defensible in future. He described them as an “additional tool” to enable the authorities to tackle serious organised crime in Scotland.<sup>24</sup>

**36. The Committee notes the Minister's comments about the use of SCPOs elsewhere in the UK.**

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<sup>23</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Cols 44-45.

<sup>24</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 45.

*Safeguards and the impact of SCPOs on third parties*

37. In respect of general safeguards to ensure that SCPOs are not used disproportionately, the Minister pointed out that only the Lord Advocate can apply for an SCPO, and that a court must be convinced of the case for its adoption.<sup>25</sup> Dr Smith added that the majority of SCPOs will be imposed after conviction, thereby meaning that—

“a case will be going through the court, as part of which the prosecutor will make an application for an SCPO for the court’s consideration. That information will clearly be shared with the defence, who will be aware of what is being requested and what the restrictions will be, and it will then be for the court to decide whether to impose the order”.<sup>26</sup>

38. Whilst acknowledging the Minister’s comments about the safeguards that are in place, the Committee noted that the majority of respondents to the consultation said they believed that the limitations placed on the freedom of individuals should be proportionate to the public benefit that would result from the order being imposed and that the impact of an SCPO on third parties would be an important consideration for the courts to consider before imposing such an order.<sup>27</sup>

39. The Committee therefore sought further assurances from him about the monitoring of the direct or indirect impacts of SCPOs on third parties.<sup>28</sup> In response, the Minister acknowledged that “it is beholden on the Government and the Crown Office and Procurator Fiscal Service to monitor the impact of such measures and to note any unintended impacts on or consequences for third parties”.<sup>29</sup> The Minister agreed to come back to the Committee on how this work will be taken forward.<sup>30</sup>

40. Dr Smith added that the information the Scottish Government had received from the rest of the UK was that, when any SCPOs have come to appeal, a close note has been taken of impacts on third parties.<sup>31</sup> She advised that the Scottish Government had learned “that [SCPOs] need to be very specific about restrictions and that they must not be disproportionate”.<sup>32</sup>

41. In his follow-up letter to the Committee, the Minister confirmed that section 9 of the Serious Crime Act provides the legal framework for the making of SCPOs and sets out the rights of third parties to make representations, adding that a court must take the interests of a third party into account before making an SCPO.<sup>33</sup>

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<sup>25</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 45.

<sup>26</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 46.

<sup>27</sup> Serious Crime Prevention Orders in Scotland – Summary of Consultation Responses: Scottish Government, April 2013. Available at: <http://www.scotland.gov.uk/Resource/0044/00447665.pdf>.

<sup>28</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 45.

<sup>29</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 45.

<sup>30</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 45.

<sup>31</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 46.

<sup>32</sup> Scottish Parliament Justice Committee. *Official Report*, 2 December 2014, Col 46.

<sup>33</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener. 4 December 2014. Available at:

[http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

42. The Minister also advised that “for the ongoing monitoring of whether third party interests are taken into account, the Crown Office appeals unit will be able to gather information on whether third party interests are not being considered”.<sup>34</sup>

#### *Recommendation*

**43. The Committee notes the safeguards that are in place to ensure that SCPOs are used proportionately. The Committee welcomes the Minister’s assurances that the Crown Office appeals unit will monitor whether third party interests are not being considered on an on-going basis.**

#### *Financial Reporting Orders*

44. As a result of the extension of SCPOs to Scotland, the Bill also repeals the system of Financial Reporting Orders in Scotland, as there is considerable overlap between the two regimes.

### **Female Genital Mutilation**

45. Part 5 of the Serious Crime Bill extends the extra-territorial reach of offences in the Prohibition of Female Genital Mutilation (Scotland) Act 2005 so that they will apply to habitual, as well as permanent, UK residents. The law as it currently stands only allows prosecution in Scotland in respect of certain acts committed outside the UK but only in respect of UK nationals or permanent UK residents. This therefore excludes any person who is habitually resident rather than ordinarily resident in the UK.<sup>35</sup> The Bill is seeking to close this loophole in respect of the 2005 Act and the Female Genital Mutilation Act 2003.<sup>36</sup>

46. The Minister stated that the provisions have been included in the Bill for the purposes of speed<sup>37</sup> to close the loophole “as quickly as possible, instead of having to wait to make the amendment through a specific piece of Scottish primary legislation”<sup>38</sup>.

47. When asked whether these amendments were in response to evidence of an actual problem in Scotland in relation to female genital mutilation, the Minister acknowledged that there is currently a lack of robust evidence about the prevalence or likelihood of female genital mutilation in Scotland<sup>39</sup> and advised that there were two specific reasons for seeking this change, “to avoid any perception that Scotland is, in any way, a soft touch on female genital mutilation [and] to improve our data quality”.<sup>40</sup>

48. The Minister added that the Scottish Refugee Council is due to report on 17 December on a Scottish model of intervention for tackling female genital mutilation. He considered that this “will hopefully set out how we can go about

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<sup>34</sup> Letter from the Minister for Community Safety and Legal Affairs to the Convener. 4 December 2014. Available at: [http://www.scottish.parliament.uk/S4\\_JusticeCommittee/20141204\\_-PW\\_to\\_CG.pdf](http://www.scottish.parliament.uk/S4_JusticeCommittee/20141204_-PW_to_CG.pdf).

<sup>35</sup> For example, any person who may be resident in the UK in breach of immigration law or may be awaiting the results of a residency application.

<sup>36</sup> Legislative Consent Memorandum on the Serious Crime Bill, p5.

<sup>37</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 43.

<sup>38</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 43.

<sup>39</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 47.

<sup>40</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 47.

improving the data provision on the prevalence of female genital mutilation in Scotland<sup>41</sup>.

*Recommendation*

**49. The Committee welcomes the provisions of the LCM in respect of female genital mutilation and notes the Minister's assurances that they will improve the data quality in this area. The Committee also notes the work being carried out by the Scottish Refugee Council in developing a Scottish model of intervention for tackling female genital mutilation.**

DELEGATED POWERS AND LAW REFORM COMMITTEE REPORT

50. The Delegated Powers and Law Reform (DPLR) Committee reported on the LCM on 2 December 2014.<sup>42</sup> During its consideration of the LCM, the DPLR Committee sought clarification on a number of issues from the Scottish Government. Having received the Scottish Government response, that Committee considered all delegated powers in the LCM to be acceptable in principle.

**51. The Committee endorses the DPLR Committee's report on the LCM.**

CONCLUSIONS

52. Overall, the Committee welcomes the provisions of the Bill that relate to devolved matters in Scotland, believing it to be sensible for those provisions to be dealt with by the UK Parliament on this occasion.

**53. The Committee therefore supports the draft legislative consent motion contained in paragraph 1 of the LCM.<sup>43</sup>**

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<sup>41</sup> Scottish Parliament Justice Committee. *Official Report, 2 December 2014*, Col 47.

<sup>42</sup> The report is available here:

[http://www.scottish.parliament.uk/S4\\_SubordinateLegislationCommittee/Reports/suR-14-70w.pdf](http://www.scottish.parliament.uk/S4_SubordinateLegislationCommittee/Reports/suR-14-70w.pdf).

<sup>43</sup> Legislative Consent Memorandum on the Serious Crime Bill, p1.

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