



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE COMMITTEE

AGENDA

1st Meeting, 2016 (Session 5)

Tuesday 14 June 2016

The Committee will meet at 10.30 am in the Mary Fairfax Somerville Room (CR2).

1. **Declaration of interests:** Members of the Committee will be invited to declare any relevant interests.
2. **Choice of Convener:** The Committee will choose a Convener.
3. **Choice of Deputy Convener:** The Committee will choose a Deputy Convener.
4. **Work programme:** The Committee will consider its approach to developing its work programme.

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The papers for this meeting are as follows—

Agenda item 1

Paper by the clerk - Declaration of interests J/S5/16/1/1

Agenda items 2 and 3

Paper by the clerk - Choice of Convener and Deputy Convener J/S5/16/1/2

Agenda item 4

Paper by the clerk - Approach to developing a work programme J/S5/16/1/3

JUSTICE COMMITTEE

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Declaration of interests

Introduction

1. At the first Committee meeting, members will be invited to make an initial declaration of any interests which are relevant to the remit of the Committee.
2. If a member has an interest which is relevant to an item being discussed at a Committee meeting, the member must also declare that interest before participating in the meeting.

Declarable interests

3. If a member has a registrable interest in any category of the register (apart from the voluntary category), this is also potentially a declarable interest. Declaring relevant interests before participating in Parliamentary proceedings is a statutory requirement under the Interests of Members of the Scottish Parliament Act 2006 and failure to do so is a breach of the Code of Conduct and also a criminal offence.
4. Section 3 (Volume 2) of the Code of Conduct for MSPs explains in detail the rules on declaration of interests and more guidance is also available in Volume 3, Section 3.
5. It is the responsibility of the individual Member to be aware of the rules on the declaration of interests and to judge whether a registered interest is sufficiently relevant to particular proceedings to require a declaration. The Clerks to the Standards, Procedures and Public Appointments Committee can provide further advice on this.

Declaration of interests at the first Committee meeting

6. At the first Committee meeting, all members will be invited to declare any registrable interests which are relevant to the remit of this Committee. The declaration can be brief but should be sufficiently informative to enable a listener to understand the nature of the Member's interest. **It is not sufficient simply to refer to the register entry but nor is it necessary to rehearse all the details of an interest as it appears in the Register.**
7. If Members have any questions about what might constitute a declarable interest, they can contact the Committee clerks prior to the meeting. The Clerks to the Standards, Procedures and Public Appointments Committee are also happy to provide advice.

Declaration of interests at subsequent Committee meetings

8. Members are also required to declare any relevant registrable interests at subsequent committee meetings if they are relevant to the business under discussion. Such a declaration has to be made at each meeting where it is relevant and before participating in those proceedings. This allows the public attending or reading the report of any Committee meeting to understand the nature of the member's interest.
9. Although this is not a registrable interest, the Code also advises Members, as good practice, to declare any business or personal relationships they might have with any advisers or witnesses to the Committee.

Clerk to the Committee
9 June 2016

JUSTICE COMMITTEE

1st Meeting, 2016 (Session 5), Tuesday 14 June 2016

Choice of Convener and Deputy Convener

Purpose of paper

1. This paper explains the procedure for choosing a Convener and Deputy Convener at the first meeting of the Committee.

Oldest Member

2. Standing Orders oblige all committees to choose a Convener at their first meeting. Rule 12.1.6 states that the meeting is to be chaired by the Oldest Committee Member until a Convener is chosen. The “Oldest Committee Member” is defined as the oldest member of the Committee present at the meeting and who has indicated to the Clerk that he or she agrees to chair the meeting.

Choice of Convener

3. On Wednesday 1 June, the Parliament agreed to motion S5M-00278 which resolved that members of the Scottish Conservative and Unionist Party are eligible to be chosen as Convener of the Justice Committee. The Oldest Committee Member will invite a nomination from members of that party for the convenership. There is no requirement for nominations to be submitted in advance of the meeting or to be seconded.
4. Committee members will then be invited to appoint the nominated person as Convener.
5. On being chosen by the Committee, the Convener will immediately take the chair and will chair the rest of the meeting.

Choice of Deputy Convener

6. Motion S5M-00278 also stated that members of the Scottish National Party are eligible to be chosen as Deputy Convener of the Justice Committee.
7. The procedure for choosing a Deputy Convener is the same as that for the Convener and will be conducted by the newly-chosen Convener.

Clerk to the Committee
9 June 2016

JUSTICE COMMITTEE**1st Meeting, 2016 (Session 5), Tuesday 14 June 2016****Approach to developing a work programme****Note by the Clerk****Background**

1. The Committee is invited to consider its approach to the development of a work programme for the early months of the new parliamentary session. It is not proposed that the Committee agrees specific future inquiry topics at this stage, although Members are free to suggest issues on which the Scottish Parliament Information Centre (SPICe) could provide further briefing.¹

Business planning days

2. Members may also wish to discuss the methodology for determining a future work programme, and in particular consider whether to hold a business planning day, when the work programme can be discussed. A business planning day provides Committee members with an opportunity to be briefed as to current and upcoming issues relevant to the Committee's remit; to think strategically about its priorities for the session; and to discuss preferred ways of working intended to maximise the Committee's effectiveness. The event also provides an opportunity to hear from invited key stakeholders, or if desired, from Scottish Government Ministers or officials, about their current priorities. If a business planning day takes place outside of Edinburgh, there is potentially the opportunity to include in the programme a visit relevant to the Committee's remit or meetings with local stakeholders. A business planning day is not a formal meeting, but any work programme agreed on the day could be formally adopted at the next Committee meeting.

3. Committees wishing to hold business planning days are encouraged to do so early in the new session. Ordinarily, they have been held in August or September. Given that successive Justice Committees have tended to have a heavy legislative workload dominated by Government Bills, there may be advantages in not holding one until after the First Minister has announced the 2015-16 programme for government. (It is assumed, following precedent, that this will be in the week commencing Monday 5 September.)

Second Committee meeting

4. There is likely to be one further meeting before the summer recess; on 28 June. Two negative Scottish Statutory Instruments are scheduled to be taken. Assuming the Committee has agreed to hold a business planning day, there would be an opportunity at this meeting to confirm further details in relation to the event (such as a date and location) and to discuss the outline of a programme for the day (topics for discussion; guests, etc).

¹ SPICe have prepared, or are in the course of preparing, up to date briefings on the civil courts, legal aid, judicial review, human rights law and aspects of family law.

Recommendation

9. The Committee is invited—

- to consider its approach to developing a work programme and, in particular, decide whether to hold a business planning day;
- if so, to agree to discuss practical details in relation to the business planning day and the outline of a programme for the day at the next Committee meeting on 28 June.